

# HISTORY OF THE FRANCISCAN MOVEMENT

Volume 1  
FROM THE BEGINNINGS OF THE ORDER  
TO THE YEAR 1517

On-line course in Franciscan History at  
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## Course description and contents

The Course aims at giving an overall picture of the history of the Franciscan Movement from the origins (1209) until Vatican Council II (1965). It deals primarily with the history of the Franciscan Order in two main sections, namely, from the foundation of the Order until the division into the Conventual and Observant families (1517), and from the Capuchin reform to modern times. Some lectures will also deal with the history of the Order of St. Clare, the Third Order Regular, and the Secular Franciscan Order.

### **Chapter 1: The Franciscan Rule and Its Interpretation.**

- The form of life of the Gospel and the foundation of an Order (1209-1223).
- The canonization of St. Francis and its aftermath (1226).
- The generalate of Giovanni Parenti (1227-1232), the chapter of 1230, the question of the Rule and Testament of St. Francis, and the bulla Quo elongati.

### **Chapter 2: Betrayal of the Founder's Intention?**

- The generalate of Elias (1232-1239).
- The clericalization of the Order under Haymo of Faversham (1240-1244).
- The Friars Minor and studies in the 13<sup>th</sup> century.

### **Chapter 3: Further interpretation of the Rule and missionary expansion to the East.**

- The generalate of Crescentius of Iesi (1244-1247). The bulla Ordinem vestrum.
- The first Franciscan missions in the Holy Land and Far East.

### **Chapter 4: A prophet and a second founder of the Order?**

- The generalate of John of Parma (1247-1257).
- The generalate of St. Bonaventure (1257-1274).

### **Chapter 5: The early history of the Second Order.**

- From the Order of San Damiano to the Order of Saint Clare (1212-1263).

### **Chapter 6: The early history of the Third Order.**

- The Franciscan penitential movement during the 13<sup>th</sup> century (1221-1289).

### **Chapter 7: The Order begins to split in a period of crisis.**

- Papal interpretations of the Rule: Exiit qui seminat (1279) and Exivi (1312).
- The Community versus the Spirituals (1276-1316).
- The poverty controversy during the papacy of John XXII (1316-1334) and the generalate of Michele of Cesena (1316-1328).

### **Chapter 8: The unreformed and reformed families.**

- Conventualism in the 14<sup>th</sup> century.
- The Fraticelli and the origins of the Italian Observance.
- The founding of the Custody of the Holy Land (1342).

- The Observant reforms in Italy, France and Spain during the 14<sup>th</sup> century.

**Chapter 9: 1517: The point of arrival and the point of departure.**

- Conventuals and Observants during the 14<sup>th</sup> century. The bulla Ut sacra (1446).
- The division of the Order into the Observant and Conventual families (1517).
- The evangelization of the Americas in the 16<sup>th</sup> century.

**Chapter 10: New reforms and new divisions.**

- The Friars Minor de vita eremitica (1525) and the Capuchin reform (1528-1619).
- The Friars Minor Reformed, Discalced, and Recollects.

**Chapter 11: The later history of the Third Order.**

- The Third Order Regular and Secular of St. Francis.

**Chapter 12: The Franciscan family in modern times.**

- The Friars Minor of the Regular Observance from the 16<sup>th</sup> to the 18<sup>th</sup> centuries.
- The Friars Minor Conventuals from the 16<sup>th</sup> to the 18<sup>th</sup> centuries.
- The Friars Minor Capuchins from 1619 to the 18<sup>th</sup> century.
- The period of suppression and restoration during the 19<sup>th</sup> century.
- Female Franciscan Congregations.

**Chapter 13: The Franciscan Order in the late 19<sup>th</sup> and 20<sup>th</sup> centuries.**

- The Leonine Union of the Order of Friars Minor (1897) and its aftermath in Italy and Spain.
- The Franciscan family during the 20<sup>th</sup> century. The legacy of Vatican Council II.

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## Abbreviations

ABF	The Deeds of St. Francis and his Companions
AC	Assisi Compilation
AF	Analecta Franciscana
AFH	Archivum Franciscanum Historicum
AP	Anonymous of Perugia
Ant	Antonianum
BC	Bull of Canonization of St. Clare
BF	Bullarium Franciscanum
1C	Thomas of Celano, The Life of St. Francis
2C	Thomas of Celano, The Remembrance of the Desire of a Soul
3C	Thomas of Celano, Treatise on the Miracles of St. Francis
CF	Collectanea Franciscana
ER	Earlier Rule (1221)
FAED I	Francis of Assisi. Early Documents, Vol. I: The Saint, edited by Regis J. Armstrong, J.A. Wayne Hellmann, William J. Short, (New City Press), New York – London – Manila 1999, 2004 <sup>2</sup> .
FAED II	Francis of Assisi. Early Documents, Vol. II: The Founder, edited by Regis J. Armstrong, J.A. Wayne Hellmann, William J. Short, (New City Press), New York – London – Manila 2000, 2001 <sup>2</sup> .
FAED III	Francis of Assisi. Early Documents, Vol. III: The Prophet, edited by Regis J. Armstrong, J.A. Wayne Hellmann, William J. Short, (New City Press), New York – London – Manila 2001.
Fior	Little Flowers of St. Francis
FS	Franciscan Studies
GR	Greyfriars Review
L3C	Legend of the Three Companions
LCl	Legend of St. Clare
LMj	St. Bonaventure, The Major Legend of St. Francis
LR	Later Rule (1223)
MF	Miscellanea Franciscana
1MP	The Mirror of Perfection (Lemmens edition)
2MP	The Mirror of Perfection (Sabatier edition)
PC	Acts of the Process of Canonization of St. Clare
RegCl	Rule of St. Clare
Test	Testament of St. Francis
TestCl	Testament of St. Clare

## Chapter 1

# THE FRANCISCAN RULE AND ITS INTERPRETATION

### The form of life of the Gospel and the foundation of an Order (1209-1226)

In 1241 a certain brother John of Perugia, disciple of brother Giles of Assisi, wrote a document entitled “The Beginning or Founding of the Order and the Deeds of those Friars Minor who were the first Companions of Blessed Francis in Religion.” The document is popularly known as “The Anonymous of Perugia.”<sup>1</sup> It is not, strictly speaking, a biography of St. Francis, but rather an account of the early history of the first fraternity of brothers who followed Francis at the Porziuncola. The author writes:

“Many people repeatedly questioned them (the brothers), and it was extremely wearisome to answer so many questions because new situations often give rise to new questions. Some asked them: ‘Where do you come from?’ While others asked: ‘To which Order do you belong?’ They answered simply: ‘We are penitents and were born in Assisi.’ At that time the religion of the brothers was not yet called an order.”<sup>2</sup>

The author is making a distinction between *religio* and *ordo*. He is referring to the period prior to 1209, the year when Francis and the brothers travelled to Rome, to ask Pope Innocent III to approve their *forma vitae*, or Form of Life, modelled upon some Gospel texts which Francis and some of his early companions had read in the Missal of the church of San Nicolò in the main square of Assisi, on April 16, 1208.<sup>3</sup> The expression “the religion of the brothers was not yet called an order” shows that the intention of the author is that of presenting a gradual process of development from a simple fraternity of twelve brothers to an institutional religious Order with a Rule approved by the highest authority of the Church.<sup>4</sup> This development, although

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<sup>1</sup> FAED II, 34-58.

<sup>2</sup> AP 19 (FAED II, 43).

<sup>3</sup> AP 10-11 (FAED II, 37-38). The Gospel texts were Mk 10:21, Mt 16:24, Lk 9:3. The Missal of the church of San Nicolò still exists, and is preserved at the Walters Art Gallery in Baltimore, Maryland. For further information regarding this Missal, cfr. N. MUSCAT, “The Missal St. Francis consulted,” in <http://www.i-tau.org/> The date April 16, 1208, is indicated in the same AP 3 (FAED II, 34).

<sup>4</sup> K. ESSER, *Origins of the Franciscan Order*, Franciscan Herald Press, Chicago 1970, 17-51. In page 23 Esser explains the meaning of the terms *religio* and *ordo*: “[...] in the documents of the Fourth Lateran Council the word “religio,” even more than “ordo,” is used throughout to denote a religious Order [...] Moreover, when at times a witness speaks of “fratres,” it is clear enough that the word refers not to penitents, male and female, but to a definite Order of men, which the older Orders – even before the final confirmation of the Rule, 29 November 1223 – regarded as a real Order in the canonical sense. Francis himself, in those writings of his which have come down to us, preferred to use “fraternitas” to describe the community which had grown around him, because this word gives expression to an essential characteristic of his followers. Yet, just as often, he calls it “religio” and “ordo.” In this he is but following the common usage of his day. There is no doubt that the “fraternitas” is also “religio” and “ordo.” That Francis himself chose the definitive designation “ordo” is certain from his words reported by Celano: “I want this fraternity, he said, to be called the Order of Friars Minor” (1C 38: FAED I, 217). We prefer the term “Friars Minor” to “Lesser Brothers,” which is used by the translators of FAED, who explain why they chose this term in FAED I, 217, footnote a:

necessary for the growth and prestige of the Franciscan family, was not originally part of the intentions of St. Francis, and scholars to this day discuss whether Francis actually intended to found a religious Order in the canonical sense.<sup>5</sup>

In his *Testament*, which he probably dictated some days before he died on October 3, 1226, Francis says:

“And after the Lord gave me some brothers, no one showed me what I had to do, but the Most High Himself revealed to me that I should live according to the pattern of the Holy Gospel. And I had this written down simply and in a few words and the Lord Pope confirmed it for me.”<sup>6</sup>

Francis is referring to the events of 1209, when Innocent III gave him and the brothers the oral approval of the primitive Form of Life. In November 1215, however, the Fathers of the Fourth Lateran Council published very precise rules regarding religious Orders. Canon 13 of the Council states that there were too many religious Orders, and the founding of new Order was henceforth forbidden. Whoever wanted to embrace religious life was obliged to enter into one of the already approved Orders of monks or canons regular. Francis himself could be the exception to this rule, for the simple reason that he invoked the oral approval of his Form of Life by Innocent III in 1209. In fact, this made it possible for the Friars Minor to continue developing their legislation in the aftermath of the Fourth Lateran Council, particularly during the celebration of the Pentecost Chapter, at least from 1217 onwards, and to produce a more articulated Form of Life in the *Earlier Rule* of 1221, and eventually in the definitive *Regula Bullata* or *Later Rule*, confirmed by Pope Honorius III on November 29, 1223.

During this period of the early history of the Order, the Friars Minor had to wrestle against clerics and laymen in order to prove their ‘catholicity’ and dispel any suspicion of their being a heretical evangelical sect, like the Cathars or Waldensians. That is why the Friars Minor had to accept the protection of the Roman Curia, particularly through the initiatives of the Cardinal Protector Hugolino. After the disastrous results of the first spontaneous missionary expeditions in France, Germany and Hungary,<sup>7</sup> Honorius III addressed the letter *Cum dilecti filii* (June 11, 1219) to all bishops, declaring that the Friars Minor “have chosen a way of life deservedly approved by the Roman Church.”<sup>8</sup> Another letter was addressed by the same pope to the bishops of France, entitled *Pro dilectis* (May 29, 1220). In it Honorius III orders the bishops to accept the Friars Minor in their dioceses and declares: “Therefore, we want all of you to take note that we hold their Order [to be] among those approved by us, and that we regard the brothers of this Order as truly Catholic and devout men.”<sup>9</sup>

The fact that the Order of Minors was considered as “catholic” meant that its members had to abide by Church laws. This was not always easy, especially when

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“*Ordo Fratrum Minorum* is translated as Order of Lesser Brothers. “Friars Minor,” the commonly accepted title of the First Order of Saint Francis, reflects the early English translations of *frater* as “friar” and the diminutive *minor* as “minor.”

<sup>5</sup> Théophile DESBONNETS, *From Intuition to Institution: The Franciscans*, Franciscan Herald Press, Chicago 1988; J. DALARUN, *The Misadventure of Francis of Assisi*, The Franciscan Institute, St. Bonaventure University, NY 2002.

<sup>6</sup> *Test* 14-15 (FAED I, 125).

<sup>7</sup> JORDAN OF GIANO, *Chronicle*, 3-4, in *XIII<sup>th</sup> Century Chronicles*, Translated from Latin by P. Hermann, Franciscan Herald Press, Chicago 1961, 21.

<sup>8</sup> HONORIUS III, *Cum dilecti filii* (FAED I, 558).

<sup>9</sup> HONORIUS III, *Pro dilectis* (FAED I, 559-560).

the fraternity was still at its beginnings. The historian Jacques de Vitry, bishop of Acre at the time of the fifth Crusade, gives us eyewitness information regarding the friars in a letter written at Genoa in October 1216. It is the first non-Franciscan source regarding the Friars Minor.<sup>10</sup> In another letter, written this time at Damietta in 1220, during the crusader siege of the town, Jacques is rather critical of the friars. He writes:

“This Order is multiplying rapidly throughout the world, because it expressly imitates the pattern of the primitive Church and the life of the apostles in everything. But to our way of thinking, this Order is quite risky, because it sends out two by two throughout the world, not only formed religious, but also immature young men who should first be tested and subjected to conventual discipline for a time.”<sup>11</sup>

This judgment on the Order, given by a prelate of the Church, gives us an idea of the tension between the simplicity of the early years and the pressing needs to restructure a religious family, which in 1221, numbered three thousand brothers.<sup>12</sup>

This is maybe the reason why, on September 22, 1220, Pope Honorius III addressed the letter *Cum secundum consilium* to the Friars Minor, in which he instituted the “year of probation” or novitiate in the Order.<sup>13</sup> Another pressing need in the Order was that of being able to celebrate the Eucharist within the fraternity, and not to depend upon the churches of the secular clergy.<sup>14</sup> That is why, on December 3, 1224, Honorius III addressed to the brothers the letter *Quia populares tumultus*, in which he states:

“By authority of these present letters, we concede to you this privilege: that in your places and oratories you may celebrate solemn Masses with a portable altar, as well as the other divine offices, without prejudice to the rights of parochial churches.”<sup>15</sup>

The missionary vocation of the Friars Minor had already been declared in the *Earlier Rule*, chapter 16 and in the *Later Rule*, chapter 12. In *Vineae Domini custodes* (October 7, 1225), Honorius III gives the following privileges to the friars missionaries in the lands of the Saracens:

“So that you might exercise this ministry with greater confidence, we concede to you all that we can, so that in the aforementioned region you will have our authority to preach, to baptize the Saracens who have just come over to the faith, to reconcile apostates, to impose penances, and to absolve those who are excommunicated and who cannot travel easily to the Apostolic See. You are also permitted to pronounce a sentence of excommunication in that land on all those

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<sup>10</sup> JACQUES DE VITRY, *Letter written in Genoa (1216)* (FAED I, 578-580).

<sup>11</sup> JACQUES DE VITRY, *Letter written in Damietta (1220)* (FAED I, 580-581).

<sup>12</sup> JORDAN OF GIANO, *Chronicle*, 16, in *XIII<sup>th</sup> Century Chronicles*, 30-31.

<sup>13</sup> HONORIUS III, *Bulla Cum secundum consilium* (FAED I, 560-561).

<sup>14</sup> THOMAS OF ECCLESTON, *The Coming in England of the Friars Minor*, c. 2, in *XIII<sup>th</sup> Century Chronicles*, 100, states: “When the four brothers named above had come to London, they turned aside to the Friars Preachers and were received kindly by them; and they remained with them for fifteen days, eating and drinking what was placed before them as would those belonging to the community. Afterwards they rented a house for themselves in Cornhill and they built cells in it, filling up the chinks in the cells with grass. They continued to live there in simplicity without a chapel of their own until the following summer, because as yet they did not have the privilege of erecting altars and of celebrating the divine mysteries in their places.”

<sup>15</sup> HONORIUS III, *Quia populares tumultus* (FAED I, 562).

who pass over into heresy. Furthermore, we prohibit any Christian from expelling you from that land by force.”<sup>16</sup>

Modern historians have studied in depth the question regarding Francis’ ideals and the way these were understood by the ecclesiastical institution of the 13<sup>th</sup> century.<sup>17</sup> Innocent III understood the impact of lay movements for Church reform, and tried to offer protection to those movements he deemed to be orthodox in doctrine and who offered allegiance to the Church of Rome. Francis and the Friars Minor entered within this category. The *apostolica vivendi forma*, or apostolic form of life, introduced by Francis was to provide the model for a new family of religious Orders, together with the eremitical, monastic and canonical Orders already established. When Honorius III confirmed the Franciscan Rule in 1223, he was not just approving a way of life of a particular religious Order, but rather he was sanctioning the form of apostolic life as a new expression of consecrated life in the Church. This form of life was to be embraced by the so-called mendicant Orders of the 13<sup>th</sup> century (Franciscans, Dominicans, Augustinian Hermits, Carmelites, and other Orders of minor importance).

In order to respond to the pressing need for evangelization, Francis embarked upon an energetic program of missionary endeavours first within the confines of the Italian peninsula, and then, particularly after 1217, north of the Alps, in Spain, Morocco, and the Holy Land. These missionary expeditions were the result of decisions taken at the chapters of Pentecost, held every year at the Porziuncola. Francis himself had embarked three times on a missionary journey. The first two attempts ended in failure, one on the Dalmatian coast in 1211 and the other in Spain, in the period 1213-1215, when Francis tried to cross over to Morocco. It was only in June 1219 that Francis succeeded in arriving at Damietta, in Egypt, during the fifth crusade. In this occasion he went to meet the sultan Melek-el-Kamel. But after this mission of peace, Francis was urgently called back to Italy. Jordan of Giano tells us what happened during the absence of Francis from Italy, when the saint left the two brothers, Gregory of Naples and Matteo of Narni as vicars to govern the Order.<sup>18</sup>

Back in Italy Francis realized that he could no longer govern the Order without expert help and advice. The Sources speak about how Francis called a chapter for the feast of St. Michael the Archangel, September 29, 1220, and designated brother Peter Catanio as his vicar.<sup>19</sup> Although the Sources speak about

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<sup>16</sup> HONORIUS III, *Vineae Domini custodes* (FAED I, 563-564).

<sup>17</sup> Literature on Franciscan history in the 13<sup>th</sup> century includes the following: Herbert HOLZAPFEL, *Manuale Historiae Ordinis Fratrum Minorum*, Fribourg, 1909; GRATIEN DE PARIS, *Histoire de la fondation et de l'évolution de l'Ordre des Frères Mineurs au XIII<sup>e</sup> siècle*, Gembloux 1928; John MOORMAN, *A History of the Franciscan Order from its origins to the Year 1517*, Oxford 1968; Stanislao DA CAMPAGNOLA, *Le origini francescane come problema storiografico*, Perugia 1974; Lázaro IRIARTE, *Franciscan History. The Three Orders of St. Francis of Assisi*, Franciscan Herald Press, Chicago 1982; Luigi PELLEGRINI, “A Century Reading the Sources for the Life of Francis of Assisi,” *Greyfriars Review* 7 (1993) 323-346; Jacques DALARUN, *The Misadventure of Francis of Assisi*, Translation E. Hagman, Franciscan Institute Publications, St. Bonaventure, NY 2001; Raoul MANSELLI, *I primi cento anni di storia francescana*, a cura di A. Marini, Cinisello Balsamo, Milano 2004.

<sup>18</sup> JORDAN OF GIANO, *Chronicle*, 11-15, in *XIII<sup>th</sup> Century Chronicles*, 26-30.

<sup>19</sup> AC 11 (FAED II, 125): “Blessed Francis wanted to be humble among his brothers. To preserve greater humility, a few years after his conversion he resigned the office of prelate before all the brothers during a chapter held at Saint Mary of the Portiuncula. ‘From now on,’ he said, ‘I am dead to you. But here is Brother Peter di Catanio: let us all, you and I, obey him.’ Then all the brothers began to cry loudly and weep profusely, but blessed Francis bowed down before Brother Peter and promised

this event as an act of humility on the part of Francis, it is interesting to note that the first time this fact is mentioned is in the *Assisi Compilation*, written after 1244, and then in *The Remembrance of the Desire of a Soul* by Celano, written in 1246-47. The early Sources say nothing about this decision on the part of St. Francis. Even though it is presented as an act of humility, Francis' decision could not have been an easy one. Peter Catanio died at the Porziuncola on March 10, 1221, just a few months after Francis had designated him as vicar. The next vicar was Elias, who governed the Order up to the death of St. Francis and beyond. Elias had a strong character. Francis certainly showed great trust in Elias' qualities. Yet, a closer reading of some episodes in the Sources, leads us to doubt whether Francis was really at ease with the decision he had taken in 1220, particularly towards the end of his life. Thomas of Celano gives us an interesting episode, which provides food for thought regarding the tensions that were undermining unity within the Order, even when Francis was still alive:

“Once a brother asked him why he had renounced the care of all the brothers and turned them over into the hands of others as if they did not belong to him. He replied: ‘Son, I love the brothers as I can, but if they would follow my footsteps I would surely love them more, and would not make myself a stranger to them. For there are some among the prelates who draw them in a different direction, placing before them the examples of the ancients and paying little attention to my warnings. But what they are doing will be seen in the end.’ A short time later, when he was suffering a serious illness, he raised himself up in bed in an angry spirit: ‘Who are these people? They have snatched out of my hands my religion and that of the brothers. If I go to the general chapter, then I’ll show them what my will is!’”<sup>20</sup>

This episode is presented only by Celano in 1246-47. It is precious in that it shows the human side of Francis in very clear terms. Seemingly Francis was aware that he had lost his grip on the Order the moment he had delegated authority to others. We do not know to whom he is referring. Maybe to Elias? To Cardinal Hugolino? To the Provincial Ministers? The inner anguish of Francis was probably the real cause of his many sufferings towards the end of his life. If we are to understand the genuine intentions which “these people” were not respecting in the life of the Order, we must refer to the *Testament* of Francis. The *Testament*, being an autobiographical document of prime importance, which presents Francis' intentions in the background of the rapid expansion of the Order as an institution after the confirmation of the Rule in 1223, lies necessarily at the very core of our understanding of what Franciscan history is all about.

The *Testament* speaks about all those ideals which were close to Francis' heart and mind: his initial conversion and penance by serving lepers; his devotion to Christ in the poor abandoned churches; his respect to the poor priests who lived in faithful obedience to the Church of Rome; his faith in the sacrament of the Body and Blood of Christ, administered by priests, and the veneration towards the written Words of the Lord and theologians.

Francis then goes on to describe the life of the primitive fraternity, made up of brothers given to him by the Lord, who lived according to the form of life of the Gospel. This form of life was approved by Pope Innocent III. The first brothers wore rough and poor clothing, prayed the divine Office according to the clerical or lay method (the divine Office or the office of the *Our Father*), and stayed in poor

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him obedience and reverence.” Cfr. AC 39 (FAED II, 142); 2C 143 (FAED II, 340); IMP 14 (FAED III, 225); 2MP 39 (FAED III, 287);

<sup>20</sup> 2C 188 (FAED II, 366-367).

churches by the wayside. Francis praised manual work and recommended it as a means to avoid idleness. The recourse to alms begging was legitimate in cases where the brothers did not receive any recompense for their work. In their itinerant way of life the brothers announced the peace of the Lord to all.

In another section of his *Testament* Francis uses strong language in order to dissuade the brothers from accepting churches or dwellings, which do not reflect poverty as contained in the Rule. He prohibits the friars from asking any letters of recommendation or privilege from the Roman Curia, not even in the case of persecution. He promises obedience to the General Minister of the Order and to his personal guardian, and declares his intention of celebrating the divine Office as it is contained in the Rule. Francis uses very strong expressions against the brothers who did not want to pray the divine Office according to the form prescribed by the Roman Church, and judged their catholicity precisely from this attitude towards common prayer. Finally Francis declares that the *Testament* is not another Rule, but a “remembrance, admonition, exhortation, and my testament, which I, little brother Francis, make for you, my blessed brothers, that we might observe the Rule we have promised in a more Catholic way.”<sup>21</sup>

Why did Francis use such forceful language in his *Testament*, if it was not to be understood as a juridical document? We can only answer this question when we become aware of the way events unfolded in the history of the Order after the death of the founder. The *Testament* would remain for centuries the *magna carta* of all Franciscan reforms, the call for renewal and for return to the original ideals of the founder. And yet, just four years after Francis died, Pope Gregory IX would declare the *Testament* to be simply a spiritual document which could not bind the friars in conscience to its observance.

### **The canonization of St. Francis and its aftermath (1226)**

Francis died at the Porziuncola on Saturday, October 3, 1226, at sunset. The account of the *transitus*, or death, of Francis by Thomas of Celano, is modelled upon similar accounts in the biographies of the Church Fathers and holy founders, particularly St. Martin of Tours.<sup>22</sup> The death of Francis is preceded by a vision which brother Elias had at Foligno. Elias saw a priest in white vestments who told him to announce to Francis that his death would come in two-years’ time. So, when the time came for Francis to pass over from this life, he blessed the friars just as Martin had blessed his monks before dying.<sup>23</sup> The death of Francis is presented under the form of a liturgical celebration. Francis first sang the praises of the Lord, and particularly Psalm 142. He ordered the friars to bring him the book of the Gospels and read the account of the last supper and passion of Christ according to John.<sup>24</sup> Then Francis broke some bread and shared it with the friars who were present.<sup>25</sup> After having asked to be laid naked on the bare ground, he accepted to receive his tunic as an alms offering from his guardian, and thus “he welcomed Death singing.”<sup>26</sup> One of the

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<sup>21</sup> *Test* 34 (FAED I, 127).

<sup>22</sup> Jacques DALARUN, “The Death of the Holy Founders: from Martin to Francis,” GR 14,1 (2000), 1-19.

<sup>23</sup> 1C 109 (FAED I, 277).

<sup>24</sup> 1C 110 (FAED I, 278).

<sup>25</sup> 2C 217 (FAED II, 387).

<sup>26</sup> 2C 214-215 (FAED II, 385-386).

friars present “saw his soul ascending into heaven: beautiful as the moon, bright as the sun, glowing brilliantly as it ascended upon a white cloud.”<sup>27</sup>

Thomas of Celano gives us the account of Francis’ funeral procession to Assisi with vivid detail. He is particularly attentive to the moment when Francis is taken inside the church of San Damiano so that Clare and the Poor Ladies could see him for the last time.<sup>28</sup> The dead body of Francis is passed through the communion grate so that Clare and the Poor Ladies could weep and lament over such a precious loss. The famous historian Paul Sabatier says:

“On the morrow, at dawn, the Assisians came down to take possession of his body and give it a triumphant funeral. By a pious inspiration, instead of going straight to the city they went around by St. Damian, and thus was realized the promise made by Francis to the Sisters a few weeks before, to come once more to see them. Their grief was heart-rending. These women’s hearts revolted against the absurdity of death; but there were tears on that day at St. Damian only. The Brothers forgot their sadness on seeing the stigmata, and the inhabitants of Assisi manifested an indescribable joy on having their relic at last. They deposited it in the Church of St. George.”<sup>29</sup>

On July 16, 1228, Pope Gregory IX, who was at the time staying in Assisi, presided over the canonization celebration of St. Francis. Again, Celano gives us such a vivid description of the events, that many scholars believe that he was present at the celebration as an eye-witness.<sup>30</sup> The stay of the Pope in Assisi had been marked by tumultuous events for the papacy. The emperor Frederick II had invaded the Papal States, and the people of Rome had risen up against the Pope on Easter Monday 1228. The Pope had to flee Rome and take refuge in Rieti, Spoleto and Perugia. It was while he was in Perugia that Gregory IX convened a concistory of Cardinals to decide upon the canonisation process of Francis of Assisi. Three days after the canonisation, on July 19, Gregory IX published the Bulla of canonization, *Mira circa nos*.<sup>31</sup>

“Less than two years after, Sunday, July 16, 1228, Gregory IX came to Assisi to preside in person over the ceremonies of canonization, and to lay, on the morrow, the first stone of the new church dedicated to the Stigmatized. Built under the inspiration of Gregory IX, and the direction of Brother Elias, this marvellous basilica is also one of the documents of this history, and perhaps I have been wrong in neglecting it. Go and look upon it, proud, rich, powerful, then go down to Portiuncula, pass over to St. Damian, hasten to the Carceri, and you will understand the abyss that separates the ideal of Francis from that of the pontiff who canonized him.”<sup>32</sup>

With these strong expressions, Sabatier concludes his biography of St. Francis. Although these are expressions which have the aim of confirming Sabatier’s thesis, namely, that Gregory IX thwarted Francis’ intentions and ideal, we can accept them as an eye-opener upon the subsequent events of the history of the Order. Indeed, the death of Francis marks a watershed between the ideals of the primitive Franciscan fraternity and the efforts to institutionalize the Order on the part of Pope Gregory IX and the Roman curia.

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<sup>27</sup> 1C 111 (FAED I, 278).

<sup>28</sup> 1C 116-118 (FAED I, 284-287).

<sup>29</sup> P. SABATIER, *Life of Saint Francis of Assisi*, Translated by Louise Seymour Houghton, Hodder and Stoughton, London 1908, 344.

<sup>30</sup> 1C 119-126 (FAED I, 288-297).

<sup>31</sup> Regis J. ARMSTRONG, “*Mira circa nos*. Gregory IX’s View of the Saint, Francis of Assisi,” GR 4,1 (1990), 75-100.

<sup>32</sup> Paul SABATIER, *Life of Saint Francis of Assisi*, 344.

### **The generalate of Giovanni Parenti (1227-1232), the Chapter of 1230, the question of the Rule and Testament of St. Francis, and the bulla *Quo elongati***

The general chapter of the Friars Minor gathered on Pentecost, May 30, 1227 at the Porziuncola proceeded to elect the first General Minister of the Order after St. Francis. The choice did not fall upon brother Elias, who had led the Order as vicar since 1221, but upon brother John Parenti, who was a canon lawyer.<sup>33</sup> On March 19, 1227, Cardinal Hugolino had been elected Pope, taking the name Gregory IX. He formally entrusted Elias with the task of supervising the construction of the basilica of St. Francis. This could be the reason why Elias was not elected as General Minister in 1227.

On April 29, 1228 Gregory IX wrote the letter *Recolentes qualiter*, in which he announced his intention of building a “special church”<sup>34</sup> in which to enshrine the relics of Francis of Assisi, who had been buried in the church of San Giorgio on October 4, 1226.

The 13<sup>th</sup> century Franciscan chronicles speak about John Parenti’s election and ministry. Jordan of Giano writes: “In this chapter (1227) Brother John Parenti, a Roman citizen and a master of laws, born in the city of Città di Castello, was elected the first minister general in the Order.”<sup>35</sup> Thomas of Eccleston says: “The first minister general after Blessed Francis was Brother Elias, who had been a notary at Bologna. Brother John Parenti succeeded him; he was minister of Spain, a wise and deeply religious man and a man of great austerity.”<sup>36</sup>

The *Chronicle of the 24 Ministers General*, composed by Arnald of Sarrant (1369-1374), gives us the circumstances of John Parenti’s entry into the Order:

“John had entered the Order in the following circumstances. When he was a lawyer and judge in Civita Castellana, he once looked out of the window and saw a certain guardian of a herd of pigs, who was not capable of making the pigs enter into that castle. Another man advised him to say the following words to his pigs: ‘Pigs, pigs enter into your sty, as lawyers and judges will go into hell.’ At these words that herd of swine immediately entered without a grunt. John was moved to divine fear at this sight, and he entered the Order of Minors together with his son.”<sup>37</sup>

John Parenti had been Provincial Minister in Spain since 1219, when he succeeded Bernard of Quintavalle. He was a man of culture, and therefore encouraged studies in the Order, even though his life-style was simple and sober.

<sup>33</sup> Rosalind B. BROOKE, *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959, 123-136.

<sup>34</sup> GREGORY IX, Bulla *Recolentes qualiter* (FAED I, 564-565): “Thus it seems to us both fitting and opportune that for the veneration of the same Father, a special church should be built in order to hold his body.”

<sup>35</sup> JORDAN OF GIANO, *Chronicle*, 51, in *XIII<sup>th</sup> Century Chronicles*, 58. According to the translator, John of Parma was not born in Città di Castello, but at Carmignano, near Pistoia.

<sup>36</sup> THOMAS OF ECCLESTON, *The Coming in England of the Friars Minor*, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 152. Brother Elias, however, was not the first Minister General of the Order, but Francis’ vicar (1221-1227). It was only after the death of St. Francis that his successors can be called Ministers General, and hence it was John Parenti who was the first one. Elias was Minister General in 1232-1239.

<sup>37</sup> ARNALD OF SARRANT, *Chronica XXIV Ministrorum Generalium OFM*, in *Analecta Franciscana ad Historiam Fratrum Minorum spectantia*, edita a PP. Collegii S. Bonaventurae, Ad Claras Aquas (Quaracchi), prope Florentiam, 1897, Vol. III, 210 [AF III,210]. Partial English translation in <http://www.i-tau.org/>

Jordan recounts how “brother John Parenti, the minister general, hearing that Germany did not have a lector in theology, released Brother Simon from the office of minister of Germany and appointed him lector, and he appointed Brother John of Pian di Carpine minister of Germany.”<sup>38</sup> Eccleston says that, under John Parenti’s tenure of office, studies flourished in the English Province: “After the place had been enlarged where the principal seat of studies flourished in England (Oxford) and where scholars from all over were wont to gather, Brother Agnellus (Provincial Minister of England) had a sufficiently suitable school built at the place of the brothers, and he asked the master Robert Grosseteste of saintly memory to lecture to the brothers there.”<sup>39</sup> The same thing was happening in the house of studies of the Order in Paris, under the leadership of the Provincial Minister of France, Gregory of Naples.<sup>40</sup>

It was during John Parenti’s time as General Minister that Anthony of Padua was appointed Provincial Minister of Bologna (1227-1230) and Albert of Pisa was appointed Provincial Minister of Spain (1227-1230) and of Bologna (1230-1232).

John Parenti also organized the liturgical life of the brothers. Jordan says that, “in the same general chapter (1230) breviaries and antiphonaries according to the usage of the Order were sent to the provinces.”<sup>41</sup>

John Parenti was an ambassador of peace. Pope Gregory IX, who had to escape from Rome to Perugia after a revolt in Easter Monday 1228, as a result of the excommunication of Emperor Frederick II, sent him to draw up terms of peace with the citizens of Rome. Again in 1230 Parenti was sent as an emissary of peace to the citizens of Florence.

The General Chapter of May 30, 1230 was celebrated in Assisi, following the translation of the relics of St. Francis from the church of St. George to the basilica crypt built on the orders of Pope Gregory IX, on May 25. According to Eccleston’s account, things turned out to be very troublesome for the Order, because of inner tensions created by Elias and the friars who supported him. This is Eccleston’s account:

“In the chapter held at the time of the translation of St. Francis’ remains, the partisans of Brother Elias, whom he had permitted to come to the chapter – for he granted this permission to all who wished to come – wanted to make him general in opposition to the ministers provincial. Wherefore they carried him on their arms from his cell to the door of the chapter room, and there, after they had broken down the door, they wanted to put him in the place of the minister general. When the good Brother John saw this, he stripped himself before the whole chapter; and thus finally they were confounded and gave up after a very great disturbance. For they did not listen to St. Anthony, or to any minister provincial. The people, however, thought that the discord arose because the body of St. Francis had been translated already on the third day before the fathers had convened. Five novices, who had been soldiers and who were present at the chapter, saw everything, and they wept and said that this disturbance would work great good for the Order, because an Order could not put up with such disorder. And thus it happened that all of these disturbers were scattered amongst the various provinces to do penance. But Brother Elias, going apart to a certain hermitage, let his hair and beard grow, and by this pretence at holiness was reconciled to the Order and to the brothers.”<sup>42</sup>

<sup>38</sup> JORDAN OF GIANO, *Chronicle*, 54, in *XIII<sup>th</sup> Century Chronicles*, 59.

<sup>39</sup> THOMAS OF ECCLESTON, *The Coming in England of the Friars Minor*, c. 11, in *XIII<sup>th</sup> Century Chronicles*, 142.

<sup>40</sup> A. CALLEBAUT, “Les Provinciaux de France au XIII<sup>e</sup> siècle”, in *AFH* 10 (1917) 290-294; GRATIEN DE PARIS, *Histoire de la fondation et de l’évolution de l’Ordre des Frères Mineurs au XIII<sup>e</sup> siècle*, Paris 1928, 515.

<sup>41</sup> JORDAN OF GIANO, *Chronicle*, 58, in *XIII<sup>th</sup> Century Chronicles*, 61.

<sup>42</sup> THOMAS OF ECCLESTON, *The Coming in England of the Friars Minor*, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 152-153.

The same Chapter of 1230 raised, for the first time in the history of the Order, the question of the interpretation of the Franciscan Rule and the obligatory nature of the Testament of St. Francis. Eccleston writes:

“From this chapter a solemn delegation was sent with the minister general to Pope Gregory to obtain an exposition of the Rule, namely, St. Anthony, Brother Gerard Rusinol, penitentiary to the lord pope, Brother Haymo, who later became minister general, Brother Leo, who later was made archbishop of Milan, Brother Gerard of Modena, and Brother Peter of Brescia. They told the pope what great scandal Brother Elias had caused because the minister general had revoked his decree so that not all the brothers could come to the chapter who wished; and also how he became indignant about this and had the body of St. Francis translated before the chapter convened. The pope, already greatly moved by all this, became very angry toward him, until he heard of the unusual life he was leading at the hermitage. As a result of this, he granted in the general chapter at Rieti, after Brother Parenti had been released from office, that Elias might become minister general, above all because of the friendship he had had with Blessed Francis.”<sup>43</sup>

We are not sure of what exactly happened during the translation of Francis’ relics and the celebration of the Pentecost Chapter. Gregory IX’s reaction is found in the Bulla *Speravimus hactenus* of 16<sup>th</sup> June 1230, addressed to the bishops of Perugia and Spoleto. In the document the pope condemns the citizens of Assisi, who ventured to threaten the priestly office (*sacerdotalis officium*) during the translation (*translatio*) of the relics. As a disciplinary procedure the pope declared that the privileges granted to the basilica<sup>44</sup> were to be revoked and it was again subjected to Episcopal jurisdiction. The *conventus* was put under an interdict, and no General Chapters were to be held there.<sup>45</sup>

The members of the delegation sent by the Chapter of 1230 to Pope Gregory, IX led by the General Minister John Parenti, presented the pope with a number of questions, relating to the obligatory nature of the Testament and the interpretation of some obscure points in the Franciscan Rule. Gregory answered them with the Bulla *Quo elongati* on 28<sup>th</sup> September 1230, which is the first official papal interpretation of the Rule of 1223.<sup>46</sup>

The first problem regarded the value, which the friars had to attribute to the Testament of St. Francis, in which the saint had insisted:

“I strictly command all the brothers through obedience, wherever they may be, not to dare to ask any letter from the Roman Curia, either personally or through an intermediary [...] And I strictly command all my cleric and lay brothers, through obedience, not to place any gloss upon the Rule or upon these words saying: ‘They should be understood in this way.’”<sup>47</sup>

Four years after the death of Francis the brothers were now going to the pope to ask for an interpretation of the Rule and of the saint’s intentions in the Testament! Gregory, who showed no scruples in stating very plainly that:

<sup>43</sup> THOMAS OF ECCLESTON, *The Coming in England of the Friars Minor*, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 153-154.

<sup>44</sup> With the Bulla *Is qui* (April 22, 1230) Pope Gregory IX had declared the new basilica *caput et mater Ordinis Minorum* (head and mother of the Order of Minors), and had subjected it directly to his personal jurisdiction.

<sup>45</sup> Rosalind B. BROOKE, *Early Franciscan Government*, 137-143.

<sup>46</sup> Text of the Bulla *Quo elongati*, in FAED I, 570-575.

<sup>47</sup> *Test*, 25.35-38, in FAED I, 126-127.

“as a result of the long-standing friendship between the holy confessor and ourselves, we know his mind more fully” and that “wishing to remove all anxiety from your hearts, we declare that you are not bound by the Testament. For without the consent of the brothers, and especially of the ministers, Francis could not make obligatory a matter that touches everyone. Nor could he in any way whatsoever bind his successor because an equal has no authority over his equal.”<sup>48</sup>

Gregory IX then continues to resolve a number of problems regarding the Rule of 1223. The brothers asked the pope whether they were bound to observe the other counsels of the Gospel as well as the precepts and counsels contained in the Rule. The pope answers that the friars are bound to observe only those counsels explicitly contained in the Rule, while they should observe all the other counsels in the same way as other Christians observe them. Regarding the prohibition to receive money, Gregory permits the friars to have an agent (*nuntius*) to handle the alms given to them, who may also deposit them with a spiritual friend of the brothers.<sup>49</sup> The Rule prohibits the friars to keep any possessions. Gregory IX decrees that, indeed, the brothers could not possess anything neither individually nor in common. However, they were permitted to make use of those instruments they need for their work, including books. In the case of those brothers who are bound by the Rule to go to their ministers to receive penance for particularly grave sins, the pope declares that this norm refers only to manifest public sins, and not to private offences against the Gospel and Rule. In the case of the approval of preachers, the pope, however, does not permit the General Minister to delegate his duty of examining them to anyone else. The reception of novices is to remain the sole competence of the Ministers, General or Provincials. For the election of the new General Minister during the Chapter of Pentecost, the number of custodians accompanying the Provincial Ministers should be reduced to one for each province. Finally, the pope confirms the prohibition of the Rule regarding entrance into the monasteries of cloistered nuns without the permission of the Holy See, stating that it does not refer only to the Poor Ladies (Clares) but to all female monasteries in general.

*Quo elongati* definitely orientated the Order to become an institution in the Church, with a pope who declared that he had the right of interpreting the intentions of the founder Francis. This document opened the way for further papal interpretations in the history of the Order, and necessarily generated tension between the friars who had personally known Francis, and therefore his intentions, and the other friars, who constituted the majority, who wanted the Order to develop along more institutional lines. This process was to continue in earnest during the generalate of brother Elias (1232-1239).

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<sup>48</sup> GREGORY IX, Bulla *Quo elongati*, in FAED I, 571.

<sup>49</sup> The *Later Rule* (1223), c. 4, states: “I strictly command all my brothers not to receive coins or money in any form, either personally or through intermediaries. Nevertheless, the ministers and custodians alone may take special care through their spiritual friends to provide for the needs of the sick and the clothing of the others...” (FAED I, 102). For the development of the poverty question in the Order, cfr. Malcolm LAMBERT, *Franciscan Poverty*, The Franciscan Institute, St. Bonaventure University, NY 1998.

***Further Reading***

BROOKE Rosalind B., *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959 (paperback edition 2004), pages 123-136: chapter III – The character and significance of John Parenti.

IRIARTE Lazaro, *Franciscan History. The Three Orders of St. Francis*, Franciscan Herald Press, Chicago 1983, pages 1-33.

MERLO Grado Giovanni, *In the Name of Saint Francis*, Franciscan Institute Publications, St. Bonaventure University, NY 2007, *no page indications, still in print*.

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 3-31; 46-80; 83-95.

THOMAS OF CELANO, *The Life of Saint Francis*, paragraphs 109-126 (FAED I, 277-297).

## Chapter 2

# BETRAYAL OF THE FOUNDER'S INTENTION?

### The generalate of Elias (1232-1239)

Elias was one of the closest companions of St. Francis.<sup>50</sup> He was also a protagonist in the process of development of the primitive Franciscan fraternity into a religious Order. He is known as Elias of Cortona, but more correctly, as Elias of Assisi.<sup>51</sup>

It is difficult to present the enigmatic figure of Elias without encountering an infinite number of problems. His portrait is, in fact, a series of portraits, and they are all different one from another. His person remains a genuine representation of the historical contradictions, which distinguished the Franciscan movement from the start. We meet the figure of Elias in many medieval documents, which present him either as a faithful disciple of St. Francis, or as an enigmatic man of government and General Minister of the Order.

Elias was probably born in the village of Castel Britti, near Assisi, round about the year 1180. He is therefore contemporary to St. Francis. It seems that he frequented some studies, since he is sometimes called a *scriptor*, or notary, and the Franciscan chronicler Salimbene states that he taught young boys to read the psalter in Latin.<sup>52</sup> We do not know how he entered the Order. Some think that he was the mysterious companion who accompanied Francis to the grotto in the early phases of the saint's conversion, according to Thomas of Celano.<sup>53</sup> In 1217 Francis sent Elias to the East, as Minister of the Province of Syria. Most probably Elias returned to Italy with Francis, after the saint had met the sultan of Egypt during the fifth crusade in 1219.

In the General Chapter of September 29, 1220, Francis renounced the government of the Order and appointed Peter of Catanio as his vicar. Peter died at the Porziuncola on March 10, 1221, and Francis appointed Elias as vicar of the Order, a post he occupied until the General Chapter of 1227. During these years Elias was close to Francis, particularly during the events leading to the writing of the Rule of 1223 and during the last illness of the saint. When Francis died Elias sent an

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<sup>50</sup> Giulia BARONE, "Brother Elias Revisited," GR 13 (1999) 1-18; Rosalind B. BROOKE, *Early Franciscan Government. Elias to Bonaventure*, 83-105; 137-167.

<sup>51</sup> L. LEMPP, *Frère Èlie de Cortone. Etude Biographique* (Collection d'Études et de Documents sur l'Histoire Religieuse et Littéraire du Moyen Âge, Vol. III), Librairie Fischbacher, Paris 1901. For a good bibliography regarding Elias up till 1976, cfr. Giovanni ODOARDI, "Elia di Assisi," *Dizionario degli Istituti di Perfezione*, Vol. 3 (1976) 1094-1110.

<sup>52</sup> *The Chronicle of Salimbene de Adam*, Translation by J.L. BAIRD, Medieval & Renaissance Texts & Studies, Vol. 40, Binghamton, New York 1986, 74: "Elias was of humble parentage – his father was from Castel de' Britti in the bishopric of Bologna and his mother from Assisi – and before he entered the Order he used to earn his living by sewing cushions and teaching the children of Assisi to read their psalters. In the secular world he was called Bonusbaro, but on entering the Order he took the name *Elias*. He was elected Minister General twice, and he stood in the good graces of both the Emperor and the Pope." Salimbene is probably in error here. Elias' father may have been from the village of Castel Britti near Assisi. See BROOKE, *Early Franciscan Government*, 50.

<sup>53</sup> IC 6 (FAED I, 187).

encyclical letter to the Order, which has been preserved, but only as an apocryphal document, since the original document seems to have been lost.<sup>54</sup>

After the death of Francis, during the Chapter of 1227, the friars elected as General Minister not Elias, but John Parenti. Most probably, it was Pope Gregory IX, elected on March 19, 1227, who needed Elias' services and entrusted him with overseeing the construction of the new basilica he was building in order to enshrine Francis' remains in this monument.<sup>55</sup>

We have already seen the events which occurred during the transfer of St. Francis' remains in May 25, 1230, on the occasion of the General Chapter of Assisi, and Pope Gregory IX's angry response in the Bulla *Speravimus hactenus*. We cannot ascertain the degree of involvement of Elias in these events, since the papal document makes no mention of him. Thomas of Eccleston gives us an account of the disturbances caused by the supporters of Elias during the General Chapter, and concludes by saying:

"Brother Elias, going apart to a certain hermitage, let his hair and beard grow, and by this pretence at holiness was reconciled to the Order and to the brothers [...] he (Gregory IX) granted in the general chapter at Rieti, after Brother Parenti had been released from office, that Elias might become minister general, above all because of the friendship he had had with Blessed Francis."<sup>56</sup>

According to Brooke, the Chapter of 1232 at Rieti, when Elias was chosen as General Minister, was not a General Chapter, since this was only due in Pentecost 1233. It seems that Elias was not directly elected by all the Ministers, but only as a result of pressure by his supporters, with the final approval of Pope Gregory IX.<sup>57</sup>

Elias' generalate marks a period during which the Order grew in size and importance. The friars Minor began to be more present in cultural and political life.

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<sup>54</sup> Felice ACCROCCA, "Is the Encyclical Letter of Brother Elias on the Transitus of St. Francis Apocryphal?" GR 13 (1999) Supplement, 19-64.

<sup>55</sup> NICHOLAS GLASSBERGER, *Chronica [1490-1508]*, AF II, 47. Gregory IX had announced that he intended to build a "special church" to honour St. Francis (Bulla *Recolentes qualiter* [April 29, 1228]). In a notarial act dated March 29, 1228, a certain Simone di Pucciarello donated a piece of land on the "collis inferni" (the lower hill), outside the walls of Assisi. Brother Elias accepted this offering in the name of Gregory IX, as the land upon which the basilica in honour of St. Francis was to be built. Gregory IX declared Francis a saint when he personally came to Assisi on July 16, 1228. The following day the Pope laid the foundation stone of the new church. On May 25, 1230, the remains of St. Francis were transferred from the church of San Giorgio to the new basilica. The construction of the double church (lower sepulchre church and upper monastic church) continued in earnest, and was concluded in 1236. In 1239 the bells were already in place in the magnificent belfry, which dominates it.

<sup>56</sup> THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 153-154.

<sup>57</sup> BROOKE, *Early Franciscan Government*, 144-145: "A General Chapter was not due until Whitsun 1233, and therefore the Chapter at Rieti may well have been only a Provincial or semi-general Cismontane Chapter. If this was the case, ordinary brothers as well as Ministers and Custodians would have been present, and could have made their wishes known. John Parenti was ready to resign, and the brethren, knowing that an election was imminent, may have pressed there and then for the candidate they desired, instead of leaving the matter entirely to the Ministers and Custodians as the Rule prescribed. Elias was popular with the rank and file. Whether from artfulness, conviction, or as a matter of form, he protested his unworthiness, and his supporters cried that they would rather he was dispensed from observing the Rule than have another leader. The Ministers and the majority of the Italian friars being thus divided, the matter was referred to Gregory, who decided for the brethren. His approval suggests that, but for the incidents of 1230, Elias' conduct had been more or less exemplary, as had his actions been frequently reprehensible the Pope would have been unlikely to waive the requirements of the Rule concerning election."

Studies were encouraged. In 1236 one of the great theologians of the University of Paris, Alexander of Hales, became a friar Minor. In Oxford the friars were attending theology lectures by the famous master Robert Grosseteste.

St. Clare seems not to have doubted Elias' faithfulness to the ideals of St. Francis. In the second letter she wrote in 1235 to the princess Agnes of Bohemia, who had founded a monastery of Poor Ladies in 1234, she gives this advice:

"Follow the counsel of our venerable father, our Brother Elias, the Minister General, that you may walk more securely in the way of the commands of the Lord. Prize it beyond the advice of the others and cherish it as dearer to you than any gift."<sup>58</sup>

Emperor Frederick II in 1236 asked Elias to pray for him on the occasion of the transfer of the relics of St. Elizabeth of Hungary to the church at Marburg. The emperor needed the support of Elias, who was his personal friend, as well as being very close to Pope Gregory IX, with whom Frederick was having difficulties.

Elias was an important personage in the political sphere. During the movement of the "Halleluia" in 1233, he acted as mediator between the towns of Spoleto and Cerreto. In 1238 Gregory IX himself asked Elias to mediate between him and Emperor Frederick II.

The main concern of Elias as General Minister was that of concluding the building of the basilica of St. Francis, which, as we have seen, was in fact finished by 1236, with the bell tower being concluded and bells installed the very year in which Elias was deposed, in 1239. The architect of the basilica was Philip of Campello. In April 1230 Gregory had already declared the basilica as *caput et mater Ordinis Minorum*, "head and mother of the Order of Minors." This title was to have repercussions later on, particularly in those Sources coming from the Spirituals, who saw the Porziuncola rather as being the true head and mother of the Order.<sup>59</sup>

The period of Elias was also marked by a great missionary expansion in the Order. The Friars Minor were present especially in the lands of the Saracens. In 1235 they were established at Tunis and in 1238 in Aleppo, Syria. In Europe large churches were being built for the friars in the main towns, for the sake of preaching and ministering to the people.

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<sup>58</sup> St. CLARE, 2 Letter to Agnes of Prague, 15-16, in *Clare of Assisi: Early Documents*, Revised Edition and Translation Regis J. ARMSTRONG, New City Press, New York - London - Manila 2006, 48.

<sup>59</sup> Regarding the basilica of St. Francis as *caput et mater Ordinis*, cfr. L3C 72 (FAED II, 109). Regarding the Porziuncola as *caput et mater Ordinis*, cfr. CA 56 (FAED II, 154); 2C 18-19 (FAED II, 256-258); 2MP 55 (FAED III, 298); 2MP 82 (FAED III, 328). BROOKE, *Early Franciscan Government*, 149-150, discusses the way the early companions regarded the basilica of St. Francis: "There is no contemporary evidence that the first companions had any conscientious objection to the Basilica. Bernard, Masseo, Angelo, Rufino and Leo all chose to be buried there, and Leo bequeathed to it his most treasured possession – the blessing that St. Francis had written for him on La Verna. The first criticisms of its size and adornment were made in the fourteenth century. They were, however, made to appear earlier to give them greater weight, and, in particular, two anecdotes were circulated implying hostility between Elias and the zealots, one associated with Giles, one with Leo. In the first, Giles, when he had been shown over the convent with its sumptuous buildings, in which the brothers took obvious pride, said to them: 'Now you have need of nothing except wives,' and, seeing their shocked faces, explained that it was as wrong to break the vow of poverty as of chastity (AF III, 90). In the other, Leo, distressed at the building of a large and sumptuous church and at the collecting of money towards its cost, publicly protested by breaking the vase that had been put out to receive offerings. Elias ordered him to be flogged and driven from Assisi (*Speculum Vitae beati Francisci et sociorum eius*, 163). Both stories are of more than doubtful authenticity.

The Franciscan chronicler Salimbene de Adam is, however, highly critical of Elias. It is to him more than others that we owe the negative views about Elias as a General Minister who betrayed Francis' intentions by his scandalous way of life. Salimbene lists a number of faults in his famous Chronicle, in the section known as *Liber de prelato*.<sup>60</sup> These faults included the following, which we here quote from Salimbene, according to his way of judging events:

(1) Elias had no respect for secular rulers. When the *podestà* of Parma visited him, he did not even deign to rise up in front of his guest from his comfortable cushion in front of a roaring fire. (2) He accepted many useless men into the Order. (3) He promoted unworthy men to offices in the Order. For he placed lay brothers in the positions of guardians, custodians, and ministers, an absurd practice, since there was an abundance of good clerks available in the Order. (4) During Elias' entire term of office there were no constitutions instituted to govern the Order and thereby to attain the desirable goals of preserving the Rule and regulating the Order and making it uniform. (5) He would never personally visit the districts of the Order, but always lived either at Assisi or in another place which he had built in the bishopric of Arezzo called Cella di Cortona. (6) Elias treated the Provincial Ministers harshly and abusively unless they paid him off with money and gifts. He chose Visitors who scoured the provinces in search of gifts and money. (7) He wanted to live too luxuriously amid pomp and splendor. He would rarely go anywhere, save to see Pope Gregory IX or the Emperor Frederick, whose close friend he was. The only other places he would go to visit were St. Mary of the Porziuncola, to the convent at Assisi, where the body of St. Francis is kept in veneration, and to Celle di Cortona, where he had built a very beautiful and delightful residence in the bishopric of Arezzo. And Brother Elias kept strong well-fed horses, and he always rode wherever he went, even if he were travelling just half a mile from one church to another. He had a personal cook in Assisi, and would never dine with the friars. He employed brother John *de Laudibus* to use physical violence upon the brothers.<sup>61</sup> (8) Elias attempted to retain rule over the Order by violence. In order to do this, he made use of many political maneuvers. First of all, he changed Ministers frequently, so that they could not become firmly enough ensconced to rise up against him. Second, he put only men he

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<sup>60</sup> *The Chronicle of Salimbene de Adam*, Translation by J.L. BAIRD, 74-87; 91-92; 149-156.

<sup>61</sup> The Franciscan Spiritual chronicler Angelo Clareno, in his *Chronicon seu Historia Septem Tribulationum Ordinis Minorum*, gives us a curious account of the violent death of brother Caesar of Speyer, brought about by the cruelty of brother Elias. Modern historians doubt the truthfulness of this account, since all Spiritual literature is radically hostile to Elias. However, the text serves as an indication of the fact that Elias did, in fact, treat the brothers rather harshly. ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, Translated from Latin by David Burr and E. Randolph Daniel, The Franciscan Institute, St. Bonaventure University, NY 2005, 78: "Elias commanded that Brother Caesar, an innocent man who was wise and holy in all things, be shackled in iron chains and taken to a cell. There, Caesar was committed to a certain lay brother who was cruel both by training and by nature, and who hated Brother Caesar and his companions cordially. This brother was given the task of guarding Caesar and was instructed to watch him vigilantly lest he flee and to observe him carefully lest anyone be able to approach to speak to him. When winter came and the door of his cell was left open, Brother Caesar walked out of the cell. When that lay brother, the guard, had seen him outside the cell, thinking that Caesar was going to flee, he became furious and grabbed a cudgel. He struck him so powerfully and threateningly, with regard to the wound left by that blow, the holy man, a little later, was praying and saying: 'Father, forgive them, for they do not know what they do' (Cf. Lk 23:34). Giving thanks, and recommending his spirit to Christ, he died while he was praying. Caesar was the first brother who was sacrificed to death on account of his fraternal zeal for the regular observance. Like the proto-martyr Stephen, Caesar prayed for his persecutors, gave testimony to the truth, shed his blood, and as a trustworthy revelation has demonstrated, he was rewarded with the crown of martyrdom in the kingdom of the heavens."

considered friends in the post of Minister. Third, he held no general chapters, save limited ones, that is those restricted wholly to Italy. (9) When Elias learned that the Ministers were gathering together against him, he sent commands throughout the whole of Italy to all the strong lay brothers that he considered friends. He instructed them to be sure to attend the General Chapter meeting, for he hoped that they would defend him with their staffs. (10) After his deposition, Elias did not conduct himself with humility but rather attached himself wholly to the Emperor Frederick, who had been excommunicated by Pope Gregory IX. (11) Elias had the evil reputation of being an alchemist, maybe because of his acquaintance with the astrologers in the Emperor's retinue. (12) Even after his deposition and his sojourn with the Emperor, Elias sought to establish his innocence and to prove the injustice of the Order in deposing him. (13) Elias never sought to be reconciled to his Order, but persisted in his obstinacy until the day he died.

Salimbene is not always trustworthy as a historian, and his criticism of Elias is without restraint. However, many of the faults he lists did, indeed, exist. The lavish style of life and the lack of attention to the dictates of the Rule proved to be Elias' own downfall, brought about by a handful of learned brothers, particularly from England.

Brooke gives us a very clear judgement of what actually brought about Elias' downfall, when she says: "It was not the *zelanti* who successfully combined against him, but the learned."<sup>62</sup> It was a question of the clerical brothers, who were always increasing, and who were theologically prepared, being against Elias, who himself was a lay brother, and who was promoting lay brothers to positions of responsibility in the Order. The group of friars who took the initiative to bring Elias' downfall was made up of theologians from the Ultramontane provinces, namely Alexander of Hales, Jean de La Rochelle, and Haymo of Faversham, who met in Paris in 1236.<sup>63</sup> They discussed proposals for reform in the Order. The following year, 1237, Elias aggravated the situation by sending many visitators to the Provinces, who abused of their powers by overstaying in the Order's entities, not respecting the authority of the Provincial Ministers, and exacting taxes for the construction of the basilica of St. Francis.

Jordan of Giano gives us a clear account of the reaction of the brothers in Saxony, who appealed to Gregory IX:

"In the year of our Lord 1237 Brother Elias sent visitators to the various provinces with the intention of furthering his own plans; and because of these irregular visitations the brothers were even more incensed against him than they were before.

In the year of our Lord 1238 the brothers of Saxony appealed to the minister general against these visitators; they sent messengers to him, but they gained nothing at all thereby. They were forced therefore to appeal to the lord Pope. When Brother Jordan came to him, having greeted him, he was commanded to go away; but Brother Jordan did not wish to leave; instead he ran joyfully to the couch of the lord Pope, drew forth his bare foot and kissing it, exclaimed to his companion: 'Behold, we do not have such relics in Saxony.' The lord Pope, however, still wished them to leave; but Brother Jordan said: 'No, lord, we do not have anything to ask of you now, for we have an abundance of good things and we are happy; for you are the father of our Order, its protector and corrector; we have simply come to see you.' And thus at last the lord Pope became cheerful, arose, and seated himself on the couch and, asking why he had come, added: 'I know you have appealed; Brother Elias, however, coming to me, said that you appealed by going over his head, and I replied to him that an appeal made to me absorbs all

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<sup>62</sup> BROOKE, *Early Franciscan Government*, 161.

<sup>63</sup> JORDAN OF GIANO, 61; THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 64-65; 154-156.

other appeals.’ After Brother Jordan had made clear to the Pope the points about which the appeal had been made, the Pope replied that the brothers had done well to appeal. When therefore the various brothers were come together to the curia to pursue the appeal they had made, and after a long discussion had been carried on, in the end the advice of the majority was that nothing should be done except to put their hand on the root, namely, to proceed directly against Elias.

And the brothers sat down together and, after a scrutiny among the brothers who had gathered, they set down in writing whatever they could know and prove from fact or report against Elias. When these things had been read before the Pope, discussions were had concerning the question. The lord Pope quieted the disagreement, saying: ‘Go and carry on the discussion among yourselves and write down both the objections and the answers to these objections and present them to me, and I will pass judgment.’ This was done. Then, when the lord Pope had heard and read thoroughly the objections and the answers, he decreed that the brothers there assembled should return to their provinces and that from the various provinces, and especially from those which had moved the question of reformation of the Order, twenty mature and discreet brothers should be sent to converse at Rome four weeks before the general chapter and frame regulations for the welfare and reformation of the Order.”<sup>64</sup>

Arnald of Sarrant, author of *The Chronicle of the XXIV Ministers General*, has to say this regarding Elias’ behaviour as General Minister:

“Brother Bernard of Besse, in his Chronicle of the Generals, says that, roughly in the year of the Lord 1238 or 1239, brother Elias convoked the general chapter in Rome, after he had finished the work on the church of Assisi, together with the building of the belfry and the installation of the bells, and he was absolved from his ministry during this chapter. The lord Gregory IX presided over this chapter. He approved the conclusion of the mandate of brother Elias, and confirmed the election of his successor, which was held in his presence. The cause of the absolution of Elias from the office of General is, however, expressed in a different way in other sources. After the conclusion of the chapter in which Elias had been elected, as we have seen above, he went to the lord Pope and asked him to be able to collect enormous sums of money for the building of the church of Saint Francis and many other privileges besides, especially the privilege to be able to receive money through intermediaries, directly contrary to what the Rule states. He also sent visitators in the Provinces in order to tax the same Provinces and make them offer money towards the building of the basilica of Saint Francis. Elias therefore began to hoard money and he possessed a strong horse, and kept servants to wait on him and led a comfortable life.”<sup>65</sup>

It is Thomas of Eccleston who provides the most complete account of what happened during the General Chapter which Pope Gregory IX convened in Rome in May 1239:

“Afterwards, because Elias had upset the whole Order by his worldly living and his cruelty, Brother Haymo moved an appeal against him at Paris; and though Elias was unwilling, many ministers provincial and many of the best brothers from the Cismontane provinces gathered to celebrate a general chapter, Brother Arnulph, the penitentiary of the lord pope Gregory IX, acting on behalf of the Order at the Roman curia. Therefore, after a long consultation, brothers were chosen from the whole Order to provide for the reformation of the Order. When this was done, an account thereof was given in the general chapter before the pope, at which seven cardinals were in attendance too.

After the sermon preached by the pope, which dealt with the golden statue seen by Nabuchodonosor and the theme of which was, *Thou, O king, didst begin to think in thy bed what should come to pass hereafter* (Daniel 2,29), Brother Elias began to make excuses, saying that the brothers, when they elected him to the office of minister general, said that they wanted him

<sup>64</sup> JORDAN OF GIANO, 62-67, in *XIII<sup>th</sup> Century Chronicles*, 65-67.

<sup>65</sup> ARNALD OF SARRANT, *Chronica XXIV Ministrorum Generalium OFM*, in AF III, 228-229. A partial English translation of the Chronicle is being made by Noel MUSCAT and is already posted in <http://www.i-tau.org/>

to eat gold and to have a horse, if his weakness demanded it; but now they were offended and scandalized in him. And when Brother Haymo wanted to reply to him, the pope did not allow it until the lord cardinal Robert of Somercote said to him: 'Lord, he is an old man; it is good that you hear him, for he is sparing in words.'

Brother Haymo, therefore, stood timid and trembling; but Brother Elias sat completely unshaken, as it seemed, and unafraid. Brother Haymo began by briefly praising the words of Brother Elias as the words of a revered father, and then made the point against him that, though the brothers said they wanted him to eat gold, they did not say that they wanted him to have a treasure. Moreover, though they said they wanted him to have a horse, they did not say they wanted him to have a palfrey or a charger. And immediately Brother Elias, losing patience, said openly that he was lying; and his followers began likewise to make like charges and to raise a tumult; and those of the other party began to do likewise against them. Then the pope, much moved, commanded them to be silent, saying: 'This is not the way of religious.' Then the pope remained seated for a long time, as though in silence and meditation he would turn them to shame. Meanwhile, the lord Reginald, protector of the Order, suggested openly to Brother Elias that he give his resignation into the hands of the pope; he publicly replied that he would not. Then the pope, first commending his person and the friendship he had had with St. Francis, concluded that it seemed to him that his ministry had been acceptable to the brothers; but since it did not now please them, as was just shown, he decreed that he should be removed from office. And immediately he released him from the office of minister general. There was then such immense and inexpressible joy that those who merited to be present said they had never seen anything like it.

Therefore the pope went alone into one of the cells and called the ministers and custodes for an election; and before they wrote down their votes, he heard the votes of each one; and since Brother Albert of Pisa, the minister of England was canonically elected, Brother Arnulph, the penitentiary, who in particular had forwarded the whole business, announced the election and began the *Te Deum Laudamus*. And because Brother Elias, it was said, had never made profession of the *Regula Bullata*, and for which reason his conscience permitted him to receive money, it was immediately arranged that he should make profession of this Rule and then under the same formula the whole chapter, and the whole Order. And so it was done. Therefore after the minister general had said Mass, the pope said to the brothers who had not been part of the chapter: 'You have now heard the first Mass ever celebrated by a minister general of your Order. Go now with the blessing of Jesus Christ to your places.'"<sup>66</sup>

The rest of the life of brother Elias was marked by the sad events of his excommunication and his eventual reconciliation with the Order and the Church at the very end of his life. Brooke summarizes the initial tensions with the new Minister, Albert of Pisa, in the following description:

"Albert (of Pisa) began to undo Elias' work in Italy, where, says Eccleston, the havoc done had been greatest, but we have no details. The ex-Minister occasioned him much embarrassment. He resented his dismissal and felt it humiliating to be under obedience. He retired to Cortona, and there paid a visit to the Clares, which no friar was allowed to do without licence, under pain of excommunication. Albert required him to come to seek absolution, or at least to meet him half-way. Elias scorned his overtures, and when the Pope told him that he must obey the Minister General like any other friar he found his position intolerable. He joined Frederick II, whom the Pope had excommunicated in March, and was therefore publicly excommunicated himself. This caused serious scandal and Albert exerted his influence to try to effect a reconciliation. Elias, afraid to approach Gregory in person, lest he be punished for what he had done, wrote a letter explaining and excusing his conduct. He entrusted it to Albert, but the Minister was prevented by death from fulfilling this mission of charity. It was found upon his body, and, it seems, destroyed. Albert died at Rome on 23 January 1240."<sup>67</sup>

<sup>66</sup> THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 154-156.

<sup>67</sup> ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, 75-76.

Pope Gregory IX died on August 22, 1241, while Frederick II died on December 13, 1250. Elias, by that time, was thinking of reconciling himself with the Church and Order. During his term as General Minister, John of Parma (1247-1257) sent brother Gerard of Modena to brother Elias, inviting him to reconcile himself with the Order. At the time Elias was living at the hermitage of Le Celle at Cortona, and was an old man of 70 years of age. He had desired more than once to go to Rome and ask for pardon from the Pope, but fear of imprisonment held him back. We do know that Elias was absolved and received the sacraments just before his death on April 22, 1253, as is certified by the Penitentiary brother Velasco, sent to Cortona when Pope Innocent IV was in Assisi. Elias was buried in the church of St. Francis in Cortona, which he himself had built in 1247, and in which he enshrined a true relic of the cross, which he personally brought over from Constantinople in 1244.<sup>68</sup>

A good final analysis of the enigmatic figure of Elias can be taken from Brooke's own words:

“Why was Elias a failure as Minister General? He should have been in many ways an ideal choice, for he possessed many of the qualities that were needed by the brethren at that moment. The Order was passing through a critical phase in its evolution. It was composed of very diverse elements which had not fully merged their identity into an integral whole. St. Francis had, though with some difficulty, held the ingredients together, but after his death they showed a tendency to separate. There was friction between the learned and the simple, between the clerics and the lay brethren. There were serious differences of opinion as to what was the right future, and the proper mission, of the Order. One group, led by Italians from Umbria and the Marches, accepted St. Francis' teaching as perfect and final, and insisted that it should be obeyed strictly and literally; another, to which belonged the masters from the northern universities and the Ministers, believed that it was capable of improvement, and wished it to be modified and supplemented to include features whose worth had been proved by experience in other religious fraternities. The centrifugal forces that were destined later to disrupt the Order were already present in the rudimentary form, but they might have been checked by wise handling, and the sharp division that there was between the Spirituals and the Conventuals in the fourteenth century was not an inevitable sequel.”<sup>69</sup>

### **The clericalization of the Order under Haymo of Faversham (1240-1244)**

The direct result of the Chapter in which Pope Gregory IX deposed brother Elias was that of a fair election of his successor. The pope took the secret votes of each brother. The newly-elected General Minister was Albert of Pisa, who at the time was Provincial in England.

There were two brothers from Pisa, who remained famous in the early decades of the Order's history, namely, Agnellus of Pisa, first Provincial of England, and Albert of Pisa. Wadding states that they were received into the Order by St. Francis himself in 1211.<sup>70</sup> According to Brooke, Albert was Provincial Minister of various provinces in the Order: Tuscany (1217-1221), Marches of Ancona (1221-1223), Germany (1223-1227), Spain (1227-1230), Bologna (1230-1232), Hungary (1232-1236), England (1236-1239), and she adds: “there can scarcely have been a more experienced official in the Order!”<sup>71</sup> Both Jordan of Giano and Thomas of Eccleston

<sup>68</sup> An official account of Elias' life is given in Joachim A. GIERMEK, *Letter of the Minister General OFMConv on the 750<sup>th</sup> Anniversary of the Death of Brother Elias “of Cortona”*, General Curia OFMConv, Rome 2003.

<sup>69</sup> BROOKE, *Early Franciscan Government*, 168.

<sup>70</sup> Luke WADDING, *Annales Minorum*, I, ad. ann. 1211, 25.

<sup>71</sup> BROOKE, *Early Franciscan Government*, 184.

give us precious information regarding Albert of Pisa in their chronicles.<sup>72</sup> They insist upon his great humility and sense of practicality in governing the two Provinces of Germany and England.

One of the interesting elements regarding Albert of Pisa is the importance he attached to studies and the fact that he was the first General Minister of the Order to be a priest.

Albert “does not seem to have shared [Francis’] marked unwillingness to encourage learning. One of his first acts on coming to England was to appoint lectors to the convents of London and Canterbury. That he did so is significant. The transformation of the Minors, in origin a predominantly lay and simple brotherhood, into an Order predominantly learned and clerical, was, in fact, facilitated by some of its best spirits. For all his many excellent Franciscan qualities Albert was not untouched by the academic enthusiasm characteristic of many of the higher clergy of his day.”<sup>73</sup>

As General Minister Albert remained only eight months in office. Nevertheless his achievements were significant. The authority of the Rule was reaffirmed in the chapter which elected him, and he embarked upon a reform of the Order. We have already seen Albert’s good will to reconcile Elias with Pope Gregory IX. Death prevented him from fulfilling this duty. He died in Rome on January 23, 1240.

A period of ten months followed without a General Minister for the Order. Gregory IX ordered a meeting of electors in Rome on November 1, 1240. Haymo of Faversham was elected as new General Minister. Haymo was also Provincial of England at the time.

Haymo was born at Faversham, a small town in Kent, not far from Canterbury. According to Eccleston:

“(Haymo) entered the Order with three other masters at St. Denis on Good Friday. While he was still in the world, he wore a hair-shirt down to his knees, and he gave many other examples of penance. For this reason he became at last so weak and delicate that he could hardly live without using soft and warm garments. A vision came to him in which it seemed that he was at Faversham and was praying in the church before Christ crucified; and behold, a cord came down from heaven and he seized it and held on to it and was drawn up to heaven by it. When therefore he saw the Friars Minor at Paris, mindful of this vision, he summoned up his courage and, setting himself against himself, he wisely induced his fellow master Simon of Sandwich and two other famous masters to ask the Lord Jesus Christ, while he himself was celebrating Mass, what would be most conducive toward their salvation. Since the profession of the way of life of the Friars Minor seemed good to all of them at the same time, they went for greater security to Brother Jordan [of Saxony] of blessed memory, the master of the Order of Preachers, and obliged him in conscience to give them his advice faithfully. He, as one truly inspired, confirmed their proposal by his advice. These four therefore went to the minister, namely, Brother Gregory of Naples, and were received by him at St. Denis; after Brother Haymo had preached on Good Friday on this verse: *When the Lord brought back the captives of Sion, we were like men dreaming* (Psalm 125,1), they were clothed with the habit amid great rejoicing. On Easter, when Brother Haymo saw such a great number of people in the parish church in which the brothers attended divine office – for they did not yet have a chapel – he said to the custos, who was a lay brother, Beneventus by name, that, if he might dare to do so, he would gladly preach to the people, lest perhaps they should receive Holy Communion in mortal sin. The custos, therefore, commanded him on the part of the Holy Spirit to preach. He preached, therefore, so movingly that many put off going to Holy Communion until they had gone to

<sup>72</sup> JORDAN OF GIANO, 31-52; THOMAS OF ECCLESON, c. 14, in *XIII<sup>th</sup> Century Chronicles*, 45-59 and 163-173.

<sup>73</sup> BROOKE, *Early Franciscan Government*, 192-193.

confession. Accordingly, he sat in the church for three days and heard confessions and comforted the people in no small way.”<sup>74</sup>

Eccleston continues to inform us that Haymo was made custos of Paris, and later on lectured theology at Tours, Bologna and Padua.

In 1230 Haymo was in Italy, where he attended the General Chapter of Assisi. During this meeting he was chosen as one of the learned brothers who were members of the delegation which went to meet Gregory IX and ask for an official interpretation of the Rule (*Quo elongati*).

In 1233 Pope Gregory IX sent him as his personal ambassador to Emperor Vatatzes in Greece, along with brother Ralph of Rheims.<sup>75</sup> Back in Italy Haymo continued to teach theology to the brothers. In 1236 he was in the *studium* of the Order in Paris, where he knew the famous master Alexander of Hales, who also joined the Order, and Jean de la Rochelle. It was in Paris that Haymo organized the appeal to Pope Gregory IX against Elias.

As General Minister Haymo continued in earnest the process of clericalizing the Order. He was not very enthusiastic about accepting lay persons into the Order, and preferred to receive well-educated clerics. One of the most evident signs of this trend in the Order was the election of brother Leo of Perego, Minister of Lombardy, as archbishop of Milan, a very prestigious diocese, in 1241.<sup>76</sup> Haymo encouraged studies and educated the friars to have less recourse to mendicancy and more to pastoral and manual work in order to sustain themselves. Although he had been received into the Order by brother Gregory of Naples, Provincial of France and one of the companions of St. Francis, who had been one of the two vicars of the Order during Francis' absence in the East in 1219-1220, as General Minister Haymo resorted to imprison Gregory and remove him from office, because of his despotic behaviour towards the friars.

Thomas of Eccleston adds:

“Brother Haymo the Englishman [...] took care to carry on what Brother Albert had begun. Under him was held the first and the last general chapter of definitors that was ever held in the Order because of the insolence of certain of them; they wanted by all means to send away from the place all the ministers provincial who were at the chapter along with the minister general. And this was done. Therefore, the ordinance that was made about such a chapter before the

<sup>74</sup> THOMAS OF ECCLESON, c. 6, in *XIII<sup>th</sup> Century Chronicles*, 120-122.

<sup>75</sup> BROOKE, *Early Franciscan Government*, 200-202.

<sup>76</sup> Grado Giovanni MERLO, *Nel Nome di San Francesco. Storia dei frati Minori e del francescanesimo sino agli inizi del XVI secolo*, Editrici Francescane, Padova 2003, 152: “La scelta di frate Leone, che per altro il pontefice conosceva personalmente da più di quindici anni, assume il significato di una svolta radicale nell’atteggiamento di Gregorio IX rispetto al problema dell’inserimento dei frati Minori nell’episcopato. È agevole pensare che negli anni trenta del Duecento far diventare vescovo un ‘figlio’ di san Francesco fosse un’operazione assai rischiosa, se non impossibile, considerando la peculiare tradizione minoritica e le linee guida del generalato di frate Elia. Ma con l’elezione nel 1239 di frate Alberto da Pisa, primo ministro generale sacerdote, e, subito dopo, di frate Aimone da Faversham, al passaggio dagli anni trenta agli anni quaranta del XIII secolo si apriva la nuova possibilità, se non opportunità, di sanzionare la sacerdotalizzazione dell’Ordine, facendo assurgere, finalmente, un frate Minore alla cattedra episcopale e, nel caso specifico, a una cattedra prestigiosa quale quella ambrosiana. Poco prima di morire, nell’agosto del 1241, Gregorio IX provvide ad avviare l’inserimento dei Minori nei quadri delle gerarchie vescovili con una decisione clamorosa che riguardava così l’Ordine minoritico come la seconda sede ecclesiastica d’Italia e una delle più importanti dell’intera cattolicità.” The author also notes that Leo of Perego was a member of the delegation which went to Gregory IX in 1230 to ask him for the official interpretation of the Rule. Salimbene says that he was also one of the preachers of the Halleluia movement in 1233. From 1234 he became Provincial Minister of Lombardy.

pope at the time of the absolution of Brother Elias and about the canonical election of custodes and guardians was abrogated in the next general chapter because of the insolence of these subjects. For certain brothers wanted the custodes eliminated entirely from the Order, saying that their office was superfluous.”<sup>77</sup>

This is a reference to the Chapter of Definitors, or Diffinitors, held at Montpellier, in 1241.

“In contrast to Elias, Haymo consulted the Order over matters of government, encouraged constitutional experiment and issued general constitutions to supplement the Rule. During his Generalate a Chapter of diffinitors met at Montpellier, but this innovation was not a great success and was allowed to lapse. Interest in constitutional redefinition and reform was keenly aroused. The Chapter of diffinitors instructed each province to nominate a committee of learned brethren with powers to examine the Rule critically and draw up a report to be submitted to the Minister General. The response of the French province, known as the ‘Exposition of the Four Masters’, is extant.”<sup>78</sup>

One of the greatest achievements of Haymo of Faversham was the reform of the liturgical books used in the Franciscan Order. In this reform Haymo was influenced by the example of the Dominicans, who had also their own liturgical Ordinal. It was Pope Gregory IX who had published the letter *Pio vestro collegio*, given at the Lateran Palace on June 7, 1241, correcting the rubrics of the divine Office. Haymo undertook to correct the breviary according to these new norms.<sup>79</sup> Subsequently Pope Nicholas III (1277-1280) ordered that in the churches of Rome all the antiphonals, graduals, missals and other books of the divine office be changed, and ordered that the ones used by the Friars Minor be adopted.

“In addition to visiting many provinces on foot, drafting intricate constitutional amendments in an atmosphere of a great controversy, attending to the day-to-day administration of a great community, Haymo found time to undertake a scholarly revision of the liturgy. The Minors were bound by their Rule to celebrate Divine Office according to the rite of the Roman Church, and they used a breviary and a missal based upon the Ordinal drawn up at the Curia circa 1220.

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<sup>77</sup> THOMAS OF ECCLESON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 157.

<sup>78</sup> BROOKE, *Early Franciscan Government*, 205. This chapter of Definitors was held in Montpellier in 1241 and again in Bologna in 1242. It was modelled upon the model of government in the Order of Preachers (Dominicans). Cfr. Rosalind B. BROOKE, *Early Franciscan Government*, 236-240. In page 237, footnote 1, the author explains the word ‘diffinitor’ (definitor): “There is an ambiguity in the word ‘diffinitor’ which has caused some confusion. The Dominicans used it both for the members of the select committee that managed the business of the Provincial Chapter and for the members of the General Chapter in the years when these were elected. The Franciscans applied it to the members of the committees of both their General and Provincial Chapters as well as to all the members of the Chapter known as the Chapter of diffinitors. The *Exposition of the Four Masters* is addressed to Haymo, Minister General, and the other diffinitors assembled in Chapter, and the Chapter of 1242 has therefore been classed as a Chapter of diffinitors. But probably the Four Masters were using the term to refer to the committee which they anticipated would consider their report, and so there is no reason to doubt Eccleston’s explicit statement that the 1241 Chapter of diffinitors was the only one of its kind ever to be held in the Order.” See also Lawrence C. LANDINI, *The Causes of the Clericalization of the Order of Friars Minor (1209-1260) in the Light of the Early Franciscan Sources*, Chicago 1968, 77-81.

The famous *Expositio quatuor magistrorum super Regulam fratrum Minorum* (*Exposition of the Four Masters*), provides another commentary on the Rule, this time coming from within the Order. The Masters were Alexander of Hales, Jean de la Rochelle, Robert de la Bassé, Eudes Rigaud, and Godfrey of Brie, custos of Paris. The Exposition defends the need to clarify some points regarding the Rule, by making recourse to the *auctoritates* of the pontifical decisions, particularly *Quo elongati*.

<sup>79</sup> S.J.P. VAN DIJK, *Sources of the Modern Roman Liturgy. The Ordinal by Haymo of Faversham and Related Documents (1243-1307)*, 2 Volumes, Leiden 1963.

This Ordinal was not well-suited to their requirements. It provided a complete choral Ordo for the liturgical year, giving for each day both the Office and the Mass. The style of the whole was prolix and imprecise. It was not always easy to distinguish clearly between the rubrics of the Office and those of the Mass [...] The early Franciscan breviaries, including St. Francis' own copy, derived from this Ordinal only too faithfully, and many of the less educated brethren were unable to follow them. The missal at first presented fewer problems but it too raised considerable difficulties when the number of priests in the Order rose steeply. Haymo, though he intended to correct the breviary and the missal, first set himself to remove the root of the trouble by providing the Minors with an Ordinal proper to their needs. His achievement was so outstanding that it became a model for all subsequent liturgical works not only within his own Order but in the Church at large. He separated what concerned the missal from what concerned the breviary, and made in fact two distinct Ordinals, one for each [...] He suppressed specifically Papal feasts and added those that the Franciscans especially celebrated: St. Francis' Nativity and Translation, St. Anthony of Padua, St. Elizabeth of Hungary; also St. Dominic and St. Catherine of Alexandria. The last was the patroness of philosophy students and Paris university [...] He drastically revised the style throughout, making it at once much clearer and much shorter [...] The new Ordinals were small. Therefore they were less expensive to produce, more quickly copied, more convenient to carry. The instructions were comprehensible, the matter relevant. They were adopted immediately and the new breviary and missal arranged on the same plan, which Haymo had no time to do himself, were completed in a way he would have approved.”<sup>80</sup>

On August 22, 1241, Pope Gregory IX died. The political situation with Frederick II and the incapacity to elect a new pope, was critical. Goffredo Castiglioni was finally elected as Pope Celestine IV on October 25 1241, but he died November 10 1241. The Papal See remained vacant until June 25 1243, when Sinibaldo Fieschi was elected Pope and took the name Innocent IV (June 25, 1243 – December 7, 1254). Eccleston says that “Brother Haymo died at Anagni; on his deathbed, the lord Innocent IV deigned to visit him.”<sup>81</sup> Innocent was at Anagni between June and October 1243. The Franciscan chroniclers, however, all agree that Haymo died in 1244. Scholars normally place the date of Haymo's death between December 25, 1243 and May 1244.

### The Friars Minor and studies in the 13<sup>th</sup> century

In his Testament, Francis says: “And we must honour all theologians and those who minister the most holy divine words and respect them as those who minister to us spirit and life.”<sup>82</sup> In 1223 Francis sent a short note to brother Anthony of Lisbon (of Padua), encouraging him in his endeavour to teach theology to the brothers in the *studium* of Bologna.<sup>83</sup> All this shows that Francis was not against his friars undertaking theological studies, as long as this was not done out of a desire for material gain or prestige, but as a humble service to the Word of God.

While Francis was still alive, we know that the friars had settled in the main university towns of Europe, particularly in Paris, Oxford, Bologna.<sup>84</sup> The Friars Minor were in Paris from the early years of the Order. In 1217 Francis sent a group of friars to France. In 1218 the Dominicans had their own *studium* at Saint Jacques, while the Friars Minor founded their *studium* in the dependency of the Abbey of Saint Denis, in

<sup>80</sup> BROOKE, *Early Franciscan Government*, 208-209.

<sup>81</sup> THOMAS OF ECCLESON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 158.

<sup>82</sup> FAED I, 125.

<sup>83</sup> *A Letter to Brother Anthony of Padua*, FAED I, 107.

<sup>84</sup> Gian Luca POTESÀ, “Thirteenth-Century Franciscan Masters and Their Doctrines,” GR 17,2 (2003) 161-193.

1219. In 1230 the Franciscan School moved to the *magnus conventus* or *magna domus studiorum* (the great house of studies), at Saint German des Prés, which became the principal house of studies in the Order. The king St. Louis IX built a large friary for the Franciscans in 1234, and Gregory IX confirmed this donation in 1236. Thus the great convent of the Cordeliers (Franciscans) was founded together with the conventual church of St. Mary Magdalen. The university sermons on feast days were held at this place, just as they were held on Sundays in the large conventual church of St. Jacques of the Friars Preachers. The School of Paris soon became famous in its Franciscan output of philosophical and theological thought. On the philosophical level the Franciscan school of Paris gave importance to speculation, and to the studies of classical Greek philosophy (Plato, Aristotle), as it was handed down by the medieval commentators such as Averroes and Avicenna. The Franciscan style of philosophical thought is markedly Platonic and Augustinian. The famous Franciscan masters at the University of Paris during the 13<sup>th</sup> century include Alexander of Hales (1185-1245), Jean de la Rochelle (c.1200-c.1245), Eudes Rigaud (†1274), archbishop of Rouen, St. Bonaventure of Bagnoregio (1217-1274), Matthew of Acquasparta (1240-1302), Peter John Olivi (1248-1298).

The Friars Minor arrived in Dover, England, in 1224. By 1229 they already had a student house in the university town of Oxford, as Thomas of Eccleston states in his Chronicle.<sup>85</sup> Oxford had been a centre of studies ever since the time of Henry II in 1137. In the 13<sup>th</sup> century it was renowned as a university town. In 1285 the Franciscan school became a *studium generale*. Other famous schools included that of Cambridge, founded in 1236-39 and also declared a *studium generale*. The Franciscan school of Oxford gave more importance to natural science and logic than to speculative philosophy. The founder of the Franciscan school in Oxford was Robert Grosseteste (1170-1253), bishop of Lincoln. The Franciscan masters include Adam Marsh (1200-1259), Thomas of York (†1260), Roger Bacon (1214-1292), John Peckham (1215/20-1292), who became archbishop of Canterbury, Richard of Middleton (†1300/1309), John Duns Scotus (1265-1308), William of Ockham (1280/90-1349).

The importance of studies in the Order is shown by what the chroniclers have to say in the case of Germany and England. In the case of Germany, Jordan of Giano writes:

“In the year of our Lord 1228 Blessed Francis was canonized. And the same year Brother Simon, minister of Germany, celebrated a provincial chapter at Cologne between Easter and Pentecost. The same year Brother John Parenti, the minister general, hearing that Germany did not have a lector in theology, released Brother Simon from the office of minister of Germany and appointed him lector, and he appointed Brother John of Pian di Carpine minister of Germany. He called a provincial chapter at Worms, and there he presented the letters concerning the release of Brother Simon and his own appointment.”<sup>86</sup>

Thus, the office of lector of theology was considered to be even more important than the office of Provincial Minister. In England:

“Although the brothers sought above all in all things the greatest simplicity and purity of conscience, they were nevertheless so fervent in attending the lectures in sacred theology and in scholastic exercises that they went daily to the schools of theology, no matter how far away they

<sup>85</sup> THOMAS OF ECCLESTON, c. 2, in *XIII<sup>th</sup> Century Chronicles*, 100. The first friars were received at Oxford by the Dominicans, who had been present in the university town since 1215.

<sup>86</sup> GIORDAN OF GIANO, 54, in *XIII<sup>th</sup> Century Chronicles*, 59.

were, and they went with bare feet in the bitter cold and were not held back by any depth of mud. Wherefore, with the help of the grace of the Holy Spirit, many of them were promoted to the office of preaching in a short time.”<sup>87</sup>

### ***Further Reading***

BARONE Giulia, “Brother Elias Revisited,” GR 13 (1999) 1-18.

BROOKE Rosalind B., *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959 (paperback edition 2004), pages 83-105; pages 137-167: chapter IV – Elias’ generalate; pages 183-194: chapter VII – Albert of Pisa; pages 195-209: chapter VIII – Haymo of Faversham.

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 96-104; 105-108; 123-139.

POTESTÀ Gian Luca, “Thirteenth-Century Franciscan Masters and Their Doctrines,” GR 17,2 (2003) 161-193.

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<sup>87</sup> THOMAS OF ECCLESTON, c. 6, in *XIII<sup>th</sup> Century Chronicles*, 120.

### Chapter 3

## FURTHER INTERPRETATION OF THE RULE AND MISSIONARY EXPANSION TO THE EAST

### The Order's legislation in the period 1239-1247

The Statutes of the General Chapter of Narbonne (1260), which are the work of St. Bonaventure, open with this command:

“Let every guardian diligently strive to keep a copy of the general constitutions in his house, which he should safeguard personally; he must take care not to loan it out under any circumstances whatsoever. He is to have these same constitutions read publicly once a month, especially the first seven chapters, which concern the whole community, at a time and place he deems appropriate. And once the new constitutions have been published, any old copies are to be destroyed.”<sup>88</sup>

This order by one of the greatest General Ministers in Franciscan history was obeyed to the letter, in such a way that we possess only a few remnants of what should have been the *corpus* of legislation of the Order, initiated by the General Chapter of 1239, and continued especially by Haymo of Faversham. The most significant decisions which have come down to us concern the reduction of the powers of the Ministers in favour of increasing the powers of the General and Provincial Chapters, the Chapter of Diffinitors, the reduction of the number of provinces of the Order to 32, from the 72 which Elias had established. Brooke, however, states:

“Although we have no copy of the 1239 constitutions to satisfy our curiosity easily, we can find out quite a lot about them. Many independent sources have, directly or indirectly, some bearing on the constitutions, their content, their enforcement or their implications. The Constitutions of Narbonne, the Expositions of the Rule, the Papal bulls to the Order, the Dominican constitutions, all can contribute something towards a fuller understanding of these early Franciscan statutes.”<sup>89</sup>

In the period immediately following upon the General Chapter of 1239 we possess two important commentaries on the Rule coming from within the Order. We have already mentioned the *Exposition of the Four Masters*, written very shortly after the promulgation of the 1239 constitutions and before the General Chapter of Bologna in Pentecost 1242, which is also regarded as a chapter of diffinitors. Another *Exposition of the Rule* is that written by Hugh of Digne, in the period 1242-1243. Hugh of Digne was a Franciscan from Provence, where he spent most of his life. He is considered to be a forerunner of the Spirituals in France, and died before 1257.

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<sup>88</sup> *Statutes issued by the General Chapter of Narbonne (1260)*, n. 1, in *Works of Saint Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, Introduction and Translation by Dominic MONTI, The Franciscan Institute, St. Bonaventure University, NY 1994, 138. The critical study of these Statutes was done first by Ferdinand DELORME, “Diffinitiones capituli generalis OFM Narbonensis (1260)”, AFH 3 (1910) 491-504, and then by Michael BIHL, “Statuta generalia Ordinis edita in capitulis generalibus celebratis Narbonae an. 1260, Assisii an. 1279 atque Parisiis an. 1292”, AFH 34 (1941) 13-94, 284-358, especially 338-339.

<sup>89</sup> BROOKE, *Early Franciscan Government*, 212.

According to his *Exposition*, it seems that the order to wear shoes for Mass, contained in the Narbonne Constitutions of 1260, had already been approved by the General Chapter of 1242.

Another important note regarding Franciscan legislation in this early period of the Order's history is that it was influenced by the well-organized legislation of the Dominicans, at least during the time of Haymo of Faversham.

“There is enough evidence to establish the conclusion that the Franciscans did not turn to the Dominicans just once for guidance in exceptional circumstances, and thereafter remain aloof and allow the concentrated dose taken in 1239 to become more and more diluted over the years. It seems rather that the two Orders kept fairly constantly in touch and from time to time took note of each other's legislation [...] The value of the principle of absolute poverty was learnt by St. Dominic from St. Francis; and the Minors were the first to bear the title of friars. The value of a fitting education for preachers was impressed upon the Minors by the Dominican example. They often faced much the same problems in their internal development and dealt with them in a similar way. Thus both attempted to restrain display and extravagance in building by legislation, to exclude ignorant laymen from their fellowship, and to disqualify their members for ecclesiastical preferment. They also shared the burden of external embarrassments, the jealousy and hostility of sections of the secular clergy, and of the universities. In times of crisis the two instinctively drew together and presented a united front.”<sup>90</sup>

The fact that legislation was passed during the General Chapter of 1239 is attested by Jordan of Giano<sup>91</sup> and Thomas of Eccleston.<sup>92</sup> As a direct result of Elias' abuses against the Rule, the Chapter enacted a series of laws restricting the freedom of action of the General Minister in favour of the supreme power of the General Chapter.<sup>93</sup> The same was done in the case of provincial administration. The number of provinces was curtailed to 32, sixteen to the north and sixteen to the south of the Alps, in order to make the chapter business more manageable. Regarding the appointment of officers for the chapters, it was decided to institute the Chapter of Diffinitors, even though, as we have seen, this only took place in 1241 at Montpellier, and to some extent in 1242 at Bologna.

“The Chapter at Bologna in 1242 is of very great importance. Though the third Chapter of Haymo's generalate it is, properly speaking, his first General Chapter – that of 1240 had been an electoral Chapter only – and it followed the 1239 General Chapter at the correct three-yearly interval [...] The Chapter of 1242 was more conservative and sober in its attitude than that of 1239 had been. Then feeling had run high and although the legislative proposals put forward at the Chapter had been carefully prepared they had been conceived in an atmosphere of tension and controversy. The brethren were ready to accept radical changes. Hatred of Elias' autocratic bearing and methods inclined them to favour the opposite and so they reversed the balance of power, taking to themselves power to elect their officers and instituting a new type of Chapter,

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<sup>90</sup> BROOKE, *Early Franciscan Government*, 226, 228.

<sup>91</sup> JORDAN OF GIANO, 64, in *XIII<sup>th</sup> Century Chronicles*, 66-67: “When the lord Pope had heard and read thoroughly the objections and the answers, he decreed that the brothers there assembled should return to their provinces and that from the various provinces, and especially from those which had moved the question of reformation of the Order, twenty mature and discreet brothers should be sent to converse at Rome four weeks before the general chapter and frame regulations for the welfare and reformation of the Order.”

<sup>92</sup> THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 154: “Therefore, after a long consultation, brothers were chosen from the whole Order to provide for the reformation of the Order. When this was done, an account thereof was given in the general chapter before the pope, at which seven cardinals were in attendance too.”

<sup>93</sup> This was definitely legislated in the *Narbonne Constitutions*, Prol: “the general chapter, in which the highest governing authority of the Order resides” (*Works of Saint Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, 75).

composed entirely of subject friars. Three years later these measures seemed too hasty and extreme and there was a swing back towards a more moderate settlement and a more equal distribution of influence. The Chapter of diffinitors was abolished and a compromise solution was reached by which the composition of the General Chapter was adapted to include both official and representative elements. The Provincial Ministers were to come, and one Custodian from each province, and also one ordinary friar, elected by the Provincial Chapter as its representative. The Provincial Chapter further had the choice of deciding whether to have the Custodian or this other friar as its diffinitor.”<sup>94</sup>

Haymo’s generalate remains a milestone in early Franciscan legislation. Not only did the Order establish the supreme authority of the General Chapter, but the Minister General also made it clear that the Order was to become a clerical Order, upon the Dominican model, in which laymen would only be accepted as an exception, and on the grounds that they would be useful to the other clerical brothers. The great attention of Haymo regarding liturgical reform, with the publication of the Ordinals, is another sign of the continuing process of clericalization of an Order in which the original picture of a humble fraternity of brothers living in poor hermitages at the edges of the towns was to become largely a thing of the past.

### **The generalate of Crescentius of Iesi (1244-1247)**

The General Chapter of Genoa, May 22, 1244 elected as General Minister brother Crescentius of Iesi, from the Marche region of Italy. Thomas of Eccleston recounts the events linked with this election:

“Brother Crescentius succeeded Brother Haymo. He was a famous doctor and minister of Verona; his charity inflamed his zeal; his knowledge moulded it; and his constancy confirmed it. For the brothers of his province were so opposed to him that on the very night before the general chapter in which he was elected, after the complaint he had lodged against them before the zealous brothers of the Order concerning the rebellion of his brothers, one of the brothers saw him in a vision with shaven head and a beard reaching to his cord, and he heard a voice coming from heaven upon him, saying: ‘This is Mardocheus.’ Therefore, when Brother Ralph of Rheims heard of this vision, he immediately said: ‘It is certain that he will be elected general today.’ When, however, he had carried out his office faithfully and prudently for a time, he asked to be released from office; he was later made bishop of the city of his birth.”<sup>95</sup>

The chronicler Salimbene de Adam states:

“In the year of the Lord 1244, Brother Haymo of England, general minister of the Order of Friars Minor, died, and elected in his place was Brother Crescentius of the March of Ancona, who was an old man.”<sup>96</sup>

Crescentius was a well-educated man, and had studied canon law and medicine, but he does not seem to have been popular with the rank and file among the brothers. As Provincial Minister of the Marches Crescentius had met the opposition of some brothers who were known as *zelanti*, or zealous observers of the Rule of St. Francis, and who regarded themselves as direct descendants of the first companions. They wore shorter habits and cloaks, and did not accept any official interpretations of

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<sup>94</sup> BROOKE, *Early Franciscan Government*, 236-237.

<sup>95</sup> THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 159-160. Crescentius was Provincial Minister of the Marches, and not of Verona, as Eccleston states.

<sup>96</sup> SALIMBENE, *Chronicle*, 166.

the Rule, and regarded the Testament of St. Francis as binding in conscience. They were the forerunners of those friars who would be known by the name “Spirituals” during the last quarter of the 13<sup>th</sup> century. Crescentius had no time for brothers of this kind, and it seems that he persecuted them, he himself being more than ready to accept official papal interpretations and privileges. It is against this background that we have to understand the way Thomas of Eccleston narrates the election of Crescentius.

“It is possible, although it cannot be proved, that Elias was instrumental, albeit unintentionally, in bringing this (Crescentius’ election) about. The accounts we have suggest that Elias tried at this juncture to get the friars to take him back. The moment was quite well chosen. Haymo, his chief adversary, was dead, and so was Gregory IX, who had consented to his deposition. He could count on considerable support. Many had accompanied him to Cortona and thence to the Imperial camp, where he was in high favor with Frederick II, and there were many more within the Order who felt they had not done right to depose him. The brethren had never been unanimously against him. Even at the Chapter of 1239 when feeling against him had run highest Gregory IX had been asked whether he might be re-elected. Elias too had just returned from a successful mission to the Eastern Empire, and had brought back precious relics, including a fragment of the True Cross, which he hoped would secure for him a favourable reception. He came to the Chapter and was allowed a hearing. But he mishandled his audience. Instead of humbling himself, or seeking forgiveness, he took the line that the Order and not he had been at fault. He asserted that he had been unjustly deposed, and his object clearly was not simply to be accepted back as a brother but to be reinstated in office. His proud and ambitious speech was answered with contumely and he was forced to retire in confusion.”<sup>97</sup>

It seems that the brothers thought that Crescentius might be the right man to take control of the Order in this difficult moment. His three years as General Minister were, indeed, marked with some significant moments, but these were not directly dependent upon his own decisions. He did not succeed in sedating the *zelanti*, but proved highly unpopular as General Minister. He never summoned a General Chapter, and in 1247 Pope Innocent IV himself called for a Chapter to convene at Lyons, and deposed him on July 13. In 1252 Crescentius was consecrated bishop of his native town of Iesi.

According to the *Chronicle of the XXIV Ministers General*, during the Chapter of 1247:

“The same General directed all the brothers to send him in writing whatever they could truly recall about the life, miracles, and prodigies of blessed Francis. Obeying this command brothers Leo, Angelo and Rufino, who had been companions of the holy Father, wrote down in the form of a Legend many events which they had seen or heard, either personally or through the witness of other trustworthy brothers, such as Philip Longo, Illuminato, Masseo of Marignano, and John, who had been a companion of brother Giles, and they faithfully transmitted this document to the same General.”<sup>98</sup>

This document, known as the *florilegium* of the three companions, was sent together with an accompanying letter, from the hermitage of Greccio on August 11, 1246. The letter of the three companions has been preserved in many manuscripts, as an introduction to the *Legend of Three Companions*, but the original documentary material of the *florilegium* is lost. However, we can safely assert that the documentary evidence of the companions has been preserved in various Franciscan Sources of the 13<sup>th</sup> century, particularly in the *Assisi Compilation* and Thomas of

<sup>97</sup> BROOKE, *Early Franciscan Government*, 249.

<sup>98</sup> *Chronica XXIV Generalium*, in AF III, 262.

Celano's *Remembrance of the Desire of a Soul*, as well as in the *Legend of Three Companions*, even though the brothers explicitly state in the letter that they did not intend to write a legend.<sup>99</sup>

The decision of the General Chapter of Genoa in 1247 is an indication of the need on the part of the Order to preserve the living memory of St. Francis, through the direct witness of the few surviving companions. By this time the great majority of the friars had not known Francis personally, and they needed first-hand information from the early companions. Thomas of Celano was aware that his *Life of St. Francis* written for Gregory IX in 1228-1229 was, according to the words of Jacques Dalarun, an *opus perfectibile*, a document which had to be perfected, since many events of the life of the founder had not been recorded in this first official biography. Crescentius handed over the documentary material to Celano, who undertook the task of composing a new biography of the saint in 1246-1247, with the title *Remembrance of the Desire of a Soul*, with a prologue dedicated to the General who commissioned it.

### **The Bulla *Ordinem vestrum* (November 14, 1245)**

In the face of an Order which was growing in numbers and prestige, and which had acquired great responsibilities regarding pastoral ministry, studies, places of worship and the like, Crescentius preferred a more relaxed observance of the precepts of the Rule. It seems that he was totally in agreement with the ideas of Pope Innocent IV, who on November 14, 1245, addressed to the Order a new Bulla, *Ordinem vestrum*, which is the second official Church interpretation of the Franciscan Rule, after Gregory IX's *Quo elongati*.

“Crescentius was avowedly hostile to the zealots and it is in keeping with what we know of him that under his auspices a list of leading questions was drawn up for submission to Innocent IV, calculated to induce the Pope to relax still further the modified interpretation of the Rule allowed by Gregory IX in *Quo elongati*. Innocent responded with *Ordinem vestrum*, on 14 November 1245, which while it may or may not have satisfied all the hopes of its promoters, went beyond *Quo elongati* in several important details. There was no longer any suggestion that the brethren need feel constrained by any precepts of the Gospel not explicitly quoted in the Rule; St. Francis' Testament was consigned to oblivion; and the brethren were to be allowed to have recourse to their agents for anything that they might find useful, and not just for basic necessities.”<sup>100</sup>

In fact, *Ordinem vestrum* contains some interesting points, which would have taken the Order far away from the original intentions of St. Francis.<sup>101</sup> We here quote some of the salient texts, which added new elements to the provisions of *Quo elongati*:

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<sup>99</sup> Further explanations in the introductions to the respective Sources in FAED II, 11-25; 61-65; 113-117; 233-238.

<sup>100</sup> BROOKE, *Early Franciscan Government*, 250-251.

<sup>101</sup> During the Chapter of Genoa in 1251, under the generalate of John of Parma, and again during the Chapter of Metz in 1254, it was decided to suspend *Ordinem vestrum* and return to *Quo elongati*. Bonaventure continued with this practice in the decisions taken by the Chapter of Narbonne in 1260, in Statute no. 13: “As was decided in the chapter of Metz, the declaration of the Lord Pope Innocent shall remain suspended, and we strictly forbid anyone to use it in those points in which it contradicts the declaration of the Lord Pope Gregory” (*St. Bonaventure's Writings concerning the Franciscan Order*, Vol V: *Writings concerning the Franciscan Order*, Translation by Dominic MONTI, 140).

“It is lawful for the provincial ministers, with the advice of the more discreet brothers, to entrust the reception of those entering the Order to their vicars as well as to other circumspect brothers for their provinces [...] When (the brothers) attend the Divine Office celebrated by other clergy, this suffices to fulfill their obligation and thus they are not bound to recite their own office [...] The brothers may also in good conscience have recourse to agents for necessary and useful items [...] And when the brothers have recourse to such appointed or presented persons they are not ‘receiving coins or money in any form either personally or through intermediaries,’ since it is not their intention to have such coins or money held by these persons on their own authority nor are they drawing from what has been deposited with them in their own name: they are simply entrusting such agents or depositors with providing for their necessary and useful items [...] The houses and places of this Order, along with the churches and other things pertaining to them, we receive as the property and possession of blessed Peter, to which [Roman Church] these brothers are acknowledged to be totally and immediately subject in both spiritual and temporal matters [...] We also wish that these same ministers appoint from among the more mature and discreet priests, as many confessors as they deem suitable for their provinces. Let these priests hear the confessions for the private sins of the brothers, unless they choose instead to confess to their ministers or custodians [...] The general minister can delegate these matters (examination of preachers) to the provincial ministers and their vicars.”<sup>102</sup>

The most important element of novelty in *Ordinem vestrum* regarded the appointment of agents who act on behalf of the brothers, and who could handle money in order to buy “useful” things for the brothers, and not only “necessary” goods, as had been laid down by *Quo elongati*. These agents were practically entrusted with the duty of acting under the authority of the brothers, and thus the ministers of the Order now had the right to decide regarding the way that money should be used. This provision was a flagrant contradiction to what was laid down in *Quo elongati*, at least regarding the way in which Gregory IX had interpreted Francis’ intention regarding the prohibition to handle money.

In his *Chronicon seu Historia Septem Tribulationum Ordinis Minorum*, Angelo Clareno is very critical regarding Crescentius of Iesi, and presents his generalate as a period of unfaithfulness to the purity of the Rule:

“In the time of Brother Crescentius, who eagerly followed the feelings and customs of his predecessor, Brother Elias, all the previous sins gave birth a certain kind of insatiable, curious desire for knowing, being seen, having, acquiring. Solitary and impoverished places were exchanged for sumptuous buildings. Legacies and burials were procured, and clerical rights snatched up. Desire to learn the secular sciences multiplied the number of students in the schools to such an extent, especially in the Italian provinces, that brothers were not ashamed to procure and to receive money openly and make suits and move in the courts against any persons who owed debts to them in order to fulfill their intentions.”<sup>103</sup>

Historians doubt the faithfulness of Clareno to objective historical truth. Clareno mentions a set of restrictive measures and persecutions done by Crescentius against the *zelanti*, even by procuring papal letters authorizing the General Minister to imprison and punish apostates.

According to Brooke, “the main impression left by Crescentius was not one of sternness but of ineffectiveness.”<sup>104</sup> That is why Pope Innocent IV decided to depose

<sup>102</sup> INNOCENT IV, Bulla *Ordinem vestrum*, FAED II, 774-779. For a thorough study of the whole issue, cfr. Malcolm LAMBERT, *Franciscan Poverty*, Franciscan Institute Publications, St. Bonaventure University, NY 1998, 93-107.

<sup>103</sup> ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, Translated from the Latin by David BURR and E. Randolph DANIEL, Franciscan Institute Publications, St. Bonaventure University, NY 2005, 87

<sup>104</sup> BROOKE, *Early Franciscan Government*, 254.

Crescentius on July 13, 1247, when he failed to turn up for the General Chapter of Lyons convoked by the pope himself.

“No sooner had the Franciscans deposed him than the cathedral Chapter of Assisi elected him their bishop. Innocent IV refused to confirm the election and gave the see to another Friar Minor, brother Nicholas, his confessor. The clergy and people of Assisi would not at first accept his nominee and clamoured for Crescentius, but were forced to comply. Crescentius however had not retired. In 1252 he became bishop of Iesi, and he governed and quarrelled with this diocese until his death ten years later.”<sup>105</sup>

### **A clerical Order, pastoral ministry of the friars and conventual churches**

We have already noticed that one of the after-effects of Elias’ deposition was that the Order became increasingly clericalized, especially during the time of Haymo of Faversham. During the generalate of Crescentius and even extending into that of John of Parma and Bonaventure, the Order acquired greater prestige as a clerical institution in the Church, comparable to the Order of Friars Preachers. Many papal privileges began to be given in favour of churches and pastoral ministry of the friars.

“In April of 1250, the churches of the friars to which a convent was attached received the title of ‘conventual church’ (*ecclesia conventualis*). To such conventual churches went many privileges, one of them being burial rights together with cemeteries.”<sup>106</sup>

This privilege was given by Innocent IV in the Bulla *Cum tamquam veri* (April 5, 1250), confirmed on August 21, 1252. Such privileges included the recognition that the conventual churches of the Order had the same rights as the canonical or collegiate churches of the secular clergy, including the public celebration of Mass, the ministry of preaching, the administration of the sacraments, the conservation of the Eucharist, the choral recitation of the Divine Office, the right to build a bell tower and to ring the bells, the right of ecclesiastic burial in the churches. In this way, the secular clergy had to face the fierce competition of the mendicants, particularly the Dominicans and the Franciscans, who now possessed large conventual churches in all the major towns, and were drawing innumerable crowds to their services. This state of affairs was to lead to a growing tension between seculars and mendicants, as we shall see happening during the generalates of John of Parma and Bonaventure.

### **Missionary Expansion to the Holy Land and the Far East**

The Franciscan missionary calling forms part and parcel of the charism of St. Francis and his early disciples. The first formulation of this missionary calling is to be found in chapter 16 of the *Regula non bullata*, or *Earlier Rule* of 1221, which speaks about “any brother who desires by divine inspiration to go among the Saracens and other nonbelievers.”<sup>107</sup> The way that Francis must have understood the problem of missionary evangelization was intimately linked with the medieval concept of

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<sup>105</sup> BROOKE, *Early Franciscan Government*, 255.

<sup>106</sup> Lawrence C. LANDINI, *The Causes of the Clericalization of the Order of Friars Minor (1209-1260)*, 69.

<sup>107</sup> *Earlier Rule*, c. 16, FAED I, 74-75.

mission. First of all, the lands of the Saracens were synonymous with the Holy Land, which during the time of St. Francis had been lost to the Christians. The glorious period of the Latin Kingdom of Jerusalem, instituted by the first crusade in 1099 and humiliated at the defeat of Qarne Hattin by Saladin on July 4, 1187 and by his conquest of Jerusalem on October 2 of the same year, was reduced, during the 13<sup>th</sup> century, to a mere Christian remnant in the strongholds of Tyre, Acre, the *Castrum Peregrinorum* and Jaffa on the Mediterranean coast. By the end of the century all Christian presence in the Holy Land was obliterated by the onslaught of the Muslim armies, particularly with the fall of Acre on May 18, 1291. The idea of conquering the lands of the infidels amounted to regaining the Holy Land for the Christians. The term “Holy Land”, however, did not only indicate the sites hallowed by the life, death and resurrection of Jesus Christ, but included a much wider territory comprising North Africa, Palestine, Syria and on the river Euphrates.

Francis himself had embarked upon missionary journeys to the lands of the Saracens. In June 1219 he had gone with the fifth crusade to Damietta, on the Nile delta in Egypt. There he met the Sultan Malik-al-Kamil, and became one of the most illuminating examples of Christian outreach to the Muslim world.<sup>108</sup>

The Friars Minor had been present in the Province of Syria ever since 1217, when Elias was sent as first Provincial Minister.<sup>109</sup> Jordan of Giano gives us this detail, when speaking about the first Franciscan martyrs in Morocco (January 16, 1220):

“Of the brothers, though, who went to Spain, five attained the crown of martyrdom. But whether or not these five brothers were sent out from this same chapter, or whether from the preceding chapter, when Brother Elias was sent beyond the sea with his companions, we are not sure.”<sup>110</sup>

It is probable that, when Francis went to Damietta in 1219, the crusader vessel on which he travelled stopped at Acre, where Elias and the brothers welcomed him. The Franciscan Sources, however, do not refer to the fact that Francis visited the Holy Land, and it is only Angelo Clareno in 1325, in his *Chronicle or History of the Seven Tribulations*, that speaks about a possible visit of Francis to the Holy Places.<sup>111</sup>

The documented history of a Franciscan presence in the holy city of Jerusalem begins in 1229-1230. The Emperor Frederick II had made a truce of ten years with the Sultan of Egypt in 1229, thus enabling Christians to visit and live in Jerusalem,

<sup>108</sup> The episode of Damietta is well-documented in the Franciscan Sources. 1C 57, FAED I, 231; LJS 36, FAED I, 395; CELANO, *Legend for the Use in the Choir*, 8, FAED I, 322; LMj 9:7-8, FAED II, 602-603; LMn 3:9, FAED II, 698; ABF 27, FAED III, 490-492. For a detailed historical account read Arnaldo FORTINI, *Francis of Assisi*, Translated from the original edition: *Nova Vita di San Francesco* by Helen Moak, The Crossroad Publishing Company, NY 1992, 395-439. A very late (1325) and doubtful historical note by Angelo Clareno states that Francis acquired permission from the Sultan to visit the Holy Places. ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, 29, 33: “Because of the power of the words that Christ had spoken through Francis, the Sultan, converted to mildness, against the decree of his impious law, freely heard Francis’s words, and on the spot invited Francis to stay in his land longer. Finally, the sultan ordered that Francis and his brothers should be able to visit the sepulchre of Christ in Jerusalem without paying any tribute [...] After this vision and after a visit to the sepulchre of the Lord in Jerusalem, Francis returned immediately to the Christian lands.”

<sup>109</sup> A well documented history of the initial Franciscan presence in the Holy Land is given by Girolamo GOLUBOVICH OFM, *Biblioteca Bio-Bibliografica della Terra Santa e dell’Oriente Franceseano*, Tomo I (1215-1300), Collegio S. Bonaventura, Ad Claras Aquas, Quaracchi 1906, 1-84.

<sup>110</sup> JORDAN OF GIANO, 7, in *XIII<sup>th</sup> Century Chronicles*, 24. The chapter during which Elias was sent to the East was that of Pentecost 1217.

<sup>111</sup> See note 21, above.

Bethlehem, Nazareth, and other places in the Holy Land. It is during this period that the Friars Minor were present in Jerusalem for the first time.<sup>112</sup> Their presence was brought to an abrupt end in 1244, when the Khwarezmian Turks attacked Jerusalem and massacred all the Christian population, during the time of Sultan Melek-Assaleh-Ayub.<sup>113</sup> On July 25, 1266, the Sultan Bibars attacked the town of Saphed in Galilee, and massacred the Franciscans, including brother James of Le Puy, Provincial Minister of the *Outremer* or Syria Province.<sup>114</sup>

On April 22, 1272 the king Charles of Anjou of Sicily made a peace treaty of ten years with Sultan Bibars, and the Franciscans could return to live in the Holy Land and officiate the Holy Places.<sup>115</sup> During this period of truce, in 1274-1280, brother Fidenzio da Padova wrote a treatise with the title *Liber recuperationis Terrae Sanctae*, dedicated to Pope Nicholas III. This treatise was commissioned by Pope Gregory X during the Council of Lyons (1274), in order to prepare a crusade to regain the Holy Land as a Christian domain.<sup>116</sup>

The end of the 13<sup>th</sup> century witnessed a period of persecution for the Christians present in the Holy Land. In 1289 the Friars Minor of Tyre were massacred, together with the Clares. The final stronghold of the Knights Hospitallers, namely the city of Acre, fell into the hands of Sultan Malik-al-Ashraf on May 18, 1291. The Muslim army massacred the Christian population, together with fourteen Friars Minor and the Clares.<sup>117</sup> The fall of Acre marks the definite end of Crusader presence in the Holy Land. The Franciscans, however, managed to return and establish themselves permanently as custodians of the Holy Places during the 14<sup>th</sup> century, as we shall be seeing later on.

Another new front of evangelization was opened by the Franciscans in the Far East.<sup>118</sup> During the 13<sup>th</sup> century, besides the danger of Islamic invasions, Christian Europe was also facing the dangers of the Mongol hordes coming from the steppes of central Asia. In 1206 Gengis Khan invaded India, Afghanistan, Georgia and southern Russia, and in 1222 the Mongols arrived in Hungary and were even seen on the Dalmatian coast. Innocent IV tried to enter into diplomatic relations with the Mongols, preferring not to wage another crusade while still being occupied with the regaining of the Holy Land from Islam into Christian domination. He chose Franciscan and Dominican ambassadors to the Far East and sent them to the Great Khan, or ruler of the Mongols, whose capital city was Karakourum.

The first Franciscan missionary to cross over into central Asia was brother John of Pian del Carpine (c. 1180-1252). According to Jordan of Giano<sup>119</sup> he was Custos of Saxony and Provincial Minister of Germany. John was sent by Innocent IV from Lyons as a papal ambassador to the Great Khan Kujuk in 1245-1246.<sup>120</sup> That means that this Franciscan pioneer was the first European to travel to the Far East, even before the famous Venetian merchants Niccolò, Maffeo and Marco Polo (1254-1324). The Great Khan welcomed him with suspicion, and after having read the papal letters he made it clear that he would not convert to Christianity, nor would he

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<sup>112</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 158-160.

<sup>113</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 189-190.

<sup>114</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 259-261.

<sup>115</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 282-283.

<sup>116</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 291-292.

<sup>117</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 350-353.

<sup>118</sup> Arnulf CAMPS – Pat McCLOSKEY, *Friars Minor in China*, The Franciscan Institute, St. Bonaventure University, NY 1996.

<sup>119</sup> JORDAN OF GIANO, 33-35, in *XIII<sup>th</sup> Century Chronicles*, 46-47.

<sup>120</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 190-213.

recognise the Pope's authority. After receiving letters from the Great Khan, John returned to Innocent IV's court in 1247 and wrote an interesting diary of his adventurous journey, entitled *Ystoria Mongolorum quos nos Tartaros appellamus* ("History of the Mongols, whom we call Tartars"). After his return to Europe John was consecrated archbishop of Antivari in Dalmatia.

In 1253 brother William of Rubruk, a Franciscan born in Flanders (c.1220 – c.1293), went with king St. Louis IX of France on a crusade to Constantinople, and then left for the long journey to the Far East to Karakourum.<sup>121</sup> He was received kindly by Mangu Khan. In the Mongol empire there was already a flourishing Christian community, but the Christians all embraced the heresy of Nestorius. In 1254 William returned to the Crusader kingdom of Tripoli in 1255. Upon returning to Europe William of Rubruk wrote an account of his journey, entitled *Itinerarium*, dedicated to king St. Louis IX of France. During this period the Franciscans managed to establish themselves in Georgia and Armenia.

In 1291 brother John of Montecorvino (1246-1328) arrived as a papal legate to the Great Khan of the Mongols. In 1272 he had been commissioned by the Byzantine emperor Michael VIII Paleologos to negotiate terms with Pope Gregory X for an eventual reunion of the Greek Orthodox and Latin Churches, in preparation of the Second Council of Lyons in 1274. The Franciscan Pope Nicholas IV sent John to preach Christianity in the Far East. Between 1275 and 1289 he worked in Persia. In 1289 he left from Rieti, sent again by Pope Nicholas IV as papal legate to the Mongol emperor Kublai Khan (1260-1294), who welcomed Christians in his empire.<sup>122</sup> He left in the company of the Dominican Nicholas of Pistoia. They first arrived in India by sea in 1291, in the region of Madras, where Nicholas died. John continued alone and reached China by sea in 1294. He was received by the new emperor Temur at Khambalik (Beijing), since Kublai Khan had died, and remained as a missionary in China for 34 years. In 1299 he built a church and began to evangelise, translating the New Testament and Psalms, plus the liturgical books, into Chinese. In spite of opposition by the Nestorian Christians, John had great success in his endeavour, and in 1305 requested missionaries from Europe. In 1307 Pope Clement V sent seven Franciscan bishops to consecrate John of Montecorvino as archbishop of Cathay. Only three arrived, Gerardus, Peregrinus and Andrew of Perugia. In 1309 they consecrated John of Montecorvino first archbishop of Khambalik, and is considered as the founder of the Catholic Church in China. John of Montecorvino died in 1328, leaving behind him many flourishing Christian communities. These communities were eventually wiped out in 1368 when the Ming Dynasty in China came to power after destroying the Mongol empire.

Brother Odoric of Pordenone, from the Friuli region of Italy (c.1286 – January 14, 1331) went as a missionary to the Mongol empire in 1322, passing along the shores of the Black Sea, and on to Armenia, Persia, Hormuz and then by sea to Khambalik. He remained for six years in China. On his way back he passed through Tibet, being the first European to enter this Himalayan country, and wrote also an *Itinerarium* when he reached Italy in 1330.

The last Franciscan apostle to the Far East in the middle ages was brother John of Marignolli from Florence (c.1290-1357), who was ambassador of Benedict XII to the Mongol emperor of Cathay in 1339. He left from Avignon with about fifty missionaries and envoys in 1338, and passed through Constantinople, sailed across

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<sup>121</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 229-230.

<sup>122</sup> GOLUBOVICH, *Biblioteca Bio-Bibliografica della Terra Santa*, 301-309.

the Black Sea, crossed the Volga and reached Beijing in 1342. Marignolli stayed in China until 1347, and returned to Europe via India (Madras), Sri Lanka, Hormus, Babylon, Mosul, Aleppo, Damascus and Jerusalem, arriving at Avignon to the court of Pope Innocent VI in 1353. He was subsequently consecrated bishop of Bisignano, and died after 1357.

### ***Further Reading***

BROOKE Rosalind B., *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959 (paperback edition 2004), pages 210-225, especially pages 247-225.

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 105-122; 123-139; 226-239.

CAMPS Arnulf – McCLOSKEY Pat, *Friars Minor in China*, The Franciscan Institute, St. Bonaventure University, NY 1996, pages 1-15.

## Chapter 4

# A PROPHET

## AND A SECOND FOUNDER OF THE ORDER?

### The generalate of John of Parma (1247-1257)

The capitulars during the General Chapter held at Lyons on July 13, 1247, and convoked by Pope Innocent IV, chose as General Minister brother John Buralli of Parma. Salimbene de Adam of Parma gives us this description of John in his *Chronicle*:

“John of Parma was of medium stature, inclining more to smallness than otherwise. He was a handsome, well-formed man of a strong constitution, who was able to sustain hard labor, both in travelling about and in sedentary study. He had a sweet, angelic face, always with a pleasant expression. Brother John was generous, open, courteous, loving, humble, gentle, good, and long-suffering. He was a fine speaker, and as a man devoted entirely to God, he was pious, merciful and compassionate. He celebrated Mass daily, and he did so so devoutly that those in attendance could feel the grace of God in his person. He was so fervent in his preaching, both to the regular clergy and to the Brothers, that each time many in his audience were moved to tears, as I myself saw many times. He was extremely eloquent and never stumbled in his speech. A most learned man, he had been in secular life, a master grammarian and a teacher of logic; and in the Order of the Friars Minor, he was a great theologian and a master of disputation. He studied the Sentences at the University of Paris. He had been lector for many years in the convents in Bologna and Naples. Whenever he went at Rome, the Brothers always had him either preach or debate in the presence of the cardinals, among whom he had a high reputation as a philosopher. He was a mirror and exemplar for all men, for his whole life was filled with honor and holiness, his morals perfect and good. He was most pleasing to God and to men. He had a good understanding of music and he sang well. I have never seen a writer who could compose more swiftly, yet legibly, in the higher style, never diverging from the truth. When he put his mind to it, he could produce the finest kind of letters, filled with a wealth of meaning, in the high polite style.”<sup>123</sup>

John was born at Parma in northern Italy about 1209. His uncle was the chaplain of the church of St. Lazarus in Parma, and became his educator. John eventually became a teacher of philosophy. He probably entered the Order of Friars Minor in 1233, which happened to be the year of the Halleluia movement.<sup>124</sup> He was

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<sup>123</sup> *The Chronicle of Salimbene de Adam*, Translation by J.L. BAIRD, 297-298.

<sup>124</sup> Salimbene describes the Halleluia movement in his *Chronicle*: “While Lord Gigliolo was podestà of Reggio in 1233, the Great Halleluia began. This was the time of the Halleluia, as it was later to be called, a time of happiness and joy, gladness and rejoicing, praise and jubilation, of quiet and peace, with all weapons laid aside. During this time, the people of the city and the country ‘young men and maidens ... the old with the younger’ [Ps 148:12], even the knights and soldiers sang songs and divine hymns. And this spirit of devotion was abroad in all cities of Italy. As I myself saw in my native city of Parma, for example, every parish devised a banner to be borne in holy processions, on which was depicted the martyrdom of its own particular saint, as, for instance, the flaying of St. Bartholomew on the banner of the parish where his church is situated – and likewise with all the others. Moreover, huge companies of men and women, boys and girls, came to the city from the villages round about with their own banners, so that they might be able to hear the preachers and give praise to God. And they sang, ‘voice of a god, and not of a man’ [Acts 12:22], and they walked about as men saved, in fulfillment of the prophetic words: ‘And all the ends of the earth shall remember, and shall be converted to the Lord. And all the kindreds of the Gentiles shall adore in his sight.’ [Ps 21:28]. And all men carried about

ordained priest and taught theology at Bologna and Naples. John studied theology at the University of Paris and assisted at the First Council of Lyons in 1245.

Angelo Clareno, writing in his *Chronicle or History of the Seven Tribulations*, echoes the thesis of the *zealots*, later on, Spirituals, when he sees in John of Parma a champion of rigorous observance of the Rule:

“Brother Giles, indeed, inspired by the Spirit like a seer of future things, said: ‘You have come well and at an opportune time, but you have come too late.’ Brother Giles said this, moreover, because he knew that turning the brothers back to the solid and secure origins of the first and holy way of life begun by Saint Francis was impossible, even though Brother John aspired with all his strength to recall the brothers to their beginnings. For Giles saw that most of the brothers, having given up the obedience and the faithful following of the Rule that they had promised, had given their minds to curiosity and love of knowledge, although love and knowledge of God is proven by faith-inspired acts rather than putting together words.”<sup>125</sup>

During his ten-year period as General Minister John held three Chapters, one at Genoa in 1251, one in Metz in 1254, and the last one in Rome on February 2, 1257, when Bonaventure was chosen as General.

John was a candidate who would have been acceptable to both the majority of the friars and the *zelanti*. He led a very simple and poor way of life, and was held in great esteem for his holiness. Salimbene states that “he was the first Minister General to make trips in order to visit all the various provinces of the Order, a fact which (with the exception of Brother Haymo who travelled to England, his birthplace) was never the custom before.”<sup>126</sup> During the Chapter of Metz John advised the brothers not to multiply the Order’s legislation and constitutions, stating that it would have been better for them to know and observe the ones already existing.

It has sometimes been suggested, upon Clareno’s evidence, that John of Parma was a staunch defender of what would become the Spiritualist ideals in the Order, particularly regarding the pure observance of the Rule with the help of St. Francis’ Testament and Admonitions, and without recourse to papal declarations and commentaries or expositions on the Rule by Franciscan Masters. However, Brooke admonishes that “it is dangerous to draw a preconceived picture of John as a Spiritual and explain away anything that does not fit in as done without his knowledge or against his will.”<sup>127</sup>

John embarked upon a very humble and holy way of life, in order to give example to the brothers. His young age as General Minister (in his early forties) enabled him to travel widely in the Order, many a time on foot. He visited various Provinces, including England, France, Burgundy, Provence and Spain. In 1245

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with them tree branches and lighted candles. Furthermore, there was preaching at evening, morning, and noon, according to the prophecy: ‘Evening and morning, and at noon, I will speak and declare: and he shall hear my voice. He shall redeem my soul in peace from them that draw near to me: for among many they were with me.’ [Ps 54:18-19]. And the crowds of people made stops in the churches and in the squares, lifting up their hands to God in praise and blessing forever and ever; truly, they could not cease from divine praise because they were so inebriated with divine love. And blessed was he who could do the most good works and could best praise God. There was no anger in them, no disturbance, no discord, no rancor. They did all things peacefully and benevolently.” (*The Chronicle of Salimbene de Adam*, Translation by J.L. BAIRD, 47-48).

<sup>125</sup> ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Lesser Brothers*, 95-96.

<sup>126</sup> *The Chronicle of Salimbene de Adam*, 298.

<sup>127</sup> BROOKE, *Early Franciscan Government*, 258. For a complete section on John of Parma, read pages 255-272.

Innocent IV called him to Lyons in order to send him as his personal ambassador to the Eastern Empire.

Thomas of Eccleston describes John of Parma's generalate in very positive terms, giving particular attention to an episode which happened during the Chapter of Genoa in 1251, in which the General Minister tried to defend the truthfulness of the stigmata of St. Francis:

"After Crescentius came Brother John of Parma as minister general. He was a lector and had given courses at Paris on the *Sentences*; he was also outstanding for his zeal for the Order. He came to England at the time of Brother William of Nottingham and celebrated a provincial chapter at Oxford. He brought back to unity of practice the brothers who had begun to outrun the others by the singularity of their opinions. He made known throughout all the provinces the obedience and uprightness of the English brothers. He quieted the unrest of the brothers at Paris by personally reminding them at the university of the simplicity of their profession and prevailed upon them to revoke their appeal. He made the ruling that the general chapter should be held alternately beyond the mountains and on this side of the mountains. Finally, not being able any longer to carry the weight of the office of minister general, he obtained permission to resign from the lord pope Alexander IV. The same father said, however, that the edifice of the Order was built upon two walls, namely, upon holiness of life and upon learning, and that the brothers had raised the wall of learning beyond the heavens and heavenly things in that they were posing the question whether God existed; the wall of holiness of life, however, they permitted to remain so low that it was said with great praise of a brother, 'He is an untroubled brother.' They therefore seemed not to be building properly. He wished, however, that the brothers should safeguard the reverence for their way of life against prelates and princes by their merits before the people rather than by any apostolic privileges, and that they should be the least amongst all by their humility and meekness. Brother John of Parma, the minister general, in the full general chapter at Genoa, ordered Brother Bonitius, who had been a companion of St. Francis, to tell the brothers the truth about the stigmata of the saint, because many in the world were doubting this matter. And he replied with tears: 'These sinful eyes have seen them; and these sinful hands touched them.'"<sup>128</sup>

The Franciscan Order had always kept cordial relations with its benefactors. On July 26, 1227, Gregory IX had given the friars the bulla *Ita nobis*, in which he gave them permission to bury their own dead and have their own cemeteries. This principle of *ius funerandi*, or the right of celebrating funerals, was enjoyed especially in the conventual churches of the friars. The same rights later on began to apply not only to the friars but also their dependents, benefactors and members of the Order of Penance (the Third Order). This same privilege was given to the Dominicans on November 30 of the same year. Innocent IV confirmed it on June 10, 1244, and also in 1250, seemingly upon request from John of Parma himself.

John of Parma was instrumental in enforcing beneficial laws in the Order, particularly regarding the poverty of the friars' buildings, fasting, and the observance of the liturgical norms laid down in the Ordinals of the missal and breviary as these had been formed by Haymo of Faversham. During the Chapter of Metz he wrote a letter to the Order encouraging the observance of these liturgical norms. During the Chapter of 1257 he promulgated a series of liturgical decrees, the *Ordinationes divini officii*.<sup>129</sup> This trend was taken from the Dominicans, whose new General Master,

<sup>128</sup> THOMAS OF ECCLESTON, c. 13, in *XIII<sup>th</sup> Century Chronicles*, 160-161.

<sup>129</sup> BROOKE, *Early Franciscan Government*, 262-263: "These regulated in detail the way in which the brethren were to conduct their services. As with so much of John's legislation it shows certain affinities and sympathy with Dominican ideals and practices. Like the Dominican constitutions John's *Ordinationes* lay down when the brethren are to stand, kneel, face the altar, bow, genuflect, prostrate themselves; when the bell is to be rung and for how long, how the psalms are to be sung, where the servers are to stand during the Mass, the order in which the various officiants are to enter the choir, and

Humbert of Romans, had also issued a list of liturgical laws in 1254. The aim was to unify liturgical practice in the two Orders.

It was probably during the Chapter of Metz, celebrated on May 31, 1254, that the *Treatise on the Miracles of St. Francis*, written by Thomas of Celano as a complement to the *Remembrance of the Desire of a Soul*, was officially approved and presented as the crowning effort of this famous Franciscan biographer.

Regarding the observance of the vow of poverty John of Parma was very attentive not to let abuses creep into the Order. He tried hard to suspend the provisions of *Ordinem vestrum*, in favour of the more moderate approach of *Quo elongati*. The Chapters of Genoa and Metz both reaffirmed this decision, which was then to be made law in the Order in the Constitutions of Narbonne in 1260.<sup>130</sup>

Two English friars, William of Nottingham and Gregory of Bosellis, were instrumental in securing the suspension of another papal privilege given by Innocent IV, which threatened Franciscan poverty:

“This bull, *Quanto studiosus* of 19 August 1247, generalised a licence that Haymo of Faversham had already obtained specially for the Basilica and Sacro Convento at Assisi. It authorised the Provincial Ministers to appoint and dismiss agents empowered to administer all the property held for the friars’ use by the Holy See and to do all necessary and advantageous buying, selling, exchanging, bargaining and so forth as the friars should instruct them. As the friars already had the services of ‘spiritual friends’ acting as agents for their benefactors, which enabled them to receive monetary offerings without technically contravening the Rule, the addition of this further permission to get these same friends, if they liked, to act also as agents for the Holy See gave them virtual control of their properties and finances.”<sup>131</sup>

One of the greatest problems that John of Parma had to face as General Minister concerned the status of the Mendicant Orders (Franciscans and Dominicans) in the University of Paris, during a bitter controversy which ensued between the Secular Masters of the University and the Mendicant religious, who had by now established their *studia*, or houses of studies, as part of the same University.

The battle against the Mendicants started between the Secular Masters and the Dominicans, but the Franciscans were soon drawn into the fray. The person who started the controversy was William of St. Amour, a canon of Beauvais, a procurator of the masters and students in Paris, a chaplain to Pope Alexander IV and the rector of the Paris University. The controversy between the Secular Masters and the Mendicants (Franciscans and Dominicans) at the Paris University began during February 1252, because of jealousy on the part of the Masters against the Mendicants, particularly against the Dominicans. The Masters issued a statute specifying that the

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so on [...] The *Ordinationes* reflect John’s personal piety and interest in liturgical ceremony and are in the best tradition of the Order, begun by St Francis and continued by almost all the Ministers General who came after him, which attached great importance to the reverent and properly ordered conduct of Divine Service.” A curious note is that John’s liturgical norms prescribe that the priest celebrating Mass was to put the host on his left and the chalice on his right.

<sup>130</sup> *Statutes issued by the Chapter of Narbonne*, 13, in *Works of St. Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, Introduction and Translation by Dominic MONTI, The Franciscan Institute, St. Bonaventure University, NY 1994, 140: “As it was decided in the chapter of Metz, the declaration of the Lord Pope Innocent shall remain suspended, and we strictly forbid anyone to use it in those points in which it contradicts the declaration of the Lord Pope Gregory.” The footnote quotes Malcolm Lambert, who writes that, in the question of poverty, “Bonaventure’s generalate was a continuation of, rather than a contrast to, that of John of Parma.”

<sup>131</sup> BROOKE, *Early Franciscan Government*, 264-265. The author states that in 1243-1244 Innocent IV had deposited the Papal treasure with the Franciscans at the Sacro Convento for safe keeping, and in 1253 he authorized the friars to accept money offerings and costly sacred ornaments for the Basilica.

Mendicant Orders had to be content with just one regent Master. In 1253 the *Mendicants* did not accept the oath of allegiance to the University statutes, and were expelled from the University. Thus the regent masters of the Mendicants lost their chairs of professors in the University. Pope Innocent IV, in his letter *Amoena flore virtutum sacra Religio*, of July 1, 1253, ordered the Masters to admit the Mendicants in the University. On February 4, 1254 the Secular Masters began to accuse the Mendicant Orders, particularly the Dominicans, in front of the prelates of the Church. The Church had defended the Mendicants all through the initial stages of their journey, entrusting them with great responsibilities in pastoral ministry, in preaching, in the battle against heresy, and giving them the same privileges of secular clergy. This inevitably led to tension with the local bishops and clergy, who saw the Mendicants as a threat to the diocesan framework of pastoral ministry, protected as they were by papal privilege. The problem was further complicated by the establishment of the houses of studies of the Franciscans and Dominicans in Paris, which were competing with the schools of the Secular Masters of the university. All this led Innocent IV to issue a Bulla, which was meant to deal a blow to the clerical rights of the mendicants, particularly of the Dominicans, but also of the Franciscans. This was the bull *Etsi animarum* of November 21, 1254.

According to Lawrence Landini, the document had in mind the curb the abuses of the Mendicants, who were stepping outside the bounds of their privileges to the detriment of the diocesan clergy. These abuses included the opening of the churches of the mendicants to the parishioners, who would abandon their proper parishes in favour of the conventual churches of the friars; absolution of the faithful against the will of the local pastors; preaching in the conventual churches at the same time when the bishop was preaching in the cathedral church; preaching at the same time of the parochial Mass; depriving the local pastors of the donations of the faithful who deserted their parishes.

The pope therefore commanded the friars not to admit parishioners into their churches for divine services; not to absolve any faithful without the permission of the local pastor; not to preach before solemn Mass and on the same day when the bishop preached; not to preach in parish churches unless they have been invited to do so; not to keep for themselves the canonical tithes linked with burial rights, but to hand them over to the local pastors.<sup>132</sup>

*Etsi animarum* was definitely meant to put a stop to the ever-growing popularity of the Mendicants to the detriment of the local diocesan clergy. Fortunately for the Dominicans and Franciscans, the prescriptions of this papal document were only to last for a short while. Innocent IV was very ill and his end was soon to come. In fact, Innocent IV died on December 7, 1254. Pope Alexander IV, Rainaldo di Jenne, who had been Cardinal Protector of the Franciscans before he was elected on December 12, 1254, immediately reversed the provisions of his predecessor with the bull *Nec insolitum* (December 22, 1254). The bull simply annulled all the provisions of *Etsi animarum*.

“The new Pope, Alexander IV, was a Cardinal Protector of the Franciscans, and the tables were promptly turned on the university. *Etsi animarum* was annulled and the Masters were ordered and at last compelled to withdraw their statutes against both Orders and to restore to them their chairs.”<sup>133</sup>

<sup>132</sup> Lawrence LANDINI, *The Causes of the Clericalization of the Order of Friars Minor*, 72.

<sup>133</sup> BROOKE, *Early Franciscan Government*, 268.

The troubles between the Secular Masters and the Mendicants had also been fomented by an event, which would preoccupy John of Parma and eventually compromise his standing before the ecclesiastical authority. During the same year 1254, a certain Franciscan lecturer at the University, Gerard of Borgo San Donnino, published a treatise entitled *Liber Introductorius in Evangelium Aeternum*, in which he quoted the writings of the visionary abbot Joachim of Fiore (†1202), *Concordia novi ac veteris testamenti*, *Apocalypsis nova*, and *Psalterium decem chordarum*, which were considered heretical in some ideological circles of the University. Joachite doctrine asserted the coming of the third age of the Holy Spirit and a Spiritual Church, and announced the year 1260 as the point when this third age would commence. This was the occasion when William of St. Amour published his *Tractatus de periculis novissimorum temporum* against the Mendicants, who now became suspects of nurturing Joachist ideals. Gerard's treatise was sent to a commission of Cardinals for examination. In the letter *Romanus Pontifex*, sent from Anagni in October 1256, this commission condemned Gerard's book as heretical. The Master General of the Friars Preachers, Humbert of Romans; the General Minister of the Minors, John of Parma; the Dominican doctors Albert the Great and Thomas Aquinas, and the Franciscan doctor Bonaventure of Bagnoregio, all distanced themselves from Gerard's writings, but they staunchly defended the rights of the Mendicant Orders against the attacks of the Secular Masters. Because of the condemnation of Gerard's book, both Thomas Aquinas and Bonaventure had to wait until 1257 before they could be reinstated in their respective chairs as *magistri* in the Dominican and Franciscan schools of the University of Paris. Pope Alexander IV sent a letter to the Secular Masters, entitled *Quasi lignum vitae*, from Naples on April 14, 1255, dealing with the troubles that had happened at the Paris University. These declared that they did not want to renounce to their privileges, and did not want anything to do with the Mendicants, until on May 12, 1257 Alexander IV again obliged them to submit to his orders and recognise the Mendicants' rights in the University. Bonaventure had replied to William of Saint Amour's attacks with the *Quaestiones disputatae de Perfectione Evangelica*. Later on, as Minister General of the Order, he would continue defending the Mendicants in Paris with his famous treatise entitled *Apologia Pauperum*, published in 1269, against another secular Master, Gerard of Abbeville.

John of Parma worked hard to ensure unity of intent with the Dominican counterparts. In 1255 both he and the Master General of the Friars Preachers, Humbert of Romans, issued a common letter to the friars of the two Orders, encouraging them to collaborate in the common ideal of observance of poverty, pastoral ministry and study.

The issue of the controversy against the Mendicants in the Paris University was instrumental in leading to the end of John of Parma's generalate. John was a humble and holy friar who tried to keep the peace among warring factions, but he ended up being an object of their hostility, especially since he was regarded, maybe unjustly, as being sympathetic to the Joachite tendencies of the *zelanti*.

"When Gerard's book was condemned as heretical on 23 October 1255 Alexander IV ordered the bishop of Paris to proceed with the utmost circumspection so that no blame or dishonour should attach to the Order because of it. The Pope also forbore to incriminate or condemn along with Gerard's extravagances the genuine utterances of Joachim of Flora that had inspired them. Nevertheless John of Parma's manifest Joachism could not but be regarded now as somewhat discreditable and the Pope intimated to him privately that he wished him to resign. Once this had been said to him John felt he could not continue in office any longer, and he summoned the

General Chapter to meet early so that he could lay down his charge as soon as possible. The brothers assembled at Rome on 2 February 1257, in the presence of the Pope, and John announced his intention to abdicate. So popular was he that the Ministers refused to accept his resignation and argued and pleaded with him for a whole day, and at length John had to explain to Peregrinus of Bologna, who was acting as intermediary, that he was not free to accede to their desires on account of Papal objections. The Ministers had then no choice but to release him, but as a mark of their confidence in him they requested him to designate his successor. 'Father, you have visited the Order and know the character and condition of the brethren; assign us one suitable brother, whom we may appoint to this office in your stead.' John promptly nominated St Bonaventure, saying that in the whole Order he knew of none better than he, and the Ministers agreed to elect him forthwith.<sup>134</sup>

It was Bonaventure who eventually had to pass judgment on John of Parma. In the *Actus Beati Francisci et sociorum eius*, chapter 64, there is an interesting episode, in which brother James of Massa, one of the Spiritual Franciscans of the last quarter of the 13<sup>th</sup> century, has a vision. St. Francis appeared with a chalice full of the spirit of life and gave it to drink to many brothers who were standing on a large tree. John of Parma was standing on the highest branch. He took the chalice from Christ and drank it all with devotion, and became radiant as the sun. The other friars either drank part and threw the rest away, or else poured out all the contents. All of a sudden a whirlwind blew against the tree. John of Parma had to climb down and hide himself under the tree's trunk. In his place ascended brother Bonaventure, who had poured out part of the contents of the chalice. Bonaventure's fingernails grew as sharp as iron razors and he wanted to attack brother John of Parma, but Christ gave to brother John a stone called a flint in order to cut Bonaventure's nails, and thus avoid being harmed.<sup>135</sup>

This episode, coming from the pen of a Spiritual friar of the 14<sup>th</sup> century, is certainly biased against Bonaventure. However, it is true that Bonaventure was obliged to lead a trial against John of Parma, who was accused of Joachimism. The canonical trial took place at Città della Pieve in Umbria, and was presided over by St. Bonaventure, the General Minister, and Cardinal Gaetano Orsini, Protector of the Order. John of Parma had by now retired in solitude at the hermitage of Greccio. Fortunately for John, he was acquitted from the accusation of heresy, through the powerful intervention of Cardinal Ottobuono Fieschi, Innocent IV's nephew, who would later become Pope Hadrian V (July 11 – August 18, 1276).

After the trial John retired again to Greccio, where he lived in total seclusion for thirty years. In 1285 he received the visit of the famous Spiritual friar Ubertino da Casale. During the same year Pope Nicholas IV, who had been a General Minister of the Order, by the name of Girolamo of Ascoli Piceno, gave John permission to leave his cell at Greccio and to go as a missionary to Greece, in order to continue working for the union between the Latin and the Greek Orthodox Churches, as a result of the Second Council of Lyons in 1274. John, however, was a frail old man of 80 by then. He travelled only as far as Camerino, in the Marches of Ancona, where he died on March 19, 1289. In the Franciscan Order he is revered as a Blessed, and his memorial is celebrated on June 16 in the new liturgical calendar.

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<sup>134</sup> BROOKE, *Early Franciscan Government*, 270-271.

<sup>135</sup> ABF 64 (FAED III, 556-559).

## Bonaventure of Bagnoregio at Paris (1235-1257)

Bonaventure was born at Bagnoregio, a town of Etruscan origins in the Roman Tuscia, close to Orvieto, in the oldest part of the town called Civita di Bagnoregio. His parents were called Maria di Ritello and Giovanni Fidanza, who was a medical doctor. The child was called Giovanni (John) at the baptismal font.

The date of birth is normally considered to be around 1217, although the *Chronicle of the XXIV Generals* states that Bonaventure was born in 1221.<sup>136</sup> Now we know that Bonaventure became regent master at the University of Paris in 1253, when according to the rules he should have been at least 35 years old. That is why we have to anticipate his birth to circa 1217. We do not possess any information regarding his childhood years. In the official biographies of St. Francis, which Bonaventure composed in 1260-1263, he states that he had been cured of a serious illness through the merits of St. Francis, when he was still a small boy.<sup>137</sup> It is certain that he spent his childhood year in Bagnoregio, where he would have studied at the cathedral school, and maybe also at the Franciscan friary of Bagnoregio, where he became a boarder, or *puer oblatus*, at the Franciscan school.<sup>138</sup>

When Bonaventure was 17 or 18 years old, in 1236, he was sent to Paris to start his studies at the Faculty of Arts of the University. It was in Paris, in the Latin quarter, that king St. Louis IX in 1234 had acquired a vast terrain close to the abbey of Saint-Germain-des-Prés, and there helped to build the large friary which would become the *magna domus studiorum*, the large house of studies, of the Franciscan Order. At this centre of studies Bonaventure frequented lectures given by a renowned master, Alexander of Hales, an English priest, who taught theology in Paris, and who had just entered the Franciscan Order and thus instituted a Franciscan chair of theology at the *studium* of the Order. Bonaventure also frequented courses in theology given by other famous masters in the same school, namely Haymo of Faversham, Adam of Marsh, William of York. But it was to Alexander of Hales, whom he calls *pater et magister* (father and master) that he owed his intellectual preparation and eventually his entry into the Order.

In 1243 Bonaventure acquired his bachelor's degree in Arts, and entered the Franciscan Order. After his novitiate year he began to frequent theological courses given by Alexander of Hales, until the death of this master in 1245. His other Franciscan lecturers included the masters Eudes Rigaud, future archbishop of Rouen, and William of Melitona. It was in Paris that Bonaventure became friend to Thomas of Aquinas, who had also entered the Dominican Order in 1243.

After having concluded the five years prescribed in the University statutes, in 1248 Bonaventure received the bachelor's degree in Biblical studies, after having commented upon the Gospel of St. Luke, and with special licence from the General Minister John of Parma, because of his young age. In 1250-1251 he began to write the Commentary on the 4 Books of the Sentences of Peter Lombard, as Alexander of

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<sup>136</sup> Our chronology of the life of St. Bonaventure is taken from a recent presentation by Costanzo CARNONI, *Vita e Cronologia di San Bonaventura da Bagnoregio*, in *Dizionario Bonaventuriano*, a cura di E. Caroli, Editrici Francescane, Padova 2008, 67-87.

<sup>137</sup> LMj Prol. 3 (FAED II, 528): "For when I was a boy, as I still vividly remember, I was snatched from the jaws of death by his (Francis') invocation and merits." LMn VII,8 (FAED II, 717): "When I was just a child and very seriously ill, my mother made a vow on my behalf to the blessed father Francis. I was snatched from the very jaws of death and restored to the vigor of a healthy life."

<sup>138</sup> This is stated by Pope Sixtus IV in the Bulla of canonisation *Etsi Sedes Apostolica* (October 14, 1482).

Hales had done before him, and thus became a bachelor of the Sentences. In this period he also composed the short treatise *De Reductione Artium ad Theologiam*, which provides us with his programme for teaching theology. Bonaventure's activity as a *baccalarius formatus* in these years continued with the production of other commentaries, such as those on the Ecclesiastes and on the Gospel of St. John, to which followed the *Collationes* of St. John's Gospel. Bonaventure is also the author of various *Sermones de tempore*, composed in 1250-1251, a total of fifty sermons.

At the end of 1253, when he was 35 years old, Bonaventure underwent the strenuous disputations in order to acquire his *licentia docendi*, or master's degree. He presented his *Quaestiones disputatae de scientia Christi*, and thus became the *magister regens* (regent master) of the Franciscan *studium* at the University, succeeding William of Melitona. His title of master, however, was only recognised by the University authorities on August 12, 1257, because in the meantime the controversy between the Secular Masters and the Mendicant Orders present in Paris blocked much of the activity in the University, as well as the Dominican and Franciscan candidates Thomas of Aquinas and Bonaventure. In the meantime Bonaventure continued to produce new works of theology, including the *Quaestiones disputatae de mysterio Trinitatis*, the *Quaestiones disputatae de perfectione evangelica* (in defence of the poverty of the Mendicant Orders), and the *Breviloquium*, composed in 1256, a brief *summa* of theology which synthesizes for the students of theology the complex doctrine contained in the Sentences and the other Disputed Questions.

The controversy between the Secular Masters and the Mendicants, which flared up in Paris in 1253, saw Thomas of Aquinas and Bonaventure keen upon defending the way of life of the Mendicant Orders, and their right to have study houses and theology faculties in Paris. The two Orders had two chairs each: the Dominicans had a chair at Saint-Jacques since 1218 and another one in 1230; the Franciscans had acquired two chairs at Saint-Germain in 1236 with Alexander of Hales, and in 1238 with Jean de La Rochelle. In 1253 the Secular Masters at the University decided to interrupt all lectures, in order to protest because of the troubles, which occurred when students were attacked by royal guards. The Mendicant masters did not want to adhere to this strike and continued their lectures in the respective schools. Thus the Seculars began to attack the Mendicants for not obeying University statutes, and they did so by placing in doubt the very calling of the Mendicant Orders, which the Seculars considered as a hypocritical way of living the Gospel ideals in the affluent and scholarly environment of Paris. The academic council of the University refused to recognize the title of *magistri* to the Mendicant Orders.

At this point the General Minister John of Parma intervened in front of Innocent IV, who defended the privileges of the Mendicants in the Bulla *Quasi lignum vitae* (July 21, 1253). We have already spoken about the controversial writings of William of St. Amour against the Mendicants, and about the problems created by the apocalyptic *Liber introductorius in evangelium aeternum* of Gerard of Borgo San Donnino.

Thomas Aquinas answered these accusations of the Secular Masters with his *De opere manuali, contra impugnantes Dei cultum*, while Bonaventure wrote the *Quaestiones disputatae de perfectione evangelica*.

It seems that Bonaventure went to Anagni with his General Minister John of Parma in 1256, where Alexander IV distinguished between the condemnation of Gerard's treatise and the genuine life of the Mendicant Orders. In the Bulla *De fontibus paradisi* of 1255, transmitted to Bonaventure on July 28, 1256, the Pope defended the Mendicants and demanded their reinstatement as masters at the

University. Thus Thomas Aquinas and Bonaventure entered triumphantly as regent masters in their respective schools. Maybe Pope Alexander IV got to know Bonaventure's qualities in Anagni, if he readily accepted John of Parma's designation of Bonaventure as his successor in the generalate of the Order on February 2, 1257. In this last period as professor in Paris Bonaventure also composed his *Epistola de tribus quaestionibus ad magistrum innominatum* (Letter in Response to an Unknown Master), dedicated probably to Roger Bacon or John Peckham, in which he deals with the core issues of Franciscan life, including the importance of studies, pastoral ministry and preaching.

One interesting note about this writing is that it addresses the issue of studies in the Order. Bonaventure defends study as a must for the progress of the Order, and compares the history of the Order to that of the Church:

"Let it not disturb you that in the beginning our brothers were simple and unlettered; rather, this very fact ought to strengthen your faith in the Order. For I confess before God that what made me love St. Francis's way of life so much was that it is exactly like the origin and the perfection of the Church itself, which began first with simple fishermen and afterwards developed to include the most illustrious and learned doctors."<sup>139</sup>

### **Bonaventure as General Minister of the Order (1257-1274)**

Bonaventure was at Paris on February 2, 1257, when he was chosen as General Minister of the Order during the Aracoeli Chapter in Rome, in the presence of Pope Alexander IV. It was John of Parma himself who had designated Bonaventure as his successor. The news of his election reached Bonaventure quite some time afterwards. The first thing he did was to address an encyclical letter to the Order on April 23, 1257, in which he presented his programme for the generalate and listed a series of ten abuses which had crept into the Order, thus making it clear that he intended to correct them by all means. These abuses are an indication of the state of the Order and of the need for reform. Bonaventure lists the following abuses: friars eager for money offerings; friars who succumbed to idleness; friars who were wandering about; overly persistent begging exasperating the benefactors; construction of buildings on an extravagant scale; familiarities with women; assignment of offices to immature and unprepared brothers; friars eager to accept burial rights and legacies, to the annoyance of secular clergy; residences of the brothers being changed frequently and at great expense; friars spending money without any control.<sup>140</sup>

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<sup>139</sup> ST. BONAVENTURE, *A Letter in Response to an Unknown Master*, in *Works of St. Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, Introduction and Translation by Dominic MONTI, 54. Regarding the possession of books for the purpose of studies, and its implications in the issue of poverty, Bonaventure states: "Hear me now on what I have to say about books and other tools. The Rule states in no uncertain terms that the brothers have the right and duty of preaching, something that, to my knowledge, is found in no other religious rule. Now, if they are not to preach fables but the divine Word, which they cannot know unless they read, nor read unless they have books, then it is perfectly clear that it is totally in harmony with the perfection of the Rule for them to have books, just as it is for them to preach. Furthermore, if it is not harmful to the poverty of the Order to have missals for celebrating Mass and breviaries for reciting the Hours, then it is not detrimental to have books and Bibles for preaching the divine Word. The brothers are therefore allowed to have books." Quotation taken from page 46 of Monti's translation.

<sup>140</sup> ST. BONAVENTURE, *First Encyclical Letter*, in *Works of St. Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, 59-60.

Before embarking upon the intense work of reform and refounding of the Order during his seventeen years as General Minister, Bonaventure spent the fall of 1259 on mount La Verna, doing a spiritual retreat. The fruit of this retreat was the famous mystical treatise *Itinerarium mentis in Deum* (The Journey of the Soul into God). In the meantime he had to liquidate the group of friars who were causing havoc in the Order because of their Joachimist ideals. In 1258 Bonaventure condemned Gerard of Borgo San Donnino to perpetual imprisonment. In 1262 it was the turn of John of Parma, and Bonaventure had to preside over his trial at Città della Pieve. Accused of being an ardent follower of Joachimism, John of Parma stood up and recited the Creed. Cardinal Ottoboni Fieschi, that very moment interrupted the trial, stating: “The faith of John is my faith. Stop fighting against him!” Bonaventure then let John of Parma retire to solitary confinement at the hermitage of Greccio.

Another intense effort on the part of Bonaventure was that of gathering in one well-organized legislative code all the laws, which the Order had published since the Chapter of 1239. During the General Chapter of Narbonne, on May 13, 1260, the first one of regular three-yearly chapters celebrated by Bonaventure, the General Minister elaborated a new set of Constitutions, which have survived as the basis of Franciscan legislation ever since. These were the Constitutions of Narbonne. These Constitutions are a synthesis of previous Franciscan legislation, some of which went even back to the time of Elias, and which was dispersed in various *Institutiones*, *Mandata*, *Instituta*, *Memorialia*, *Diffinitiones*, *Ordinationes*, *Constitutiones*. It seems that Bonaventure had already started the work on this revision in 1257, if he was capable of presenting the end product in 1260. The Narbonne Constitutions are divided in 12 chapters, dealing with the entry into the Order, the quality of dress, the observance of poverty, fasting and other religious practices, the manner of going about in the world, the work of the brothers, the correction of the brothers, visitations of the provinces, election of the ministers, the provincial chapter, the general chapter, suffrages for the dead. The General Chapter of Narbonne also issued a list of 28 Statutes. The influence of the Narbonne legislation on the history of the Order was unique, and formed the basis of subsequent legislation even in the reformed families, and was the direct code of laws up till the General Chapter of Perpignan in 1331.

The problem of the Sources for the life of St. Francis was also an issue, which Bonaventure wanted to tackle. The various documents in circulation in the period 1229-1257 (Celano’s *Vita Sancti Francisci*, *Memoriale in Desiderio Animae*, *Tractatus de Miraculis*, John of Ceprano, *Legenda “Quasi stella matutina”*, Julian of Speyer, *Vita Sancti Francisci*, Henry of Avranches, *Legenda versificata*, John of Perugia, *De inceptione Ordinis*, and maybe also the *Compilatio Assisiensis* and *Legenda trium sociorum*), were causing confusion in the minds of the friars, who were interpreting Francis’ holiness according to the new needs of the Order, particularly according to the ideals of the *zelanti* or, worse still, those of the friars sympathizing with Joachimism. Bonaventure addressed this problem by presenting a new biography of St. Francis, which was meant to become the official biography in use in the Order and in the liturgy, to the exclusion of all the others.

That is why, the Chapter of Narbonne, entrusted Bonaventure with the task of composing a new legend of St. Francis. The Chapter decreed as follows: “Likewise, we order that one good legend of blessed Francis be compiled from all those already in existence.” The order, however, seems to have been issued already during the 1257 Chapter, since there is no reference to it in the Statutes of the Narbonne Chapter of

1260.<sup>141</sup> This could also be true, given that Bonaventure needed time to visit and interview the few companions of St. Francis who were still alive, like brothers Leo, Rufino, Masseo, Giles, Illuminato.<sup>142</sup> It seems that Bonaventure started working upon the *Legenda Maior Sancti Francisci*, in Paris after having participated in the transferral of the relics of St. Clare to the new basilica in Assisi, on October 3, 1260.

On April 8, 1263 Bonaventure was at Padova, for the transfer of the body of St. Anthony in his basilica. On May 20 of the same year he celebrated the General Chapter at Pisa. During this chapter Bonaventure presented the new biography of St. Francis, which was unanimously approved. The Chapter ordered to make copies of this legend, entitled *Legenda Maior Sancti Francisci*, together with a minor legend for use in the divine office, the *Legenda minor Sancti Francisci*, and send them to the various provinces. The success of the new life of St. Francis was such that, during the following General Chapter of Paris on May 16, 1266, it was decreed that the *Legenda Maior* should be the official biography of St. Francis, and that all the preceding biographies were to be removed from all friaries and libraries in the Order, and possibly, even outside the Order, where these were to be found.<sup>143</sup> The same Chapter of Pisa on 1263 published a list of Statutes dealing with the liturgical norms in the Franciscan Order.

In 1264 Bonaventure was in Italy where he composed his famous sermon *De corpore Christi*, for the occasion of the institution of the feast of *Corpus Domini* by Pope Urban IV. In 1265 Bonaventure was in France, and then returned to Italy, where on February 5 he assisted in the coronation of Pope Clement IV, who nominated him archbishop of York on November 24, an offer, which Bonaventure politely but surely refused.

Between March 6 and April 17, 1267, Bonaventure delivered a set of lectures in Paris, known as *Collationes de decem praeceptis*. The next General Chapter was that celebrated in Assisi on May 12, 1269. Back in Paris Bonaventure had to face a new upsurge of anti-mendicant sentiment on the part of the Secular Masters. Two masters had published works against the Mendicants, namely Gerard d'Abbeville and Nicholas of Lisieux. Bonaventure answered them by publishing his *Apologia Pauperum* (In Defence of the Mendicants) in 1269-1270.

In the meantime Clement IV had died (November 29, 1268), and a long interregnum ensued, with an inconclusive conclave. It was only on September 1, 1271 that a new Pope was elected, Gregory X. The pope wanted to prepare a new ecumenical Council in Lyons, with the aim of bringing about the union between the Eastern and Western Churches. He sent as his ambassador to the Eastern emperor Michael Paleologus, the future General Minister Jerome of Ascoli Piceno, who would

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<sup>141</sup> This statute is quoted by Girolamo GOLUBOVICH, "Cerimoniale Ordinis vetusissimum", in AFH 3 (1910), 76, n. 74.

<sup>142</sup> LMj, Prologue 4 (FAED II, 528): "In order to have a clearer and more certain grasp of the authentic facts of his life, which I was to transmit to posterity, I visited the sites of the birth, life, and death of this holy man. I had careful interviews with his companions who were still alive, especially those who had intimate knowledge of his holiness and were his outstanding followers."

<sup>143</sup> *Statutes issued by the General Chapter of Paris (1266)*, in *Works of St. Bonaventure*. Vol. V: *Writings concerning the Franciscan Order*, Introduction and Translation by Dominic MONTI, 202-203: "The general chapter likewise commands, under obedience, that all the legends of St. Francis hitherto composed shall be destroyed, and that the brothers should make every effort to remove any copies that may be found outside the Order, since the new legend written by the general minister has been compiled from what he himself gathered from the accounts of those who almost constantly accompanied St. Francis and thus had certain knowledge of each and every thing; whatever it contains, therefore, has been carefully proven."

also become Pope Nicholas IV. On June 12, 1272 Bonaventure celebrated the General Chapter at Lyons. In his last period of teaching in Paris, between April 9 and the end of May 1273, Bonaventure delivered a series of lectures, the *Collationes in Hexaëmeron*, with the aim of refuting the arguments of Averroist philosophical theories. These conferences, however, remained uncompleted, since on May 28, 1273 Gregory X nominated Bonaventure Cardinal and bishop of Albano. It was on this occasion that a late historical account of dubious value by Luke Wadding, attributes to Bonaventure the great humility of not accepting the cardinal's hat from the papal legates until he finished washing dishes in the kitchen.<sup>144</sup>

Bonaventure received his cardinal robes in the castle of Santa Croce di Fagna al Mugello, near Florence, on July 15, 1273, and on September 14, left with the Pope bound for Lyons. He arrived at Lyons on November 11, where he was consecrated bishop together with Peter of Tarantasia, a Dominican friar and a close friend of Bonaventure. Thomas Aquinas was also convoked to take part in the Second Council of Lyons, but he died on his way, when he was the Cistercian abbey of Fossanova, near Naples.

Between November 1273 and May 7, 1274, Bonaventure worked hard on the preparation of the Council of Lyons, together with Pope Gregory X. At the same time Bonaventure continued to defend the Mendicant Orders in front of the Pope. At that moment many cardinals were insisting that the Mendicant Orders should be suppressed. In fact, the Pope had to come to a compromise solution: he suppressed all the Mendicant Orders, with the exception of the Franciscans and Dominicans.

During the last General Chapter he presided, this time at Lyons, on May 19, 1274, Bonaventure resigned from the post of General Minister, in favour of Jerome of Ascoli Piceno, who arrived at Lyons from the Eastern empire on May 28, 1274. On June 28 the parties agreed to the union of the Eastern and Western Churches. The Council had already started its sessions, when Bonaventure became seriously ill, and died on July 15, 1274, assisted by Pope Gregory X. He was 57 years old. Peter of Tarantasia delivered the sermon during the funeral, at which the Pope and all the Cardinals present in the Council attended. Bonaventure was buried in the Franciscan church at Lyons, and Gregory X commanded all priests in the Church to celebrate one Mass for the repose of his soul.

Bonaventure was canonized by the Franciscan Pope Sixtus IV on April 14, 1482, with the Bulla *Superna caelestis patria*.<sup>145</sup> The Franciscan Conventual Pope, Sixtus V, declared Bonaventure and Thomas Aquinas doctors of the Latin Church on March 14, 1588, with the Bulla *Triumphantis Ierusalem*.

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<sup>144</sup> Luke WADDING, *Annales Minorum*, Vol. IV, ad ann. 1273, XIII, 381-382: "Pacatum et tranquillum animum sua humili forte contentum, minime hos honores ambiisse, neque quidquam eorumdem collatione mutatum probat, quod hic ex bonis subiicio auctoribus mirae humilitatis exemplar. Ex consueta humilitate cum ceteris Fratribus pro hujus Sodalitii more a prandio lavabat, tergebatque culinae utensilia in supradicto Coenobio [Albano], quando Legati Pontificii advenerunt insigne deferentes Cardinalitium. Ille nequaquam propter hoc commotus, legationem plene admittere prius noluit, quam coeptum abluendi munus explesset; immo ad id usque tempus oblatum galerum ex adversae arboris, corni dictae, ramusculo appendere iussit. Plene autem functus humilitatis officio, inquit ad Fratres: *Postquam Fratris Minoris explevimus munia, experiamur ista graviora: salutaria haec et salubria mihi credite Fratres, illa vero magnarum dignitatum, ponderosa et periculosa*. Et accedens ad praefatam cornulum, inde galerum assumpsit, et Papae Nuncios comiter et honorifice, ut decerit, excepit."

<sup>145</sup> A. VAUCHEZ, "The canonizations of St. Thomas and St. Bonaventure: Why a two-century gap between them?" in GR 12 (1998) 193-210.

***Further Reading***

BROOKE Rosalind B., *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959 (paperback edition 2004), pages 255-279.

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 123-139; 140-154.

## Chapter 5

# FROM THE ORDER OF SAN DAMIANO TO THE ORDER OF SAINT CLARE

The publication of the Sources for the life of Saint Clare of Assisi has provided us with an indispensable tool for understanding the origins and development of the female branch of the Franciscan family.<sup>146</sup> Although nowadays we are accustomed to refer to the Second Franciscan Order as one family, although not totally homogenous in structure, this has not been the case at the very beginning. Let it suffice to state that the official name *Ordo Sanctae Clarae*, Order of Saint Clare, began to exist in 1263, ten years after Clare had died.<sup>147</sup> The founding of the monastery of San Damiano in 1212 created a style of female religious life, which was to continue to exist separately from nearly all the subsequent foundations of what would become known as the *Ordo Sancti Damiani*, the Order of San Damiano. On the one hand, Clare would continue to defend the primitive *forma vitae* given to her by Saint Francis in 1212. On the other hand, Cardinal Hugolino, Protector of the Friars Minor, and later Pope Gregory IX (1227-1241) would do all in his power to unify under one homogeneous form all the monasteries founded in Umbria and in Tuscany, by providing one common Form of Life for them all in 1219, although as Pope he also conceded the *Privilege of Poverty* in the case of the Poor Ladies of the monastery of San Damiano (1228). The relationship between Clare and the authority of the Popes Gregory IX and Innocent IV, seen against her staunchness to defend the ideals handed over to her by Francis and his companions, including brother Elias, nowadays provides the basis for a serious study of how the Second Franciscan Order was born and how it developed during the 13<sup>th</sup> century.<sup>148</sup>

### A glance at Clare's biography

Clare was born at Assisi in 1193 in the noble family of the knight Favarone di Offreduccio and Lady Ortolana. The family house stood on the left of the *piazza* overlooking the cathedral of San Rufino. In 1198 the Assisi citizens attacked the residences of the nobles and drove them out of the town. Clare's family left for safety in Perugia. The effect of this civil war in Assisi was that the nobles allied themselves with the Perugians against the citizens of Assisi, who were humiliated in the battle of Collestrada in 1202, when Francis was captured and taken to prison in Perugia. In 1203 a peace-pact was signed between Assisi and Perugia, and the nobles could return and regain their lost possessions.

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<sup>146</sup> *Clare of Assisi. The Lady. Early Documents*, Revised Edition and Translation by Regis J. ARMSTRONG, New City Press, New York – London – Manila, 2006. We shall refer to this edition of the Sources for the Life of St. Clare in our quotations, indicating the edition as: CAED, plus the page number.

<sup>147</sup> POPE URBAN IV, Bulla *Beata Clara* (October 18, 1263).

<sup>148</sup> A fundamental study in English on the whole issue is that of Maria Pia ALBERZONI, *Clare of Assisi and the Poor Sisters in the Thirteenth Century*, Franciscan Institute Publications, St. Bonaventure University, NY 2004.

On March 28, 1211, which was Palm Sunday, Clare left her family palace at night and went down to the Porziuncola, where she joined Francis and the brothers. Francis sent her to the Benedictine monastery of San Paolo delle Abbadesse in Bastia Umbra, and later to the female *recluserium* of Sant'Angelo di Panzo, where she was joined by her sister Caterina, who would take the name Agnes. After being assaulted in vain by their uncle Monaldo and other relatives, Clare and Agnes were left in peace. Francis settled them at the small church of San Damiano. In 1212 Francis gave Clare and the Poor Sisters of San Damiano a Form of Life, which Clare eventually included in her Rule in 1253.

As an effect of the Fourth Lateran Council, in 1215 Clare accepted the title of Abbess. Cardinal Hugolino intervened in 1219 to give a Form of Life to the new foundations of the Order of San Damiano in Umbria and Tuscany (Constitutions of Hugolino), modelled upon the Benedictine Rule, thus effectively separating the monastery of San Damiano from the majority of the other foundations. The new foundations were given a Visitor. In 1218 the Cistercian Ambrose was Visitor; in 1219 brother Philip Longo,<sup>149</sup> in 1220 brother Pacificus; in 1226 again brother Philip Longo, entrusted officially with the task by Pope Gregory IX, who remained Visitor until 1246.

In 1224 Clare began a long period of illness, which lasted until her death in 1253. In 1225 Francis spent some weeks at San Damiano, and there he composed the Canticle of Creatures. In 1226 Ortolana, Clare's mother, entered the monastery of San Damiano. Before dying on October 3, 1226 Francis gave to Clare and the Poor Sisters his Last Will (*Ultima voluntas*). On October 4, 1226 Clare and the Poor Sisters could see Francis' dead body during the funeral procession from Santa Maria degli Angeli to Assisi, which stopped at San Damiano.

On March 19, 1227 Cardinal Hugolino became Pope Gregory IX. He canonized Francis in the church of San Giorgio, in Assisi, on July 16, 1228, and laid the foundation stone of the new basilica dedicated to the Saint. In 1228 a new monastery was founded at Pamplona in Spain. On September 17, 1228, Gregory IX granted Clare and the Poor Sisters of the monastery of San Damiano the Privilege of Poverty. In 1229 Beatrice, Clare's other sister, entered San Damiano, while Agnes was sent as Abbess of the monastery of Monticelli, near Florence.

On May 24, 1230 the relics of Saint Francis were transported to the new basilica. On September 28, 1230 Gregory IX issued the Bulla *Quo elongati*, in which he prohibited the friars from entering to preach into the monasteries of the Order of San Damiano without papal authorization. Clare protested against this papal directive by sending away from the monastery the lay brothers who took care to beg for alms for the sisters. The Pope revoked the prohibition in the case of the monastery of San Damiano.

In 1234 the princess Agnes of Bohemia founded a new monastery of Damianites in Prague, and she herself entered as a nun in the monastery. Clare wrote four letters to Agnes of Prague between 1234 and 1253. The monastery in Prague was aided by nuns coming from Trent. Agnes wrote to Pope Gregory IX requesting for permission to follow the Form of Life of the monastery of San Damiano in Assisi,

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<sup>149</sup> According to JORDAN OF GIANO, 13, *XIII<sup>th</sup> Century Chronicles*, 28: "Brother Philip, who was over-zealous for the Poor Ladies, contrary to the will of Blessed Francis who wanted to conquer all things through humility rather than by the force of legal judgments, sought letters from the Apostolic See. By these letters he wished to defend the Ladies and excommunicate their disturbers." Francis, upon returning from the East, deposed Philip as Visitor. But in 1227 Gregory IX confirmed Philip Longo as Visitor of all monasteries of Poor Ladies embracing the Form of Life of Cardinal Hugolino.

but to no avail. On her part, Clare encouraged Agnes to live the spirit of the Form of Life and to follow the counsels of brother Elias, who was General Minister of the Order (1232-1239).

On June 25, 1243, Innocent IV was elected Pope. On August 6, 1247, Innocent IV gave yet another Rule to the Order of San Damiano, modelled also on the Benedictine Rule, but placing the female monasteries under the jurisdiction of the General Minister of the Friars Minor. This Rule, however, allowed the nuns to have common property, and thus contradicted what Clare had always asked for, when she held on to the Form of Life of 1212 and requested the Privilege of Poverty in 1228.

In 1250 Clare entered the last phase of her illness. She began to write her own Form of Life, or Rule, modelled upon the *Regula bullata* of the Friars Minor (1223), and incorporating in chapter 6 the Form of Life and Last Will given to her by Saint Francis. On September 8, 1252, the Cardinal Protector Raynaldus di Jenne visited Clare at San Damiano. She begged him to approve her Rule. Raynaldus gave his approval to the Rule of Saint Clare on September 16, 1252.

In 1253 Agnes returned to San Damiano from Monticelli, in order to be close to her dying sister. Pope Innocent IV visited Clare at San Damiano twice, on April 27 and some days before August 9, 1253. Clare begged the Pope to confirm her Rule. She also dictated her Testament. On August 9, 1253, Pope Innocent IV confirmed the Rule of Saint Clare for the monastery of San Damiano with the Bulla *Solet annuere*. Clare died on August 11, 1253 and was buried at San Damiano until 1260, when her remains were taken to the new basilica built in her honour in Assisi.

On October 18, 1253, Innocent IV asked Bartholomew, bishop of Spoleto, to preside over the canonical process in preparation for the canonization of Clare. The process took place at San Damiano and Assisi on November 24-29, 1253, and the Acts of the Process of Canonization have come down to us.

On December 7, 1254 Innocent IV died. Raynaldus di Jenne was elected Pope Alexander IV on December 12, 1254. He canonized Clare in the cathedral of Anagni on August 15, 1255, and published the Bulla of canonization *Clara claris praeclara*. An official *Legenda* of Saint Clare was published in 1255. In 1260 the basilica of Saint Clare and a new monastery were built in Assisi, on the site of the church of San Giorgio. Saint Bonaventure, General Minister, *presided* over the transfer of the relics of Saint Clare to the new basilica in 1260.

On May 25, 1261 Alexander IV died, and on August 29, 1261 Urban IV was elected. In 1263 he approved a new Rule for the monastery of Longchamp, founded by Isabelle of France. On October 18, 1263, Urban IV gave a new Rule to all the monasteries of Damianites, included in the Bulla *Beata Clara*. He declared that the Order was to be called *Ordo Sanctae Clarae*, Order of Saint Clare. The Poor Clares were to observe this new Rule, which allowed common property. It was only during the 15<sup>th</sup> century that the reform family of the Franciscan Observants worked hard to convince the monasteries of the Poor Clares to start the slow process of returning to the observance of the Rule of Saint Clare of 1253.

### **The origins of the *Sorores Minores* and the influence of Cardinal Hugolino**

The bishop Jacques de Vitry is the first witness regarding Franciscan presence in Umbria in 1216. In the *Letter written from Genoa* in 1216, he says:

“I did find, however, one source of consolation in those parts. Many well-to-do secular people of both sexes, having left all things for Christ, had fled the world. They were called ‘Friars Minor’ and ‘Sisters Minor.’ They are held in great reverence by the Lord Pope and the Cardinals. [...] The women dwell together near the cities in various hospices, accepting nothing, but living by the work of their hands. They are grieved, indeed troubled, by the fact that they are honoured by both clergy and laity more than they would wish.”<sup>150</sup>

The name *Sorores Minores* has led to some confusion, since scholars have been doubtful whether Jacques de Vitry was, indeed, referring explicitly to the experience of Clare and the Poor Ladies at San Damiano. Some indications, however, favour this possibility. First of all, Jacques is speaking about evangelical religious movements in Umbria, since he was in Perugia when he came to know of the existence of the friars. Secondly, he links the female members of this religious family to the *Fratres Minores*, in such a way that it seems that they are part and parcel of the same religious family. The name *Sorores Minores*, in fact, does not occur in any other 13<sup>th</sup> century documentary sources, and seems to be an invention of Jacques himself, since he did not know the official name of the Poor Ladies. This is understandable, given that in 1216, the Poor Ladies did not, in fact, have any official name, except for being known as the Poor Ladies of San Damiano, and this only in the case of the monastery in which Clare and the first sisters were living. Maria Pia Alberzoni explains this in her study regarding Clare and the Poor Sisters in the 13<sup>th</sup> century:

“It is possible to note that while, precisely because it corresponded to a defined reality, the name *Fratres Minores* remained essentially unchanged and finally came to be consecrated definitively by the papal approval of the rule, such was not the case with the correlative term used by Jacques de Vitry, *Sorores Minores*. Perhaps this was due to the lack of a precise institutional reference in the person of a founder or foundress. The ambiguity in terms is thus to be put in relation with the minimal cohesiveness of the group, a fact that is in turn due to the absence of a single person at the origin of the experience itself. From this comes the history of the different names over time and, especially, the difficulty of identifying the characteristic features of women’s Franciscanism, obstinately considered, until recently, as a unified phenomenon from its very beginnings. To place at the centre of attention the variations and changes in terminology used to designate these religious groupings in the course of the thirteenth century therefore coincides with the retracing of some of the most important steps in the legislative travail that so marked the history of ‘women’s Franciscanism’ and, in a particular way, that of the *Sorores Minores*.”<sup>151</sup>

The period after 1216 marks the first development of the *Sorores Minores*. Honorius III wrote an important letter to Cardinal Hugolino on August 27, 1219, which begins with the words *Litterae tuae nobis*. At that moment Hugolino was Papal Legate for Lombardy and Tuscany, and the last region would also have included the Umbrian and Spoleto Valleys. Hugolino was instructed by the Pope to give attention to the fact that “many virgins and other women desire to flee the pomp and wealth of this world and make some homes for themselves in which they may live

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<sup>150</sup> JACQUES DE VITRY, *Letter written from Genoa – 1216* (FAED I, 579-580). The Latin original says: “Multi enim utriusque sexus, divites et saeculares, omnibus pro Christo relictis, saeculum fugiebant, qui *fratres minores* et *sorores minores* vocantur.” Italics are mine to stress the importance of the specific names in Latin, which I insist in translating “Friars Minor” and “Sisters Minor.”

<sup>151</sup> Maria Pia ALBERZONI, *Clare of Assisi and the Poor Sisters in the Thirteenth Century*, Franciscan Institute Publications, St. Bonaventure University, NY 2004, 116. In the Bulla *Beata Clara* of Urban IV, the Pope explicitly says that the Order had been known with a variety of names in the past, including the following: *Sorores* (sisters), *Dominas* (ladies), *Moniales* (nuns), *Pauperes Inclusas Ordinis Sancti Damiani* (Poor Recluses of the Order of San Damiano).

not possessing anything under heaven except these homes and the oratories to be constructed for them.” He further says that Hugolino had received foundations for this purpose in the name of the Church of Rome. The Pope then states:

“We command you through the authority of this letter to receive, legally as property, the foundations of this kind in the name of the Church of Rome and to ordain that the churches built in these places be solely under the jurisdiction of the Apostolic See.”<sup>152</sup>

Hugolino had been familiar with the form of life of the Cistercian Order, and it seems that he took upon himself the responsibility of overseeing the establishment of new monasteries of *Pauperes Dominae de Valle Spoleti sive Tuscia* (Poor Ladies of the Valley of Spoleto or Tuscia), modelling them upon the Cistercian way of life. By doing this, Hugolino was, in effect, separating the new foundations from any contact with Clare and the Poor Ladies at San Damiano, and he was appearing, *de facto*, as the founder of this loosely-structured new female religious family. It was through the direct intervention of Hugolino that the first monasteries outside Assisi were founded in 1219-1222, namely Monticelli near Florence, Monteluca near Perugia, Siena, and Lucca.

According to Alberzoni, in this early period there were three kinds of monasteries, which can be regarded as belonging to the religious family that was to develop into the Order of Saint Clare: (1) the monastery of San Damiano, and maybe other small female religious establishments in the Tuscan-Umbrian region; (2) groups of *mulieres religiosas* (religious women) who existed under the jurisdiction of local bishops, but who were assisted by the Friars Minor, as in the case mentioned in 1C 78 and 2C 106, regarding the monastery of San Severino in the Marches; (3) the monasteries founded independently by Cardinal Hugolino, from 1219 onwards, in which the nuns were known by the name of *Pauperum Dominarum de Valli Spoleti sive Tuscia*.<sup>153</sup>

### **Pope Gregory IX, brother Elias, and the Order of San Damiano**

On December 14, 1227, the newly-elected Gregory IX wrote the letter *Quoties cordis* in which he entrusted the *cura monialium* (pastoral care of nuns) of the *pauperes moniales reclusae* (the poor enclosed nuns) to the General Minister John Parenti. The Pope, however, makes no mention of Saint Francis as being the founder of this female religious family.

“In the summer of 1228, Gregory succeeded in getting Clare, her community and those connected to it to become part of the Order of the *pauperes moniales reclusae*, thus removing them from episcopal jurisdiction, placing them in direct dependence on the Roman Church, and granting them in exchange the so-called *privilegium paupertatis* of September 17, 1228, by which San Damiano was guaranteed that it could continue along the way indicated by Francis, at least in regard to the choice of absolute poverty. From that time the pontiff and the new cardinal protector of the women’s monasteries, Raynaldus di Jenne, could begin to call the new Order created by Hugolino the *Ordo Sancti Damiani*, precisely in order to emphasize the importance within it of the Assisi monastery and, thus, the strong link with the experience of Francis and the Friars Minor.”<sup>154</sup>

<sup>152</sup> HONORIUS III, *Letter to Cardinal Hugolino – 1219* (CAED, 72).

<sup>153</sup> Maria Pia ALBERZONI, 118-119.

<sup>154</sup> Maria Pia ALBERZONI, 121.

The close collaboration between the Friars Minor and the Order of San Damiano continued especially during the generalate of brother Elias (1232-1239), but some factors were instrumental in bringing a radical change in mutual attitudes. When Pope Gregory IX published the Bulla *Quo elongati* in 1230, he explicitly denied permission for the friars to visit the monasteries of the Poor Ladies without consent from the Apostolic See. Elias, however, seemed to care little for this rule, and when he was deposed from General Minister, according to what Thomas of Eccleston states, he still continued visiting the Poor Ladies. This act of disobedience was one of the reasons for Elias' excommunication.<sup>155</sup> That is why, after the deposition of Elias, the *Sorores Minores* would have found themselves without the support of the leaders of the Order, who wanted to continue supporting Gregory IX in his plan to unite all monasteries of Poor Ladies under one Form of Life.

One of the major problems hindering the effective unity of all the Poor Ladies was the fact that some monasteries of nuns, who did not accept Hugolino's Form of Life and who pretended to be called *Damianites*, were living out of every kind of control on the part of the Apostolic See and the Order. They were not Poor Ladies at all, but the common people were confused when they saw their habits resembling those of the nuns of the Order of San Damiano. That is why Gregory IX condemned these nuns on February 21, 1241.

### **Innocent IV and the Rule of 1247**

Innocent IV continued to deal with the problem of non-authorized female monasteries of Poor Ladies. During his pontificate he wrote various letters to bishops in Lombardy, the Marches of Ancona, Romagna, southern France, and England, to ask them not to allow the presence of these *mulieres religiosae* who imitated the Poor Ladies, but who had no authorization from the Apostolic See. Since these nuns were also using the name *Sorores Minores*, it became a necessity for the true Poor Ladies to gradually drop this name. The effort was also the result of the frustration of the Friars Minor who were not content with the female family using the same name, and yet being a monastic Order, and hence, with no centralized power of government.

"In this context, furthermore, there is particular significance to the strong reminder of Innocent IV that the founding of the Order of San Damiano was the work of Francis himself. It was expedient to reaffirm the strong bond between Francis and the *Ordo S. Damiani* – not, please note, the monastery of San Damiano – in order to discredit the *Sorores Minores*, striking them in their use of the name itself and thus in their pretence of having a privileged bond with the Order of Friars Minor while not belonging to the monasticism promoted as 'Franciscan' by the Apostolic See. It is clear that, once the foundation of the Order of San Damiano was attributed to Francis, the Minors had also achieved their goal of circumscribing their commitment to the *Damianites*, thus obtaining an important limitation to the burdensome commitment to the *cura monialium*. We should note further that, if seen in this light, the context allows us to explain the reasons that led Innocent IV in August 1247 to promulgate a new rule for the Order of San Damiano. In fact, its mention of the rule of Benedict was now replaced by the rule of Francis, an inevitable change if the desire was to make the foundation of this Order date back to Francis."<sup>156</sup>

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<sup>155</sup> THOMAS OF ECCLESTON, c. 13, *XIII<sup>th</sup> Century Chronicles*, 156: "After this, Brother Elias, having chosen the place of Cortona for his dwelling place, went without permission and against the general prohibition of the minister general to visit the houses of the Poor Ladies; for this reason he seems to have incurred the sentence of excommunication decreed by the pope."

<sup>156</sup> Maria Pia ALBERZONI, 128.

The fact that Saint Francis is indicated as the founder of the Order of San Damiano is interesting. Gregory IX had referred to this only on May 9, 1238, when addressing the letter *De Conditoris omnium* to Agnes of Prague.<sup>157</sup> In the letter *Angelis gaudium*, of May 11, 1238, Gregory IX refers again to the fact that Francis had given a Form of Life to Clare and the Poor Sisters at San Damiano, but he insists that “blessed Francis gave them, as new-born children, not solid food but rather a milk drink, a formula of life, which seemed to be suited for them.”<sup>158</sup> That is why Gregory refuses Agnes’ petition to observe that Form of Life, on the example of the monastery of San Damiano, and states that now all the monasteries of Poor Ladies, including San Damiano, were observing the Form of Life which he, Gregory, had given them in 1219, when he was still Cardinal Hugolino. All this shows that, on the part of the Church’s authority, as well as on the part of Clare and Agnes of Prague, the authority of Saint Francis was being invoked in order to come to grips with the need, on the one part, of unifying the Order into a homogenous religious family and, on the other part, of remaining faithful to absolute poverty and to the life-link with the Order of Friars Minor.

On August 6, 1247, Innocent IV promulgated the Bulla *Cum omnis vera religio*, in which he included a new Form of Life or Rule for the Poor Ladies. In the Rule the Pope acknowledges Saint Francis as the one who inspired the ideals of the Poor Sisters in the *Forma Vitae*, which he gave to Clare in 1212:

“We, according to your pious prayers, grant to you and those who come after you the observance of the Rule of Saint Francis with respect to the three counsels, namely obedience, the renunciation of property in particular, and perpetual chastity, as well as the Form of Life written in the present document, according to which you have particularly decided to live. By doing so we establish by our apostolic authority that it be observed for all times in every monastery of your Order.”<sup>159</sup>

The Pope acknowledged that the Poor Ladies had the right of being exempt from the authority of local bishops and placed them directly under the jurisdiction of the General and Provincial Ministers of the Friars Minor, just as he had placed the Dominican nuns of Saint Sixtus under the jurisdiction of the Master General of the Friars Preachers on February 3, 1244:

“We fully entrust the care of you and all the monasteries of your Order with the authority of the present [document] to our beloved sons, the general and provincial ministers of the Order of Friars Minor. We decree that you remain under their – or others who might be ministers for a time – obedience, government, and teaching. You are firmly bound to obey them.”<sup>160</sup>

### The Rule of Saint Clare (1253)

The Rule of Innocent IV had abolished references to the Benedictine Rule, and placed the *Ordo Sancti Damiani* firmly under the jurisdiction of the Ministers of the Franciscan Order. But it contained a serious blow to Clare’s ideals, namely that it

<sup>157</sup> GREGORY IX, Letter *De Conditoris omnium* (May 9, 1238), CAED, 359: “[Francis] brought a grand increase of souls to the Son of the eternal Father when he instituted three Orders throughout the breadth of the world [...] the Order of Friars Minor, of the cloistered Sisters, and of Penitents.”

<sup>158</sup> GREGORY IX, Letter *Angelis gaudium* (May 11, 1238), CAED 360-362. Quotation from p. 361.

<sup>159</sup> INNOCENT IV, Rule “*Cum omnis vera religio*,” CAED 90.

<sup>160</sup> INNOCENT IV, Rule “*Cum omnis vera religio*,” CAED 99.

allowed property in common.<sup>161</sup> In the case of the monastery of San Damiano, there was no problem, since the Privilege of Poverty given by Gregory IX in 1228 was still in force. But that privilege did not apply to the other monasteries of the Poor Ladies. It was at this point, that is, after 1247, that Clare decided to draft a new Rule herself, modelled upon the *Regula bullata* of the Friars Minor.

Cardinal Raynaldus passed through Assisi in 1251 and paid a visit to Clare at San Damiano. It was during this visit that Clare decided to ask the Cardinal Protector to approve her Form of Life:

“And, behold, in a little while the Roman Curia arrived in Perugia. The Lord of Ostia, after hearing about the increase of her sickness, hurried from Perugia to visit the spouse of Christ [...] Then she begged so great a father with her tears to take care of her soul and those of the other Ladies for the name of Christ. But, above all, she asked him to petition to have the Privilege of Poverty confirmed by the Lord Pope and the cardinals.”<sup>162</sup>

Clare had to wait for one whole year to see her Form of Life approved by the Cardinal Protector. On September 16, 1252, Raynaldus addressed the letter *Quia vos*, by which he approved the Rule of Saint Clare, allowing it, however, to be followed only at San Damiano. Clare had to wait further to see her Rule confirmed by Pope Innocent IV, who came to visit her at her deathbed on August 9, 1253, and confirmed her Rule the following day with the Bulla *Solet annuere*.

“At the end of her life, after calling together all her sisters, she entrusted the *Privilege of Poverty* to them. Her great desire was to have the *Form of Life* of the Order confirmed with a papal bull, to be able one day to place her lips upon the papal seal, and then, on the following day, to die. It occurred just as she desired. She learned a brother had come with letters bearing the papal bull. She reverently took it even though she was very close to death and pressed that seal to her mouth in order to kiss it. On the following day, Lady Clare passed from this life to the Lord.”<sup>163</sup>

As far as Clare was concerned, her life-long commitment to ensure that the Gospel ideals of Francis were upheld, had been realized. The road had not been easy, and Clare found herself in a situation where she had to obey papal directives, which were not according to her ideals. She courageously strove to remind Innocent IV not only of the link between her religious family and Saint Francis’ Form of Life, but also of Gregory IX’s concession of the *Privilege of Poverty*, which she would have liked to see extended to all monasteries of Poor Ladies. Her success, however, was short-lived, and only restricted to the monastery of San Damiano, as we shall now see.

### The Rule of Urban IV (1261) and the Order of Saint Clare

The pontificate of Urban IV (August 29, 1261 – October 2, 1264) is an important moment for the legislative development of the Form of Life of Saint Clare and for the universal recognition of her Order as a unified family under one official name. In 1255 Isabelle, sister of Saint Louis IX, king of France, founded a monastery for nuns at Longchamp. She entrusted some Franciscan theologians, among whom Saint Bonaventure himself, to compose a Rule for this female monastic community.

<sup>161</sup> INNOCENT IV, *Rule*, 11, CAED 102: “As far as this is concerned, you may be permitted to receive, to have in common, and freely to retain produce and possessions.”

<sup>162</sup> *LegCl*, 40, CAED 314.

<sup>163</sup> *ProcCan* III, 32, CAED 162.

The end product was the composition of another Rule, which closely resembled that written by Innocent IV in 1247. In that Rule this religious family of nuns was to be known as *Sorores Ordinis Humilium Ancillarum beatissime Mariae virginis gloriosae* (Sisters of the Order of the Humble Maidservants of the most blessed and glorious Virgin Mary). As the name itself shows, there seems to have been no direct link with the other monasteries of the Order of San Damiano. The Rule was approved by Pope Alexander IV on February 10, 1259, and was later definitively approved by Urban IV on July 27, 1263. Urban had preferred to change the name of the Order into that of *Sorores Minores inclusae* (Cloistered Sisters Minor).

The plan of Urban IV was to unify all the monasteries of Poor Ladies under one Rule and one name. For this reason he entrusted Cardinal Giovanni Gaetano Orsini, Protector of the Order, who later on became Pope Nicholas III (1277-1280), to write a new Rule. The Rule of Urban IV was approved by the same Pope in the Bulla *Beata Clara*, of October 18, 1263.

The novelty of the Rule of Urban IV lies particularly in two characteristic notes. First of all the Pope addresses the Bulla to the cloistered nuns of the *Ordo Sanctae Clarae*. Thus, in 1263, all the monasteries of Poor Ladies were to be known by this name, which remained the distinguishing mark of the Second Franciscan Order ever since. Secondly the Pope declares that Clare could be considered as being the foundress of her Order.<sup>164</sup>

Thus we can say that, by 1263, the complex female religious movement born within or close to the male Franciscan Order, was given a uniform structure and name. The original ideals of Clare were those held dear particularly in the monastery of San Damiano. The turn of events during the 13<sup>th</sup> century, however, could not be a guarantee for the internal unity of this religious family. For the monastery of San Damiano, the Form of Life given by Francis in 1212, and corroborated by the *Privilege of Poverty* of Gregory IX (1228) was, in a certain way, a guarantee of faithfulness to the original Gospel ideals of Francis. In the case of the other new foundations in Tuscany and Umbria, however, things were very different. It was Cardinal Hugolino who could be regarded as the true founder of all these other religious families of nuns. It was he who gave them a Rule of life in 1219, modelled upon the Benedictine Rule. There was not even a uniform name to these various religious women. Jacques de Vitry called them *Sorores Minores* in 1216, whereas the nuns at San Damiano were known as the *Sorores Pauperes* or *Pauperes Dominae Sancti Damiani*. The other monasteries were simply known as *Ordo Pauperum Dominarum de Valli Spoleti et Tuscia*. Other female religious women abused of the name *Sorores Minores* to imitate the true followers of Clare, but without accepting the principle of an enclosed life.

This state of affairs was partially resolved by Innocent IV, when he gave to the Poor Ladies a new Rule in 1247, which placed them under the jurisdiction of the Friars Minor. It seemed that the life-link with Francis and the friars was guaranteed. On the part of the friars themselves, however, there arose a multitude of difficulties and they often resisted the Church's insistence to take care of the nuns. This is very evident especially during the generalates of Crescenzo da Iesi, John of Parma, and Bonaventure.

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<sup>164</sup> A good study, in Italian, about the Rule of Urban IV is that by Giulia BARONE, *La Regola di Urbano IV*, in *Clara claris praeclara*. «Convivium Assisiense». Ricerche dell'Istituto Teologico e dell'Istituto di Scienze Religiose di Assisi, Atti del Convegno Internazionale (Assisi, 20-22 novembre 2003), Edizioni Porzincola, Assisi 2004, 83-95.

In the case of San Damiano, things seemed to be more clear, especially when Clare managed to get her own Form of Life approved by Innocent IV in 1253, just before dying. Ten years later, however, Urban IV obliged all monasteries to follow his own Rule, as we have seen. His success was such that it took centuries for the Poor Clares to return to the observance of the 1253 Rule. Let it suffice to say that it was only as a result of pressure on the part of the great reformers of the Observant movement of the 15<sup>th</sup> century, that some of the Poor Clare monasteries were reformed, and that it was only in 1932 that the Protomonastero of Assisi dropped the observance of the Rule of Urban IV to embrace once more the Rule of Saint Clare.

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## Chapter 6

# THE FRANCISCAN PENITENTIAL MOVEMENT DURING THE 13<sup>TH</sup> CENTURY

St. Francis begins his *Testament* with the famous phrase: “The Lord gave me, Brother Francis, thus to begin doing penance.”<sup>165</sup> These words underline the religious experience of St. Francis who lives in penance, understood as a continual attitude of conversion to God. This attitude was one of the basic notes of the early Franciscan fraternity, so much so that the first brothers considered themselves as *virī poenitiales de civitate Assisii oriundi* (“men of penance, coming from the town of Assisi”).<sup>166</sup>

We have already spoken about the distinction made by Jacques of Vitry between the *fratres minores* and the *sorores minores*, in his Letter written from Genoa in 1216. This is the earliest witness of the existence of the Friars Minor and the Poor Ladies of San Damiano, as the male and female expressions of the penitential and evangelical charism embraced by Francis. Later on, a third category would be added, namely that of the lay members of the *Ordo Poenitentium*, the Order of Penitents, which can be considered as the first nucleus of the Third Franciscan Order, and which later biographers would consider as Francis’ own creation. Before discussing the validity of such an assertion, we shall have a look at some of the 13<sup>th</sup> century Sources regarding Franciscan Penitents.

### Francis and the Order of Penitents

Thomas of Celano is the first witness to the existence of the Franciscan lay penitential movement. He describes it in his *Life of St. Francis*, written in 1228-1229:

“Many people, well-born and lowly, cleric and lay, driven by divine inspiration, began to come to Saint Francis, for they desired to serve under his constant training and leadership. All of these the holy one of God, like a fertile stream of heavenly grace, watered with showers of gifts and he adorned the field of their hearts with the flowers of perfection. He is without question an outstanding craftsman, for through his spreading message, the Church of Christ is being renewed in both sexes according to his form, rule and teaching, and there is victory for the triple army of those being saved. Furthermore, to all he gave a norm of life and to those of every rank he sincerely pointed out the way of salvation.”<sup>167</sup>

Julian of Speyer, in his *Vita beati Francisci*, composed in 1232-1235, is even more explicit in attributing to Francis the founding of three Orders (*tres Ordines ordinavit*):

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<sup>165</sup> Test 1 (FAED I, 124). The phrase in Latin reads: *Dominus ita dedit michi fratri Francisco incipere faciendi penitentiam*.

<sup>166</sup> AP 19 (FAED II, 43): “Some people willingly and joyfully listened to the brothers; others, however, jeered at them. Many people repeatedly questioned them, and it was extremely wearisome to answer so many questions because new situations often gave rise to new questions. Some asked them: ‘Where do you come from?’ While others asked: ‘To which Order do you belong?’ They answered simply: ‘We are penitents and were born in Assisi.’ At that time the religion of the brothers was not yet called an order.” Parallel text in L3C 37 (FAED II, 90).

<sup>167</sup> 1C 37 (FAED I, 216-217).

“He founded three Orders, the first of which he prized above all others by profession and habit, and which, as he had written in his Rule, he called the Order of Friars Minor. The Second Order, the Order of the Poor Ladies and virgins of the Lord, [...] likewise took its fruitful origin from him. The Third, also an order of considerable perfection, is called the Order of Penitents, which profitably brings together clerics and laity, virgins, unmarried, and married persons of both sexes.”<sup>168</sup>

The anonymous author of *The Life of Pope Gregory IX*, written circa 1240, who could very well be John of Ceprano, notary of the Apostolic See, and author of the Legend *Quasi stella matutina*, now lost, writes:

“At the time of his office [as bishop of Ostia] he [Pope Gregory] established and brought to completion the new orders of the Brothers of Penance and of the Cloistered Ladies.”<sup>169</sup>

The *De inceptioe Ordinis*, popularly known as *Anonymous of Perugia*, says that lay married persons asked the friars to give them permission to live a penitential life in their own homes. “The brothers founded an order for them, called the Order of Penitents, and had it approved by the Supreme Pontiff.”<sup>170</sup>

According to 2 *Celano* 38, a certain lady of Cortona came to the hermitage of Le Celle, and asked Francis to help her to live a life of penance in her married state. The *Assisi Compilation* 74 mentions the spirit of penance and conversion of the inhabitants of Greccio. The *Legend of the Three Companions* also mentions the penitents who follow the way of life of Francis and the brothers, and who were later approved as an Order by the Pope:

“Similarly, both married men and women given in marriage, unable to separate because of the law of matrimony, committed themselves to more severe penance in their own homes on the wholesome advice of the brothers.”<sup>171</sup>

In the *Major Legend of Saint Francis* Bonaventure states: “Carried away by the force of his preaching, great numbers of people adopted the new rule of penance according to the form instituted by St. Francis which he called the Order of the Brothers of Penance”.<sup>172</sup>

The name *Ordo Poenitentium*, however, was not coined by Francis and the friars. In the Middle Ages, this name would indicate an organization of lay people such as a confraternity, which had very deep historical roots in the early centuries of the history of the Church, and which was taking the shape of a “third order” accompanying the new Orders during the 13<sup>th</sup> century. An example of this was the approval of the third order of the Humiliati by Innocent III in 1201, who welcomed

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<sup>168</sup> LJS 23 (FAED I, 385). In the *Officium Rhythmicum Sancti Francisci* (FAED I, 338), composed in 1230-1232, in the third antiphon of Lauds, Julian of Speyer writes: “Three were the Orders he arrayed: / The Friars Minor he called the first; / And the Poor Ladies were next, / Becoming the middle order; / Then thirdly came the Penitents, / Comprising men and women. Latin text: *Tres ordines hic ordinat: / primumque fratrum nominat / Minorum, pauperumque / fit Dominarum medius, / sed Poenitentium tertius / sexum capit utrumque.*

<sup>169</sup> *Life of Pope Gregory IX*, 1 (FAED I, 603).

<sup>170</sup> AP 41 (FAED II, 55). Cfr. Raoul MANSELLI, “Francis of Assisi and Lay People Living in the World: Beginning of the Third Order,” GR 11,1 (1997) 41-48; Octavian SCHMUCKI, “The Third Order in the Biographies of St. Francis,” GR 6,1 (1992) 81-107.

<sup>171</sup> AP 60 (FAED II, 103).

<sup>172</sup> LMj 4,6 (FAED II, 553).

this new penitential family within the Catholic Church, after Pope Lucius III had expelled it in 1184 with the decree *Ad abolendum*.<sup>173</sup>

These groups of penitents were common in medieval Europe. Jacques de Vitry himself was familiar with the *beguin* movement in Flanders, and he himself was spiritual director of a holy *beguin* woman, namely Marie d'Oignies. The *beguins* or *beghards* were also present in the Italian peninsula, where they were known by the name *bizzocche*. They were, for the most part, women penitents who lived a kind of community life, working with their hands for mutual support and assisting the poor and the sick.

The Sources speak about lay people wanting to follow the Gospel way of life of Francis and the brothers. We find an interesting account in the *Actus Beati Francisci*, which can be referred to the beginning of the Order of Penance in the Franciscan family, even though we have to consider that the *Actus* were written in 1328-1337, and are therefore considered as a late source:

“[Francis] took Brother Masseo and Brother Angelo as his companions, both holy men. He went like a thunderbolt driven in spirit, paying no attention to road or path, until they came to a town called Cannara. There he preached with such fervour, and by a miracle swallows kept silent at his command, so all the people of Cannara, men and women, wanted to leave the town and follow him. However, Saint Francis said to them: “Don’t be hasty! I will arrange what you should do for your salvation.” From that time on he thought about making a Third Order for the salvation of everyone everywhere.”<sup>174</sup>

Kajetan Esser suggested that the beginnings of the Order of Penitents were quite similar to those of the Order of Friars Minor. The *Earlier Rule* of 1221, in the case of the First Order, was the result of a progressive elaboration of various chapters responding to the new issues which the Order faced in the period 1210-1221, that is, between the oral approval of the primitive *Propositum vitae* by Innocent III and the final draft of the *Regola non bullata*. In the case of the Order of Penitents, the *First Version of the Letter to the Faithful* would thus represent the primitive nucleus of the way of life of the Penitents. There exists the *Second Version of the Letter to the Faithful*, which deals with the same themes in a more detailed way.<sup>175</sup>

The key word of the *Letter to the Faithful* is “penance”. It is not important to know whether or not the Order of Penitents was officially instituted by Francis at some date before 1221. The document certainly comes before this date, and is an indication that Francis gave a way of life to lay persons who wanted to live the radical call of the Gospel adapted to their needs. The style of the Letter is that of an

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<sup>173</sup> BURCHARD OF URSBERG, *Chronicle* (FAED I, 593): “At that time, when the world was already growing old, there arose two religious orders in the Church, whose youth is [continually] renewed like the eagle’s, and which were approved by the Apostolic See, namely the Friars Minor and the Friars Preachers. Perhaps they were approved at that time because two sects, which had previously sprung up in Italy, were still around: one was called the Humiliati and the other the Poor Men of Lyons. Pope Lucius had not long before listed them among the heretics.” This had happened during the Council of Verona in 1184.

<sup>174</sup> ABF 16 (FAED III, 469). The mention of the Third Order is a clear reference to the fact that, when the *Actus* was composed, namely during the first half of the 14<sup>th</sup> century, the Third Order of the Penitents of St. Francis was universally recognised. This was possible after 1289, when Nicholas IV gave the Rule *Supra montem*, in which the Third Order is mentioned for the first time. During the time of St. Francis, this official name did not exist.

<sup>175</sup> Nowadays, not all scholars agree with Esser’s thesis that the *Earlier Exhortation to the Brothers and Sisters of Penance* is, in fact, an earlier version of the *Second Version of the Letter to the Faithful*. Cfr. Raffaele PAZZELLI, “The Title of the *Recensio Prior* of the Letter to the Faithful. Clarifications regarding Codex 225 of Volterra (cod. Vo),” translated by Nancy Celaschi, GR 4,3 (1990) 1-6.

exhortation. The contents concern the barest essentials of the penitential life, namely, the commandment of love of God and neighbour, the rejection of sin, participation in the Eucharist and in the sacrament of penance, acts of mercy as a proof of a penitential life. All this is seen against the background of a Trinitarian spirituality, and of a discipleship of Christ in the threefold relationship of spouses, brothers and mothers. The reverse side of the picture is that of the person who does not embark upon a life of penance. Francis describes the death of this person in a very crude but realistic way. The style is simply that of a few words of exhortation to those brothers and sisters who wanted to live the evangelical call to conversion in a more radical way. They form the core of the way of life of the Order of Penitents.

### **Outstanding figures in the early history of the Order of Penitents**

#### *Luchsius of Poggibonsi*

The first Franciscan penitents, according to a popular tradition, were Luchsius of Poggibonsi (†1260) and his wife Buonadonna.

Luchsius was born in Gaggiano, a village close to Radda in Chianti, in the neighbourhood of Siena in Tuscany, in an uncertain date between the end of the 12<sup>th</sup> and the beginning of the 13<sup>th</sup> century. He was married, but his wife's name has not survived. She is known simply as Buonadonna, because of her conversion in the Order of Penance of Saint Francis. As a young man he went to live at Poggibonsi. The importance of the area grew from the 10<sup>th</sup> to the 12<sup>th</sup> centuries, thanks to the strategic position of Poggibonsi on the Via Francigena, the main road of the merchants leading from Rome to France. Luchsius settled in this town and became a very rich merchant and a powerful man. He also became involved in the internal struggles of the town.

This couple has been popularly known as the first couple of Tertiary Franciscans. There is a lack of historical documents to prove this. However, the local tradition at Poggibonsi is strongly in favour. It is said that the conversion of Luchsius and Buonadonna occurred around the year 1221. After the General Chapter of Pentecost of that year, known as the Chapter of Mats, held at the Porziuncola in Assisi, Francis went on a preaching tour in Tuscany. He met Luchsius at Poggibonsi. Now Luchsius had just gone through an intense period of spiritual conversion, together with his wife Bonadonna. They had given all their riches to the poor, and kept just a small field in order to earn their daily living by the work of their hands. It seems that Francis had known Luchsius before. Indeed, there is tradition that says that Pietro di Bernardone, Francis' father, was a merchant from the town of Lucca in Tuscany.<sup>176</sup> According to tradition Francis invited Luchsius to accept the habit of the *Ordo Poenitentium*, or Order of Penance.

The first references to the fact that Luchsius was a Franciscan Tertiary appear in the *Chronicle of the XXIV Ministers General of the Order of Friars Minor*, composed by Arnald of Sarrant in the mid-14<sup>th</sup> century (1369-1374). The author says

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<sup>176</sup> Regarding Pietro di Bernardone's origins in Lucca and regarding Tuscan merchants, cfr. OMAR ENGLEBERT, *Saint Francis of Assisi*, Franciscan Press, Quincy 1965, Appendix III, 397-402. There is also a theory regarding a Jewish ancestry of the family of Pietro di Bernardone, and hence of St. Francis. Cfr. RALPH BROWN, *The Roots of St. Francis*, Franciscan Press, Quincy 1982.

that the Third Order founded by Francis of Assisi had, as its first member, a certain *sanctus Lucius*, who has been identified with Luchesius,<sup>177</sup> and who died in 1260.

### *Saint Elizabeth of Hungary*

The patron saint of the Third Order is Saint Elizabeth of Hungary. Born in 1207, she was a princess, the daughter of the king of Hungary. When still very young she was engaged to, and subsequently married, Louis, the son of the landgrave of Thuringia. Theirs was a holy marriage. Elizabeth was free to dedicate her time and energies to the poor and lepers, as well as to her husband and four children. She built a large hospital at Eisenach. In 1227 her husband Louis went on a crusade, sent by the Emperor Frederick II. While he was still in Italy he died. Elizabeth went through an intense period of suffering. She was a widow, but Louis' relatives drove her and the children out of the royal palace. Elizabeth finally settled down in Wartburg. After caring for her children's education she decided to embark upon a life of penance. So she left for Marburg, where there was a Franciscan church. In this city she found the spiritual assistance of brother Conrad, who introduced her to the Order of Penitents. She spent the rest of her life practising penance and offering her whole existence for the poor and the sick. Elizabeth herself died on November 19, 1231, when she was still 24 years old. Gregory IX declared her a saint in 1235. She was declared patron saint of Secular Franciscans.

### *Saint Louis IX, King of France*

Louis was born at Poissy in 1215. His mother was Queen Blanche, who is also considered a member of the Third Order. When Louis was only 12 years old he was crowned king. His mother continued to govern until he was an adult. In the meantime he was educated also by the Friars Minor and joined the Order of Penitents. As a king Louis was very keen on taking part in a crusade to free the Holy Land. He left on a crusade, but only captured Damietta before he himself was imprisoned by the Saracens. Louis was also a holy father. He had 11 children and we still possess the spiritual testament he wrote to his eldest son, in which he shows himself a fervent Christian. Louis is also famous for the veneration he gave to the crown of thorns, for which he built a special chapel in Paris. He went on a second crusade in 1270, but died on the way in Tunis on August 25, during a plague epidemic. Boniface VIII canonised Louis IX in 1297.

### *Saint Margaret of Cortona*

Another famous Penitent of the Third Order is St. Margaret of Cortona. She was born in 1247 at Laviano, near Cortona, in Italy. She had a troubled childhood, suffering persecution from her stepmother. When she was 16 she left her family's home in search of a better life. For 9 years she was deeply in love with a young man

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<sup>177</sup> *Analecta Franciscana* III, Quaracchi 1897, 27: "In the year of the Lord 1221 blessed Francis instituted the Third Order, which is known by the name of Order of Penitents, in which those who are joined in matrimony begin to do acts of penance and bodily chastisement. The first among them was Saint Lucius."

from Montepulciano, called Arsenio. She lived with him without marrying him. One day Margaret found her lover murdered. It was the turning point of her life. She went to Cortona and began a penitential life near the Franciscan church. In vain she asked to be admitted to the Order of Penitents, because people were judging her for her sinful past. At last she was admitted as a penitent in 1277, under the spiritual assistance of friars Giovanni di Castiglione Fiorentino and Giunta Bevegnati. She worked hard in favour of the poor and sick, and for them built the hospice “della misericordia”. She spent the rest of her life as a recluse in a solitary cell on top of the hill of Cortona. She died on February 22, 1297. Pope Benedict XIII declared her a saint in 1728.

### *Angela of Foligno*

Angela was born in 1248 at Foligno, near Assisi. She was also a wife and mother. As a widow who lost even her children she began thinking about her past life, and resolved to do penance under the guidance of her confessor. During a pilgrimage to the tomb of St. Francis in Assisi, in 1291, she underwent a profound mystical experience, which she continued to feel through her life. She joined the Order of Penitents. Upon advice of friar Arnaldo, a Franciscan who lived at the Sacro Convento in Assisi, she began to write her mystical experiences. These experiences are recounted in her autobiography, and cover the period 1285-1297. As a penitent Angela became famous for her charitable services to the sick and lepers of her hometown. She died on January 4, 1309, and was beatified by Innocent XII in 1693.

### *Ramon Llull*

A last example of sanctity in the early years of the Franciscan penitential movement is offered by Ramon Lull. Born on the Spanish island of Majorca in 1233, he became a page at the royal court, and was a highly educated man. At a certain moment he felt the desire to do penance. So he left his post in the royal court and dedicated his energies as a penitent to the founding of missionary colleges for the Friars who went as missionaries among the Saracens of North Africa. He insisted that it was useless to go on missionary expeditions among the Saracens without an adequate knowledge of Arabic language and culture. He was a philosopher and travelled widely to Rome, Avignon, Paris, Vienne, Montpellier. His aim was to encourage the Pope and the authorities of the Church to found missionary colleges. When he was 79 years old, in 1314, he himself wanted to go as a missionary to North Africa. He had been there before, in 1293, and was beaten and driven out by the Muslims of Bougie. His courage led him to address the Council of Vienne regarding the evangelisation of the Saracens in 1312. The last time he went to Africa Ramon was an octogenarian. The Muslims of Bougie recognised him as a militant Christian. They beat him to death in the public square. He was taken on board a ship by Genoese merchants, but died when his ship was in sight of Majorca. He was buried at Palma de Majorca. Pope Leo X beatified him as a martyr in the beginning of the 16<sup>th</sup> century. He is known as the *doctor illuminatus* (the enlightened doctor).

### **The *Memoriale propositi* of 1221-1228**

One of the early documents which speak about the Order of Penitents is the so-called *Memoriale propositi*, composed in 1221-1228 probably by Cardinal Hugolino. It is addressed to “the Brothers and Sisters of Penance living in their own homes.”<sup>178</sup> As a document it does not specifically speak about Franciscan Penitents, and could very well have been addressed to the *Ordo Poenitentium* in general. Gérard Gilles Meersseman shows that, in the early stages of its development, there was a general confusion between Penitents belonging to the new Mendicant Orders of the Minors and the Preachers. This scholar is of the opinion that the first Rule for the Penitents was written by a certain Franciscan, fra Caro, who was visitor for the Franciscan and Dominican Penitents in Florence in 1284.<sup>179</sup>

The *Memoriale* presents us with the first legislative document of a medieval penitential fraternity linked to one of the great Mendicant Orders. It is divided into seven chapters dealing with a variety of issues regarding the life of the Penitents.

In chapter one, dealing with the daily life of the Penitents, the *Memoriale* speaks about the distinctive garments of the Penitents, which thus indicated a form of life that separated them from the other seculars even in outward appearance. Chapter two deals with the rules regarding abstinence and chapter three speaks about fasting practices. Chapter four presents the prayer life of the penitential fraternity, which included praying the canonical hours of the divine office or the *Our Fathers*, on the model of the Franciscan Rule. The discipline regarding the reception of sacraments is the theme of chapter five, where the Penitents are instructed to receive communion three times a year: on Christmas, Easter, and Pentecost. In chapter six all the members of the penitential fraternity are obliged to attend Mass and meet once a month, and to contribute materially to the benefit of the whole fraternity. Chapter seven is an indication of the charity towards the brothers and sisters of the fraternity. The works of mercy are mentioned, particularly the duty of visiting the sick and taking part in the funeral celebrations and suffrages of the dead members of the fraternity. Chapter eight deals with the offices of the fraternity. The fraternity is governed by a minister and corrected by a Visitor, who has the power to dispense the brothers and sisters from their obligations.

The *Memoriale Propositi* is built upon the notion of fraternity. The Penitents are truly Brothers and Sisters, bound together by mutual charity. The prohibition to carry arms was a courageous witness of evangelical peace in a quarrelsome society, and it certainly dealt a blow to the feudal regime and to the petty quarrels between rival Communes in the Italian peninsula. The acts of charity and mercy, including burial, and assisting the sick and lepers, were aimed at eradicating poverty and misery. The spirit of sharing of resources and the obligation to make the last will were a defence against hatred and violence between rival families or even between individuals within the same family. The Penitents were often persecuted for their evangelical witness of peace. Gregory IX had to intervene on 30<sup>th</sup> March 1228 with the Bull *Detestanda*, in which he defended the Penitents’ right not to carry arms and

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<sup>178</sup> For an English translation of the *Memoriale propositi* see *Saint Francis of Assisi. Writings and Early Biographies. English Omnibus of the Sources for the Life of Saint Francis*, Edited by Marion A. HABIG, Fourth Revised Edition, Franciscan Press, Quincy College 1991, 165-175.

<sup>179</sup> Gérard Gilles MEERSSEMAN, *Dossier de l'Ordre de la Penitence au XIIIe siècle*, Editions Universitaires, Fribourg 1961, 128-138.

to be free of military service. In this Bull the Order of Penitents is called Third Order for the first time.

### **The Rule of Nicholas IV *Supra montem* (1289)**

The year 1289 marks the date when the Third Franciscan Order was given a new Rule by Pope Nicholas IV, who issued the Bull *Supra montem* in the town of Rieti on October 18. Nicholas IV had been a General Minister of the Order of Friars Minor. He was Girolamo da Ascoli Piceno, General Minister from 1274 to 1279.

*Supra montem* was the end product of a long period of indecisive relations between the Friars Minor and the Penitents.

“With *Memoriale propositi* the canonical status of voluntary penitent had acquired the outlines of a definite ‘order,’ giving a single direction to the various fraternities, communities, and local groups of penitents. Certainly some of these groups had become close to the Friars Minor (which might allow the latter to speak of them as elements of a Franciscan ‘Third Order’), but this did not mean an exclusive relationship. It is plausible that with time bonds between the Penitents and Friars Minor became progressively stronger.”<sup>180</sup>

There were cases of close collaboration between Penitents and the Mendicant Orders, although the issue of autonomy was still very important during the 13<sup>th</sup> century. One example of a female member of the Order of Penance who kept very close ties with the Friars Minor is that of Saint Margaret of Cortona (1247-1297), who was accepted in the Third Order of Penance in Cortona by brother Rainaldo, custos of Arezzo. In some Italian towns, like Orvieto, Verona, Bologna, Città di Castello, Padua, Prato, and Pisa, the Penitents maintained close ties with the friars even before *Supra montem*. What Nicholas IV tried to do seems to have been influenced by similar developments within the Dominican Order.

“To show how complicated developments were in the years before *Supra montem*, we should note that the Dominicans – perhaps even more strongly than the Franciscans – were also pressing for the establishment of a direct and stable relationship with ‘their’ Penitents. In 1285, the master general of the Dominicans, Munio di Zamora, laid down a very strict rule for them. In stated that the Dominican Penitents were strictly subject to the master general and provincial priors of the Order, and that every fraternity must have a Dominican priest as master and director.”<sup>181</sup>

The Rule of Nicholas IV does not add any new material to the *Memoriale Propositi* of 1221, but it gives a more legislative style to this document. Nicholas IV made use of the *Memoriale Propositi*, as well as of a Rule for Penitents written by a certain Friar Caro, a Minor from the friary of Santa Croce in Florence, who was also a visitor to the Franciscan and Dominican Penitents in 1284. For the first time in its long history, the Third Order was given a Rule included within a Papal Bull. The Rule is addressed to the Brothers and Sisters of the Order of Penitents.

“In the confused and fluid situation of the lay penitential movement, Nicholas IV’s *Supra montem* represented a decisive step forward. *Memoriale*, although couched in terms of a general rule and valid as such, had never been officially and solemnly approved by the pope. Its

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<sup>180</sup> Giovanna CASAGRANDE, “An Order for Lay People: Penance and Penitents in the Thirteenth Century,” GR 17,1 (1993) 39-57.

<sup>181</sup> Giovanna CASAGRANDE, “An Order for Lay People,” 49.

statement that the Order of Penance was instituted by Francis and its requirement that the visitors be Friars Minor expressed the relationship of the Penitents to the Franciscans, yet it left ample room for their autonomy, unlike the rule of Munio di Zamora, which decreed that the fraternities were strictly subject to the Dominican Order.”<sup>182</sup>

We shall take a brief look at the contents of the Rule, with the aim of presenting the structure of the penitential life of the Franciscan Tertiaries during the late 13<sup>th</sup> century. Let it suffice to note that this Rule had a long history, which arrives at the end of the 19<sup>th</sup> century, and therefore it regulated the life of the Third Order for centuries.

The Rule has 20 chapters. The contents of the individual chapters are as follows:

- 1) The Order of Penitents, its catholicity and obedience to the Church.
- 2) The reception of novices. Obligation of reconciliation with one's neighbour. Public profession binding the penitents to the observance of the divine commandments. Married women need permission of their husbands to join the Order.
- 3) The penitential clothing of the penitents.
- 4) Prohibition to take part in public entertainment and feasts.
- 5) Penitential practices of fasting and abstinence, with insistence upon the Franciscan penitential seasons, but also with the evangelical liberty to eat whatever is presented to them. Pregnant female penitents freed from obligation of fasting.
- 6) The reception of the sacraments of Penance and the Eucharist on Christmas day, Easter and Pentecost.
- 7) Prohibition to carry arms and to render military service.
- 8) The reciting of the canonical hours of the Divine Office, according to the Franciscan style. Participation in the liturgy in the cathedral and parish churches.
- 9) Obligation to draw up one's last will.
- 10) The Ministers' role to ensure that the Brothers and Sisters give witness of peace.
- 11) Recourse to ecclesiastical authority to be defended against molestation by civil authorities.
- 12) Prohibition to take oaths, without authorisation of the Apostolic See.
- 13) The daily Eucharist. The monthly meeting of the fraternity, including the celebration of the Eucharist, the preaching of the Word of God, charity to poor and sick members of the fraternity.
- 14) Visiting the sick Brothers and Sisters once a week. A decent burial and prayers for the deceased members of the fraternity.
- 15) The role of the Minister of the fraternity.
- 16) The Visitor of the fraternity, a member of the Order of Friars Minor, with the power to correct the shortcomings of the fraternity and to expel those who rebel against obedience.
- 17) An exhortation to avoid the scandal of division in the fraternity.
- 18) The Ordinary or Visitor can dispense individual members of the fraternity from the ecclesiastical norms of abstinence.
- 19) The disciplinary measures to be taken in the case of disobedient members of the fraternity, including expulsion from the Order.
- 20) Conclusion. The obligatory nature of the Rule of the Brothers and Sisters of Penance.

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<sup>182</sup> Giovanna CASAGRANDE, “An Order for Lay People,” 49.

## The Franciscan Order of Penitents at the end of the 13<sup>th</sup> century

With *Supra montem* we can say that the Franciscan Order of Penitents, later on known as the Third Order of Penance of Saint Francis, was established and officially recognized by the Apostolic See, just as the Second Order of Saint Clare had been officially recognized by Urban IV in 1263.

The events leading to the establishment of the Third Franciscan Order had been troublesome. During the first half of the 13<sup>th</sup> century the friars gradually gathered around them various groups of lay people who were their benefactors and spiritual friends. The documents of the period use various terms to refer to these persons: *amici spirituals* (spiritual friends), *procuratores* (procurators), *conservatores privilegiorum fratrum* (conservators of the privileges of the friars). These groups gradually began to demand spiritual assistance from the friars, in return to their fraternal services to the brotherhood. Many a time the friars found themselves in difficulty and could not keep up with ministering to so many groups of lay people. In this way relations between the Friars Minor and the Penitents were not always optimal. One of the problems for the friars' acceptance of the spiritual care of the Penitents regarded the internal structure of the Order of Penance, in which the ministers were lay people, and governed the fraternities with a certain degree of autonomy. In this they resembled various groups and movements of lay people that were regarded as being unorthodox, or even heretical, during the 13<sup>th</sup> century.

In a work entitled *Determinationes quaestionum circa Regulam fratrum Minorum*, attributed to Saint Bonaventure, and written in the period 1266-1268,<sup>183</sup> there is a list of at least twelve reasons as to why the Friars Minor were not to offer spiritual assistance to the Penitents. Although the author admits that the Order of Penance had been indeed founded by Saint Francis, he is sceptical regarding the friars' ability to take care of it without detriment to their religious discipline and spiritual welfare, particularly in the case of female penitents.

According to the historian Grado Giovanni Merlo, we have to wait until the year 1270 in order to speak about the Order of Penitents founded by Saint Francis.<sup>184</sup>

It was Nicholas IV, as we have seen, who explicitly states that Francis was "the founder of this Order" (*huius Ordinis institutor*) in the Bulla *Supra montem*. The link between the Penitents and the friars, however, remained much less structured than in the case of the Dominican legislation. In the *Regula fratrum et sororum Ordinis de Penitentia beati Dominici*, written by the Master General Munio di Zamora in 1285, it is explicitly stated that each and every fraternity had to have a Dominican friar priest as master and director (*magister et director*). In the case of the Franciscan Penitents, we assist at the establishment of a lay hierarchy, made up of local and provincial ministers, and a clerical hierarchy, consisting of "visitators and informators" of the fraternities. These visitators had to be chosen among the Friars Minor. In the period 1289, as we shall see in another lecture, the Franciscan Third Order of Penitents began to express itself also in stable fraternities of penitents, which later on became the Third Order Regular, at least in the case of Lombardy, in northern Italy.

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<sup>183</sup> *Determinationes questionum circa Regulam fratrum Minorum*, in *S. Bonaventurae Opera Omnia* VIII, 368-369.

<sup>184</sup> Grado Giovanni MERLO, *Nel Nome di San Francesco. Storia dei Frati Minori e del Francescanesimo sino agli inizi del XVI secolo*, Editrici Francescane, Padova 2003, 228. At the time when we were preparing these notes the English translation of the original edition in Italian was still in print, and so we quote the Italian edition.

### **Further Reading**

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- MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 40-45; 216-225.
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### **Articles about the Order of Penitents in "Greyfriars Review"**

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- PAZZELLI Raffaele, *The Title of the "Recensio Prior of the Letter to the Faithful": Clarifications Regarding Codex 225 of Volterra (cod. Vo)*, GR 4,3 (1990) 1-6.
- D'ALATRI Mariano, *Origin of the Rule of Nicholas IV: Historical Aspects*, 4,3 (1990) 107-118.
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- MANSELLI Raoul, *Francis of Assisi and Lay People Living in the World: Beginning of the Third Order?*, GR 11,1 (1997) 41-48.
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- ODOARDI Giovanni, *Community Life Among the Franciscan Penitents in Thirteenth Century Papal Bulls*, GR 14,1 (2000) 63-78.
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- HIGGINS Michael, *Angela of Foligno (1248-1309)*, GR 14,2 (2000) 133-166.
- MINCUZZI Rosa, *St. Rose of Viterbo: Thirteenth Century Penitent*, GR 15,3 (2001) 299-392.
- RIVI Prospero, *Francis of Assisi and the Laity of His Time*, GR 15, Supplement (2001) 1-108.

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## Chapter 7

# THE ORDER BEGINS TO SPLIT IN A PERIOD OF CRISIS

Bonaventure resigned from the office of General Minister of the Order during the general chapter of Lyons on 19<sup>th</sup> May 1274 in favour of Jerome Masci of Ascoli Piceno. The Council of Lyons of 1274 issued a new canon, which updated the contents of canon 13 *Ne nimia religionum* of the Fourth Lateran Council of 1215, regarding the founding of new religious Orders.<sup>185</sup> The new canon is entitled *Religionum diversitatem nimiam*.<sup>186</sup>

This new canon was destined to create tension in the Franciscan Order. It established, first of all, that too many new religious Orders had sprung up, especially among the family of the mendicant Orders. The Council abolished all those Orders born after the Fourth Lateran Council, which had not received papal approval. This meant that only the Friars Preachers and the Friars Minor were to be declared as true mendicant Orders. The other Orders were to be condemned as heretical and abolished. The Council, however, still made an exception in the case of the Carmelites and the Hermits of Saint Augustine, since they were also founded before Lateran IV, and therefore their existence was to be left untouched until further notice.<sup>187</sup> The problem lay with the notion of mendicancy. The Council did not want to accept the fact that religious could live without property and beg for alms. Again,

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<sup>185</sup> The text of canon 13 of the Fourth Lateran Council in the original Latin is found in *Enchiridion della Vita Consacrata. Dalle Decretali al rinnovamento post-conciliare (385-2000)*, EDB-Ancora, Bologna 2001, marginal number 101: *Ne nimia religionum diversitas gravem in ecclesia Dei confusionem inducat, firmiter prohibemus, ne quis de caetero novam religionem inveniat, sed quicumque voluerit ad religionem converti, unam de approbatis assumat. Similiter qui voluerit religiosam domum fundare de novo, regulam et institutionem accipiat de religionibus approbatis. Illud etiam prohibemus, ne quis in diversis monasteries locum monachi habere praesumat, nec unus abbas pluribus monasteries praesidere.* English translation: "Lest too great a diversity of religious orders lead to grave confusion in the Church of God, we strictly forbid anyone in the future to found a new order, but whoever should wish to enter an order, let him choose one already approved. Similarly, he who would wish to found a new monastery, must accept a rule already approved. We forbid also anyone to presume to be a monk in different monasteries (that is, belonging to different monasteries), or that one abbot preside over several monasteries."

<sup>186</sup> *Enchiridion della Vita Consacrata*, marginal numbers 127-129: *Religionum diversitatem nimiam, ne confusionem induceret, generale concilium consulta prohibitionem vitavit. Sed quia non solum importuna petentium inhiatio illarum postmodum multiplicationem extorsit, verum etiam aliquorum praesumptuosa temeritas diversorum ordinum, praecipue mendicantium, quorum nondum approbationes meruere principium, effrenatam quasi multitudinem adinvenit, repetita constitutione districtius inhibentes ne aliquis de cetero novum ordinem aut religionem inveniat vel habitum novae religionis assumat, cunctas affatim religiones et ordines mendicantes post dictum concilium adinventos, quis nullam confirmationem sedis apostolicae meruerunt, perpetuae prohibitioni subicimus et quatenus processerant, revocamus.*

<sup>187</sup> *Enchiridion della Vita Consacrata*, marginal number 129: *Ceterum Carmelitarum et Eremitarum sancti Augustini ordines, quorum institutio dictum concilium generale praecessit, in suo statu manere concedimus, donec de ipsis fuerit aliter ordinatum.* The Carmelites were instituted as the Order of Brothers of the Blessed Virgin Mary of Mount Carmel (*Ordo Fratrum Beatae Virginis Mariae de Monte Carmelo*) in 1206 and were given a Rule of Life by the Patriarch of Jerusalem Albert, which was approved by Honorius III in 1226. The Augustinian Hermits were instituted as an Order by Alexander IV in 1256 and by Cardinal Riccardo Annibaldi, who united together various autonomous groups of hermits under the Rule of Saint Augustine.

it decreed an exception in the case of the two major mendicant Orders: “We do not wish, however, that the present constitution apply to the Orders of Preachers and Minors, because of their evident usefulness for the universal Church, which has been witnessed by their approval.”<sup>188</sup>

The confusion in the denomination of various mendicant Orders had led to an irregular state of affairs, which had to be tackled by the Council of Lyons. Many groups of *Beguins* and *Beghards* were imitating the way of life of the major mendicant Orders, and even wearing similar habits, and entering into conflict with the secular clergy and pestering the people in towns and countryside alike, because of their persistent begging. Other examples of spontaneous lay movements, which developed like mendicant Orders, include the *Saccati* of Provence and the *Apostolici* of central Italy. The *Saccati*, or *Friars of the Penance of Jesus Christ*, were born some years before the mid-13<sup>th</sup> century, with the initiative of two laymen who maintained close contacts with the Friars Minor. The *Apostolici* were the result of the conversion of a certain Gherardo Segarelli, who had tried in vain to enter the Order of Friars Minor in Parma, and founded his own religious Order, similar to the Franciscan Order. Salimbene de Adam is very critical of this sect of the *Apostolici* in his Chronicle.

### **Papal interpretation of the Rule: *Exiit qui seminat* (1279)**

On November 25, 1277 Cardinal Giovanni Gaetano Orsini, Protector of the Order (1254-1261) and Inquisitor General under Urban IV (1261-1264) was elected Pope Nicholas III. He remained Pope until his death on August 22, 1280. In 1279 Nicholas III gave Jerome of Ascoli Piceno the dignity of cardinal. During the general chapter of that same year Bonagrazia da San Giovanni in Persiceto was elected General Minister. Some months after his election, Bonagrazia obtained from Nicholas III the Constitution *Exiit qui seminat* (August 14, 1279), which is the third official Church interpretation of the Franciscan Rule after *Quo elongati* (1230) and *Ordinem vestrum* (1245).

*Exiit qui seminat* is a long and complex document. The text opens with a solemn declaration regarding the Gospel truth contained in the Franciscan Rule, which was confirmed by Christ himself.<sup>189</sup> This declaration shows the preoccupation of Nicholas III to help the Friars Minor against the attacks they had received in the previous years, particularly at the Paris University, regarding the legitimacy of their evangelical way of life. It was precisely to counter these attacks that the general

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<sup>188</sup> *Enchiridion della Vita Consacrata*, marginal number 128: *Sane ad Praedicatorum et Minorum ordines, quos evidens ex eis utilitas ecclesiae universali proveniens perhibet approbatos, praesentem non patimur constitutionem extendi*. English translation: “Of course, we do not allow the present constitution to apply to the Orders of Preachers and Minors; their approval bears witness to their evident advantage to the universal Church.” Full English text can be found in *Decrees of the Ecumenical Councils*, Vol. I, ed. Norman Tanner, Georgetown University Press, London – Washington D.C., 1990.

<sup>189</sup> NICHOLAS III, Constitution *Exiit qui seminat*, Prologue (FAED III, 740): “This then is religion pure and undefiled before God the Father. Coming down from the Father of lights, it was passed on by His Son to the apostles in word and example, and finally, through the work of the Holy Spirit, it inspired blessed Francis and his followers. It bears then, so to speak, the witness of the whole blessed Trinity [...] since Christ has sealed it with the brand marks of His passion, desiring to distinguish its author in a visible way, with the signs of His own suffering.” The full text of the Constitution can be read in FAED III, 739-764.

chapter of the Order of 1279 had requested Pope Nicholas III to intervene with an official document regarding the Franciscan Rule. Nicholas was a Pope who knew very well the historical events of the Order during the years preceding his pontificate, since he was, as we have said, Cardinal Protector of the Order.

Nicholas III tried to eliminate some doubts, which still lingered regarding the Rule of 1223, and to give completeness to the declarations of his predecessors and provide ulterior precise norms. The Constitution is divided into 24 articles.

Regarding the observance of the Rule the Pope says that the brothers were bound in conscience to observe only those evangelical counsels expressed in the same Rule as precepts, prohibitions or equivalent terms.

The theme of poverty and renunciation of all forms of property and dominion, in favour of the absolute evangelical ideal embraced by Francis was taught by word and example by Christ himself and the apostles. The Pope underlines the fact that the renunciation to every kind of property meant that the friars should entrust themselves to divine providence, without renouncing to the use of the material things indispensable for human life. It also meant that the friars could, according to what the Rule states, make use of generous donations, and that they could go and humbly beg for alms and gain the necessities of life through their *laboritium*, or work.

The friars made a *usus facti* (in fact did use) all those things, which were necessary for their sustenance, for their clothing, for divine cult and for studies, including books. They, however, had to make a moderate use of them, according to necessity.

The Pope stressed upon the right of the Holy See to assume and have dominion over all properties and material belongings of the Friars Minor, except in the case where the dominion of these properties was reserved for the one who donated them. In other words, the poverty of the friars found its possibility and guarantee in the fact that the Pope declared himself and his successors as proprietors of the material goods offered to the friars for their own use.

*Exiit qui seminat* continues by affronting other questions, connected with monetary alms, clothing, and work, the friars' commitment to the *cura animarum* (pastoral work) and other spiritual works, which began to prevail over manual work, the preaching of the friars, the admission to the Order, the election of the General Minister, the entry of the friars in female monasteries. The Constitution upholds the decision taken by Gregory IX in *Quo elongati*, regarding the non-obligatory nature of the Testament of Saint Francis.

### **The Community versus the Spirituals (1276-1316)**

The years between the Second Council of Lyons (1274) and the death of John XXII (1334) are divided into two main phases. During the first period, within the Order of Friars Minor we see emerging with greater intensity the tension between the *friars of the Community (Communitas Ordinis)* and the *Spiritual friars*. In the second phase, we assist at the open contrast between the authorities of the Order and the papacy, which was to have dramatic consequences, particularly during the second decade of the 14<sup>th</sup> century, when Pope John XXII intervened in a drastic way and with a heavy hand, threatening the same foundations of the Franciscan identity.

In 1274, as a result of the deliberations of the Council of Lyons, rumours began to spread in the Order that Pope Gregory X wanted to oblige the mendicant Orders to accept property in common. These unfounded rumours were the beginning

of an initial rebellion among the friars of the Marches of Ancona, which then extended to the Provinces of Umbria and Tuscany. This rebellion constituted the beginning of ulterior conflicts and repressions, which mark the Order's history at the end of the 13<sup>th</sup> and the early years of the 14<sup>th</sup> centuries, particularly aimed against the Spiritual friars and their main exponents.

The Spirituals were, in many ways, the logical continuation of the *zelanti*, the heirs of a tradition leading back to the early companions of Saint Francis, particularly to brothers Leo and Giles. The *spiritual* tradition retained as essential elements constituting the Franciscan ideal, that could in no way be renounced, the choice of total and radical poverty; the absolute value of the Rule of Saint Francis, assimilated to the Gospel itself; and the obligatory nature of the Testament of Saint Francis. As had already happened in the mid 13<sup>th</sup> century, the defence of the purity of the origins was inserted within the visions of Joachimite inspiration, initiated by Gioacchino da Fiore (†1202). The Spiritual friars were fighting for a transition from an *ecclesia carnalis* (a carnal Church, identified with the ecclesiastical hierarchy) to an *ecclesia spiritalis* (a spiritual Church, identified with the charismatic ideals of holy saints and founders, including Francis of Assisi).

There were three main regions where the Spiritual friars were strong, namely Provence, in southern France, the Marches of Ancona, and Tuscany. The protagonists of this reform movement in the respective regions were Hugh of Digne and Pierre Jean Olivi (Pietro di Giovanni Olivi) in Provence; Ubertino da Casale, Tommaso da Tolentino, Pietro da Macerata (Liberato), and Pietro da Fossombrone (Angelo Clareno) in the Marches of Ancona and Tuscany. Some of these friars were authors of erudite apocalyptic works and commentaries of the Rule. Hugh of Digne is the author of an *Expositio super Regulam* (Exposition on the Rule). Ubertino da Casale is author of the *Arbor vitae Crucifixae Iesu* (The Tree of Life of the Crucified Jesus). Angelo Clareno is author of the *Chronica seu Historia septem tribulationum Ordinis Minorum* (The Chronicle or History of the Seven Tribulations of the Order of Friars Minor).

### **Pierre Jean Olivi**

During the general chapter of Milan of 1285, Bonagrazia di San Giovanni in Persiceto was succeeded by Arlotto da Prato as the new General Minister (1285-1287). The same chapter examined the writings of Olivi. Already under the generalate of Jerome d'Ascoli one of Olivi's writings regarding the Virgin Mary had been burnt. In 1279 Pierre Jean Olivi went to the General Minister Bonagrazia in order to defend his theses and the friars who were his disciples. In 1283 his works were examined by four masters of the University of Paris, and some of his affirmations were condemned. The chapter of Milan had prohibited the reading of the writings of Olivi. But when Arlotto da Prato was succeeded by Matthew of Acquasparta (1287-1288), the new General nominated Pierre Jean Olivi as lector in the *studium generale* of the Minors in the friary of Santa Croce in Florence. This appointment had been supported by Pope Nicholas IV himself. In this way Olivi's high scholastic profile had been recognised by the authorities of the Church and the Order, but at the same time Olivi had been transferred far from Provence, where he had gathered support from many French friars. When Raymond Godefroy was elected General Minister (1289-1295) he nominated Olivi as lector in the *studium* of Montpellier. Godefroy was compelled to resign from the office of General Minister

by Pope Boniface VIII in 1295, since he was suspected of nurturing sympathies with regards to the Spiritual friars. Olivi composed his last work, entitled *Commentary on the Apocalypse*, which was later condemned as heretical, and died at Narbonne on March 14, 1298 and around his tomb in the church of the Friars Minor a proper cult was born. In 1299, however, his doctrines were condemned during the General Chapter of Provence. This condemnation enkindled the fury of the Spiritual friars of southern France, particularly in the friaries of Béziers and Carcassonne.

### **The Italian Spirituals during the papacy of Celestine V and Boniface VIII**

The group of Italian Spiritual friars during this period had some outstanding figures, among whom Angelo and Tommaso da Tolentino, Marco da Montelupone, Pietro da Macerata (Liberato), and Pietro da Fossombrone (Angelo Clareno). These friars had been imprisoned in conventual solitary confinement ever since the time of Bonagrazia. But after ten years, in 1290, the General Minister Raymond Godefroy freed them and sent them to the mission of Armenia and Cilicia, in modern day Turkey. There these brothers met the hostility of the friars already living in these regions, and who belonged to the Province of Syria. Thus they had to return to Italy.

Their return could not have happened in a more favourable moment. When Nicholas IV died on April 4, 1292, a long interregnum ensued until July 5, 1294, because of the conflict between the factions of cardinals of the families Orsini and Colonna. On that date a certain Benedictine hermit, Pietro of Monte Morrone, was elected as Pope Celestine V. Before his election to the papacy Pietro of Morrone had maintained good relations with brothers Pietro of Macerata and Pietro of Fossombrone. He also had the support of other Spiritual friars, among whom Conrad of Offida, a disciple of brother Leo, and Iacopone da Todi, author of medieval *laude*. Since Celestine V remained at L'Aquila and never went to Rome during his papacy, the Spiritual friars suggested to Pietro of Macerata to go and seek the pope's protection. What he intended to do was to ask Celestine V to unbind him and the other Spiritual friars from obedience to the superiors of the Order of Friars Minor, and to be able to observe the Rule of Saint Francis without any of the papal declarations, and to regard the Testament as obligatory in conscience. Pietro of Macerata and Pietro of Fossombrone reached Celestine V between August and December 1294. He conceded to them permission to observe the Franciscan Rule without the papal interpretations, and gave them Cardinal Napoleone Orsini as their Protector. He also gave them the habit of the religious congregation of hermits, which he had founded while still living as Pietro Morrone. This way of life had been approved by Pope Urban IV in 1263 in some hermitages in Abruzzo. From that moment Pietro of Macerata took the name of brother Liberato, while Pietro of Fossombrone chose the name Angelo Clareno. The new religious family was known as *Pauperes sive fratres heremite* (the Poor or Hermit friars) of Pope Celestine V. In effect, they constituted a Franciscan congregation within the Benedictine Order, and thus they were effectively cut off from the Order of Friars Minor.

Celestine V did not fully fathom the grave consequences of his decision, which enkindled the anger of the brothers of the *Communitas Ordinis*, who were the majority of the Order. Liberato and Angelo Clareno, together with their adherents, were considered as renegades and rebels, and had to hide themselves in remote hermitages. Things took a turn for the worse for them just after a few months. On December 13, 1294, Celestine V resigned from the papacy. On December 24, 1294

Cardinal Benedetto Caetani was elected as Pope Boniface VIII (1294-1303). The Poor Hermits of Pope Celestine had to escape from Italy at the beginning of 1295 and took refuge on a Greek island. In April 1295 Boniface VIII annulled all the decisions that had been taken by Celestine V, and exerted pressure on the General Minister Raymond Godefroy to resign, because of his lenient attitude towards the Spiritual friars. Giovanni Mincio of Murrovalle was elected as new General Minister during the general chapter of Anagni (1296-1304). In the meantime the Spiritual friars declared that the election of Boniface VIII was invalid, and that Celestine V was still the legitimate pope. They held on fast to their decision to observe the Franciscan Rule without any papal declarations, and identified the Order and the Church with the apocalyptic Babylon, and with the *ecclesia carnalis*. In 1297 two cardinals, Giacomo and Pietro Colonna, declared illegitimate the resignation of Celestine V and invalid the election of Boniface VIII, and requested the convocation of a general council to elect a new pope. Some Spiritual friars were condemned to perpetual imprisonment in 1298, among whom Iacopone da Todi, and they were only freed by Benedict XI in 1303. In 1305 brother Liberato died, and Angelo Clareno assumed the responsibility of the Italian Spirituals, who became to be known by the name of *Fraticelli*.

### **The Italian Spirituals during the pontificates of Benedict XI and Clement V**

The successor of Giovanni Mincio of Murrovalle was the General Minister Gonsalvus of Valboa (1304-1313), during the pontificates of Benedict XI (1303-1304) and Clement V (1305-1314). Pope Clement V called the General Gonsalvus of Valboa and the famous polemicist Bonagrazia di Bergamo, together with Ubertino da Casale, to discuss the tensions present in the Order, as a result of the deliberations of the Council of Vienne (1311), which had discussed the question of Church reform. Clement V tried, as already Boniface VIII and Benedict XI had done before him, to resolve the problem regarding the tensions between the mendicant Orders and the secular clergy. The diocesan clergy could not accept the privilege of exemption from the control of the diocesan bishop, which the mendicants enjoyed. The pope also addressed the question regarding the tension between the Community of the Order and the Spirituals. This French Pope had the support of the royal families of Aragon, Sicily and Naples, who supported reform in the Franciscan Order. In April 1310 Clement V issued the Constitution *Dudum ad apostolatus*, and on May 6, 1312, the Constitution *Exivi de paradiso*, in which the pope spoke about the precepts and counsels contained in the Franciscan Rule, and addressed the problem of abuses in the Order against the vow of poverty.

In *Dudum ad apostolatus* Clement V criticized the *Communitas Ordinis* for not having been able to correct the abuses against poverty among its members. The same document has high words of praise for the Spiritual friars, and supports their autonomy from the superiors of the Order. The pope placed the Spirituals under the authorities of a commission of cardinals nominated by him. Already in 1309 Clement V had summoned the leaders of the Order and those of the Spirituals to the papal curia at Avignon and nominated a papal commission to conduct a full investigation on the Order.

*Exivi de paradiso* is a more important document, since it deals directly with the issue of poverty in the Franciscan Order.<sup>190</sup> Pope Martin IV (1281-1285) had

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<sup>190</sup> CLEMENT V, Constitution *Exivi de paradiso* (FAED III, 769-783).

addressed from Orvieto the Bulla *Exultantes in Domino* on January 18, 1283. This document gave very wide powers of action to the government of the Order regarding the handling of money and property. It introduced the office of the *syndacus apostolicus*, or Papal procurator, who was given complete freedom to collect funds and administer the property of the friars in the name of the Holy See. The friars had complete control over the activities of their procurators, who absorbed the functions of the “spiritual friends” and “agents” mentioned in *Quo elongati* and *Ordinem vestrum*.<sup>191</sup> This papal document was anathema to the Spiritual friars.

The decretals *Exivi de paradiso* was meant to be a document of compromise between the two parties in the Order, with the hope of uniting them under the same logical progress that had been initiated by Gregory IX, Innocent IV, and Nicholas III in the papal declarations *Quo elongati*, *Ordinem vestrum*, and *Exiit qui seminat*. In this endeavour Pope Clement V failed miserably, since the Spirituals would never accept any official interpretation of the Rule, which they regarded as a document that had to be adhered to without any comment.

*Exivi de paradiso* do provide, however, some interesting notes regarding the obligations of all the brothers in observing the Rule. The document insists that the brothers were to have one tunic with a hood and another one without a hood; that they were to refrain from wearing shoes and riding horseback, except in necessity; that they were to wear poor clothing; that they were bound to fast according to what the Rule prescribes; that they were to celebrate the Divine Office according to the rite of the Roman Church; that the ministers and custodians were to take care of the sick brothers; that the brothers were not to preach in the diocese of any bishop without his permission; that no brother was to preach without being examined by the General Minister; that the brothers who could not observe the Rule were to have recourse to their Ministers.<sup>192</sup>

The document also lists a number of abuses that had crept into the Order, and lists the following prohibitions: the brothers were not to be named as heirs; they were not accept stable annual revenues; they were not to appear in court to defend their temporal belongings and assist their procurators; they could not execute wills; they were not to accept extensive gardens and vineyards in their friaries; they could not harvest so much grain and store so much wine in their granaries and cellars that they could live off their surplus without begging; they could not build sumptuous churches and friaries; the church furnishings were to be poor and not match those of cathedral churches; the brothers could not accept horses and arms offered to them at funerals.<sup>193</sup>

## The rebellion of the Spirituals at the beginning of the 14<sup>th</sup> century

In 1312 the Spirituals of Tuscany occupied the friary of Arezzo, and sent away all the friars of the Community. This rebellion was not approved by Ubertino da

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<sup>191</sup> MARTIN IV, Bulla *Exultantes in Domino* (FAED III, 765-767): “We therefore, through these present letters, concede to you the faculty to nominate at your discretion, in which we have full confidence in the Lord, special persons, who do not belong to your Order, for the needs of each place. These persons so named by you may exercise legitimate, general, and free administration of these goods. And by the fullness of our power and by authority of these present letters, we decree that such persons are our true and legitimate administrators, managers, syndics, and representatives. As such we invest them with full authority to receive such [bequeathed] good themselves, the proceeds of such goods, and other alms in the name of the said Roman Church.”

<sup>192</sup> *Exivi de paradiso*, art. 3 (FAED III, 772-773).

<sup>193</sup> *Exivi de paradiso*, art. 8 (FAED III, 777-778).

Casale or Angelo Clareno. Clement V died on April 20, 1314. He had transferred the papal curia to Avignon, and was the first in a series of French popes who resided at Avignon during the 14<sup>th</sup> century. A period of interregnum followed from his death until August 7, 1316, when Cardinal Jacques of Cahors was elected as Pope John XXII. In the meantime difficult times were to come for the Spiritual friars. After the death of the General Minister Alessandro di Alessandria (1313-1314), the Spirituals in France, in the Custody of Narbonne, organized a rebellion against the superiors of the Order. They began to take over friaries in a violent way, forcing out the friars of the Community, as happened at Béziers and Carcassonne, and used to wear different habits from those of the other friars of the *Communitas Ordinis*. After the death of Alessandro di Alessandria the Order remained without a General Minister until 1316, that is, during the same time in which there was a *sede vacante* of the papacy. On May 29, 1316 a new General Minister was elected, Michele of Cesena (1316-1328), whereas on August 7 of the same year, as we have seen, Pope John XXII was elected (1316-1334). These two men were to end up in one of the bitterest conflicts between the papacy and the hierarchy of the Order. For the Spiritual friars it was to be the beginning of their end.

### **The poverty controversy during the papacy of John XXII (1316-1334) and the generalate of Michele of Cesena (1316-1328)**

John XXII, elected on August 7, 1316, was determined to control the upsurge of spiritualistic and joachimite tendencies within the Franciscan Order. There were various movements, which were making use of the Franciscan habit and name in order to protect their heretical tendencies. Some of these movements were known as *beguins*, *bizzocche*, or *fraticelli*. There were the “Friars of the Free Spirit” founded by a certain Dolcino (1250-1307), known also as the *Apostolici*, and condemned as heretics. Dolcino himself was brutally killed under the inquisitor Bernardo Gui. Many such heretics ended up being burnt at the stake.

### **The condemnation of the Spirituals**

In 1317 John XXII convoked a group of Spiritual friars of Provence, to present themselves to him at the papal curia in Avignon, together with Angelo Clareno and Ubertino da Casale. As soon as they arrived the friars were imprisoned. Angelo Clareno was left in prison, while Ubertino da Casale, who was defended by Cardinal Giovanni Colonna, was transferred to a Benedictine abbey. On October 7, 1317, John XXII published the Constitution *Quorundam exigit*, in which he declared the suppression of the Spirituals. Angelo Clareno rebelled against the pope. In 1318, after the death of Giovanni Colonna, Clareno escaped from Avignon and transferred to the Benedictine abbey of Subiaco. In 1334 John XXII wanted the inquisition to capture and try Angelo Clareno, but the latter escaped from Subiaco and went to the Aspromonte region of Basilicata, in southern Italy, where he became the leader of the renegade Spirituals, known as *Clareni* or *Fraticelli*. He still considered himself member of the *Fratres de paupere vita* of Pope Celestine V until his death in the hermitage of Santa Maria dell’Aspromonte in 1337. Although officially suppressed by the Church, the *Fraticelli* continued to exist until the mid 15<sup>th</sup> century.

The divisions between the Spirituals and the Community seemed to be beyond all control. John XXII found himself in the midst of the fray. He initially sided with the Community, represented by Bonagrazia di Bergamo, procurator of the Order in the papal curia, who made very serious accusations against Ubertino da Casale, against the friars in Tuscany, against the Spirituals of Narbonne and Béziers, against the *beguins*, against Liberato, Angelo Clareno and companions. His accusations regarded five major points: the definitive condemnation of all Spirituals qualified as *Fraticelli*; the correction and punishment of Ubertino da Casale; the return to obedience of the Tuscan Spirituals who took refuge in the reign of Sicily under the protection of the Aragonese crown; the reduction of appeals to the pope; the prohibition of the *beguins* to consider themselves as members of the Third Order of Saint Francis.

From 1317 onwards John XXII insisted in eradicating the Spirituals from Provence and Tuscany, asking for the collaboration of the inquisition and the secular arm. On December 30, 1317, the pope published the Bulla *Sancta Romana*. Referring to the canonical prohibition of founding new religious Orders, the pope condemned the groups of various denominations (*Fratres de paupere vita*, *Beguins*, *Bizzocchi*) in Italy, Sicily, Provence, and in the cities of Narbonne and Toulouse, since they wanted to found new religious Orders, appealing to the Rule of Saint Francis and to the privileges given to them by Celestine V. *Sancta Romana* signs the definitive condemnation of the *Fraticelli*. In Provence the inquisitor, Michele Monachi, who was a friar Minor, concluded a process against the Provençal Spirituals. Many accepted to make penance and be imprisoned, while four Friars Minor continued in their determination not to recant. On January 23, 1318, they were burnt at the stake in Marseilles. The same inquisitor ordered the profanation and destruction of the tomb of Pierre Jean Olivi, who was regarded as a holy man by the Spirituals, and the burning of all his books. On the same day John XXII excommunicated those Spirituals who had fled to southern Italy and Sicily, among whom there was Angelo Clareno.

### **The conflict between John XXII and Michele da Cesena on the question of poverty**

After having affronted the tension between the Community and the Spirituals, John XXII entered into an open conflict with the government of the Order, that is, with the same Community, placing under discussion and denying one of the fundamental pillars of the evangelical identity of the Minors, namely their way of life of poverty without material possessions.

According to the *Chronicle* of Nicholas Glassberger, the issue cropped up in 1321, when the archbishop of Narbonne and the Dominican inquisitor of that region captured and interrogated a certain *beguin* or *bizzocco*, who was claiming that Christ and the apostles, following the way of perfection, possessed nothing as a title of property neither personally nor in community. Among the experts consulted by the inquisition in view of the final judgment, there was a certain Franciscan called Berengarius Taloni, who was lector at the friary of Narbonne. According to his arguments, the accused was not heretical at all, but was affirming a truth already contained in the Gospels and proved by the Church's authority in *Exiit qui seminat*. The inquisitor pretended that brother Berengarius publicly withdraw his affirmation, but the Franciscan lector appealed to the Apostolic See. When he presented himself

in front of John XXII, he was imprisoned. The pope immediately presented this question in front of a commission of masters resident in the papal curia at Avignon.

On March 26, 1322, John XXII issued the Bulla *Quia nonnumquam*. Since he considered himself to be above the canons of the Church, the pope declared that he had the right to revoke, modify, or suspend the decisions taken by his predecessors, including those contained in *Exiit qui seminat* of Nicholas III.

On May 30, 1322, the Order celebrated the General Chapter at Perugia. The capitulars decided to hold on fast against the declaration of John XXII in *Quia nonnumquam*. On June 4 the capitulars sent a letter to John XXII, requesting him to uphold the prohibitions contained in *Exiit qui seminat*. The General Minister, Michele of Cesena (1316-1328), together with all the ministers and masters present at the chapter, published a declaration in which they affirmed that: "Christ and the apostles possessed nothing neither individually nor in common in reason of property, dominion, or proper right." They declared this doctrine not to be heretical, "but healthy, catholic and faithful, above all because the Holy Roman Church expressly upheld, affirmed and determined it."

John XXII answered with another Constitution, *Ad conditorum canonum*, which was published on December 8, 1322, and affixed to the doors of the cathedral church of Avignon. On January 14, 1323, Bonagrazia of Bergamo, procurator of the Order, wrote a *libellus* of protest and appeal. In response, John XXII arrested him and held him imprisoned for one whole year. Then John XXII republished the Constitution *Ad conditorem canonum*, after having modified it lightly.<sup>194</sup> In it John defended the right of the pope, as supreme legislator, to correct preceding canons, if they resulted more harmful than useful. This was the case of *Exiit qui seminat*, since its affirmations and decisions had such negative effects on the state of perfection of the Friars Minor. Regarding the primacy of poverty in Franciscan life, John XXII explicitly stated that the primacy of perfection in religious life did not consist in poverty, but in the precept of charity.<sup>195</sup> The decretals of Nicholas III had provided a juridical protection to a reality which was very different from that present in the theoretical affirmations of the Friars Minor, who showed more solicitude towards material belongings than any of the other mendicant Orders, who had accepted property in common. John XXII denied the Order the principle of the *simplex usus facti* (the simple *de facto* use of material possessions), as it was presented in *Exiit qui seminat*, and insisted that the Order was to accept the *dominium*, or right of ownership and property of all material things. As an expert canonist, John ridiculed the Order for its insistence upon maintaining its right of renouncing property in the case of material things consumed by use, such as the food of the friars. John XXII declared that the Church was not gaining any spiritual or material advantage from possessing things, which the friars were, in fact, using according to their own decisions; that it did not accept to have procurators who administered the friars' properties in its name; and that henceforth the Church would only keep the property of the Friars Minor in the case of churches, oratories, buildings, and all books, sacred vessels and vestments destined for the divine offices.

<sup>194</sup> JOHN XXII, Constitution *Ad conditorem canonum* (FAED III, 784-789).

<sup>195</sup> JOHN XXII, *Ad conditorem canonum* (FAED 786): "Now the perfection of the Christian life consists principally and essentially in charity, which the Apostle calls *the bond of perfection* (Col 3:14), for it unites or connects human beings in some way to their final end. The path to it is prepared by the contempt of temporal goods and their renunciation, particularly in order that the anxious care caused by acquiring, maintaining, and administering material goods and which thus militates against the act of charity, is thereby removed."

On November 12, 1323, John XXII published the Constitution *Cum inter nonnullos*, in which he declared heretical the affirmation that Christ and the apostles did not have any property individually or in common.<sup>196</sup> In April of the same year he had canonized Thomas Aquinas, whose views on poverty the pope had expressed in *Ad conditorem*. As John Moorman maintains: “*Ad conditorem* had turned the brothers into possessors; now *Cum inter nonnullos* threatened to turn them into heretics.”<sup>197</sup>

### **The reaction of Michele of Cesena and the Community of the Order**

The question between the Order and the papacy became complicated because of political factors. In 1324 Louis of Bavaria was elected king of the Romans, and John XXII excommunicated him as the head of the *Ghibellines* (the imperial party). Louis appealed to convoke a general council against John XXII, and in the edict of Sachsenhausen accused the pope of being a heretic. In this way, the imperial authority asserted itself as a defence of the cause of the Friars Minor in their conflict with the pope.

In June 1327 John XXII convoked the General Minister Michele of Cesena to Avignon. Michele arrived only at the end of that year. In the spring of 1328 the pope manifested to the General Minister his opposition to the Franciscan manifesto of the Perugia Chapter of 1322, and declared such an affirmation as heretical. The rigorous defence of brother Michele of Cesena did not produce any effect. In the meantime, as we have seen, Louis of Bavaria had been crowned by the delegates of the Roman citizens in the basilica of Saint Peter, and declared that John XXII had to be deposed as an heretic, accusing him of being the Antichrist.

To complicate matters, on May 12, 1328, Louis of Bavaria convinced the Romans to elect the Friar Minor Pietro of Corbara as antipope Nicholas V. This Franciscan, however, repented from having accepted such an offer, and in September 1330 asked and obtained the pardon of John XXII and was readmitted into full communion with the Church.

On May 27, 1328, a general chapter was celebrated at Bologna. Michele of Cesena could not attend, because he was imprisoned at Avignon. The pope had given to the capitulars clear instructions to depose Michele and elect a new General Minister. The capitulars met at Bologna, and re-elected Michele of Cesena in an act of defiance. Michele was now aware that he was risking his own life by remaining at Avignon. On May 26, 1328, he managed to escape from Avignon and reached the imperial court at Pisa. On May 28, 1328, John XXII issued the document *Quia vir reprobis*, in which he deposed Michele from the office of General Minister, and requested all civil and ecclesiastical authorities to capture Michele, together with Bonagrazia of Bergamo and William of Ockham, a master in Oxford, and accuse them of heresy. On June 6, 1328, John XXII published yet another document, *Dudum*

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<sup>196</sup> JOHN XXII, Constitution *Cum inter nonnullos* (FAED III, 789-790): “Since it is the case that among various men of learning it is often doubted whether the persistent assertion – that our Redeemer and Lord Jesus Christ and his apostles did not have anything, either individually or in common – should be deemed heretical, as various people hold different and often contradictory opinions in the matter; we wishing to put an end to this dispute, in accord with the counsel of our brothers, declare by this everlasting edict that a persistent assertion of this kind shall henceforth be deemed erroneous and heretical, since it expressly contradicts Sacred Scripture, which in a number of places asserts that they did have some things.”

<sup>197</sup> John R.H. MOORMAN, *History of the Franciscan Order from its origins to the year 1517*, 317.

*ad nostri*, in which he excommunicated the General Minister and his collaborators. Michele, however, had escaped with the seal of the Order, and he had no intention of handing it back. John XXII therefore nominated Cardinal Bertrand de la Tour as Vicar General (1328-1329), until the election of a new General Minister. In the meantime, Michele of Cesena, Bonagrazia of Bergamo, William of Ockham, Marsilio of Padova, and other friars, had transferred to the imperial court of Louis of Bavaria at Munich, and there they continued their opposition to John XXII and to his successor Benedict XII.

On June 10, 1329, John XXII convoked a general chapter, in which less than half of the capitulars participated. During the chapter a new General Minister was elected, namely Gerard Eudes, or Odonis (1329-1342). Gerard was a personal friend of John XXII, and was decisively in favour of the pope's position. Historically Gerard Eudes has been considered as the General Minister who marked the beginning of "conventualism" in the Order of Friars Minor.

Michele of Cesena died on November 29, 1342, still holding on to the seal of the Order. Bonagrazia of Bergamo died in 1343. William of Ockham died reconciled to the Church in 1349, and handed back the seal of the Order.

### ***Further Reading***

BURR Daniel, *The Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis*, University Park, Pennsylvania 2001.

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 177-187; 188-204; 307-319.

## Chapter 8

# THE UNREFORMED AND REFORMED FAMILIES DURING THE 14<sup>th</sup> AND 15<sup>th</sup> CENTURIES

### Conventualism in the 14<sup>th</sup> century

Pope John XXII died on December 4, 1334. He left the Order of friars Minor dispersed and fragmented. In all countries of Europe there remained the churches and friaries of the Minors, who became increasingly linked with the aristocratic and powerful families. Within the Order itself the old tensions continued to prevail. In the mid-14<sup>th</sup> century some among the friars continued to repeat that it was not possible to observe the Rule spiritually and literally within the Community of the Order. What future lay in store for the Order of friars Minor and for the Franciscan way of life in general? We can answer by stating that, first and foremost, the future held in store more divisions and a multiplication of “families” within the Order. The 15<sup>th</sup> century was to become the century of the affirmation of the Observant family. Although the term “observants”, as we shall see, has a variety of expressions and meanings, and is a complex phenomenon, the Observant friars regarded themselves, generally speaking, as the ones who represented the authenticity of the Franciscan tradition. Thus, more clear-cut divergences began to be created with another part of the Order, which from the election of the General Minister Gerard Eudes (Odonis) (1329-1342), became to be known as the Conventual family.

“The term *conventuals* was already known in the ecclesiastical sources preceding the advent of the Franciscan Order. An example can be found in the 10<sup>th</sup> constitution of the Fourth Lateran Council of 1215. In the case of the Franciscan family the term appears for the first time in the *Memoriale Propositi* of the Third Order in 1221-28, and in the case of the First Order or the Order of Minors – if we exclude the expression *conventualis disciplina* (conventual discipline) used by Jacques de Vitry in 1220 with reference to the friars – in a notarial act of January 9, 1241. The Lateran Council had spoken about the *conventuales ecclesiae* (conventual churches), while the *Memoriale* and this notarial act present respectively the *domus conventuales* (conventual house) of the Penitents or Tertiaries of St. Francis, as well as the *guardianus conventualis de Esculo*, the guardian (local superior) of the convent (friary) of the Minors in Ascoli Piceno. In 1250 and 1252 the churches of the Minors began to be known as ‘conventual’ churches: *decernimus ut ecclesiae vestrae omnes ubi conventus existunt conventuales vocentur* (we command that, wherever you have churches annexed to friaries, they should be called conventual churches). Thus among the Minors there entered the distinction between conventual and non-conventual churches. The non-conventual churches were those found in the hermitages, whereas the conventual churches were found in the towns and cities, and acquired the same rights and privileges of the collegial churches, namely the public celebration of the divine mysteries, preaching, administration of sacraments and conservation of the Eucharist, choral recitation of the divine office, the ringing of bells, ecclesiastical burial.”<sup>198</sup>

From 1329 we can speak in clear terms about the “conventual” family in the Order of friars Minor. Conventualism was a typical phenomenon in religious Orders during the 14<sup>th</sup> century. During that century, the situation of the Order was

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<sup>198</sup> G. ODOARDI, “Conventuali,” *Dizionario degli Istituti di Perfezione*, [DIP] Vol. 3, Rome 1976, 4-94. The Bulla of Innocent IV regarding conventual churches in the Franciscan Order is entitled *Cum tamquam veri* (April 5, 1250 and August 21, 1252), in *Bullarium Franciscanum* I, 538 and 622.

complicated by other factors, including the difficult period that the Church had to go through during the Western Schism (1378-1417). Already in 1305, Clement V had transferred the papal residence from Rome to Avignon. In 1347-48 Europe was under the grips of the Black Death. The plague decimated entire religious Orders, with the consequence that new recruits were admitted without a serious process of discernment. The *Chronicle of the XXIV Ministers General* states that in 1348 “there was an epidemic and a mortality of such proportions in the entire world, that hardly a third of the friars of our Order managed to survive.”<sup>199</sup>

“During the Avignonese papacy two particular developments were established within the Franciscan Order which, it seems no exaggeration to say, laid the foundations of the eventual success of the regular observance. The first was the general relaxation of discipline known as Conventualism; the second was the diffusion of knowledge about the spirit and strict discipline of Francis himself and his first followers, partly by means of a tradition of personal contacts, but more through the multiplication of manuscripts containing his writings and stories about the primitive fraternity ... The phenomenon of Conventualism was characteristic of the religious orders in the 14<sup>th</sup> century, and is usually ascribed to such general causes as the Black Death and political disorder, notably the Hundred Years’ War; a more particular cause cited in the Franciscan case is the friars’ loss of confidence in their evangelical ideal owing to the conflicts on poverty from the late 13<sup>th</sup> century to the rebellion led by the Minister General, Michele of Cesena, against Pope John XXII. Whatever the causes, Franciscan Conventualism involved failure to fulfil the already mentioned moderate observance of the Rule defined in the papal declarations; this entailed a general weakening of discipline, and also – most serious, and most characteristic of Conventualism – the disintegration, and also – most serious, and most characteristic of Conventualism – the disintegration of the Order as a community.”<sup>200</sup>

### The Constitutions of the Order during the 14<sup>th</sup> century

The links between the Avignonese papacy and the leaders of the Order of friars Minor had, as their primacy consequence, the fact that for thirty years, from 1329 until 1358, the General Ministers all came from the province of Aquitaine. This province was a vast transalpine region comprising the custodies of Agen, Bordeaux, Bayonne, Auch, Toulouse, Albi, Rodez, Cahors, Perigueux and Limoges. It was no coincidence that even the popes and leading figures in the papal curia at Avignon all hailed from these regions. In less than two years from his election as General Minister in Paris in 1329, Gerard Eudes, during a plenary assembly in Perpignan in Pentecost 1331, published a new set of Constitutions, containing new norms regarding the liturgy in the Order. These Constitutions were revoked during the General Chapter of Assisi in 1334.

After the death of John XXII, Pope Benedict XII was elected on December 20, 1334. He had been a Cistercian monk. Benedict gave the Order a new set of Constitutions on November 28, 1336. These were known as the Benedictine Constitutions, and were more useful to a monastic Order than to a mendicant Order. The Chapter of Cahors was compelled to accept these Constitutions in 1337, and therefore they were also known as the Cahors Constitutions (*Caturcienses*). These Constitutions do not mention the prohibition to receive money, but impose perpetual

<sup>199</sup> ARNALD DE SARRANT, *Chronica XXIV Ministrorum Generalium OFM*, in *Analecta Franciscana* III, 544: *Eodem autem anno (1348) fuit tanta epidemia et mortalitas per universum mundum, ut vix tertia pars fratrum Ordinis remaneret.*

<sup>200</sup> D. NIMMO, “The Genesis of the Observance,” in *Il rinnovamento del Francescanesimo: l'Osservanza*, Atti dell’XI Convegno della Società di Studi Francescani (Assisi, 20-22 ottobre 1983), Assisi 1985, 113-114.

abstinence from meat in the refectory. Benedict XII died on April 25, 1342, and on May 7, 1342 Clement VI was elected. On December 12, 1342 he nominated Gerard Eudes as Patriarch of Antioch. A new General Minister was chosen, namely Fortanerius Vassalli, who was elected in May 1343. He commanded the friars to start observing the Constitutions of Narbonne published by St. Bonaventure. In 1347 Clement VI nominated Fortanerius Vassalli as archbishop of Ravenna. In 1348 William Farinier from Aquitaine was elected General Minister during the Chapter of Verona. During the General Chapter of Assisi of 1354 the new General asked the friars to approve a new set of Constitutions, named after him as the *Farineriane* Constitutions. These comprised a compendium of the legislation of the preceding General Constitutions, namely those of Narbonne (1260), Assisi (1279), Parigi (1292), Assisi (1316), Lyon (1325), Perpignan (1331), Cahors (1337), Venice (1346) and Lyon (1351).

### **The Fraticelli and the first attempts of Observant reform in Italy**

The movement known by the name of “Regular Observance” within the Order of friars Minor in Italy, officially started in 1368 with the initiative of brother Paoluccio dei Trinci da Foligno. However its origins can be traced much earlier. It essentially developed during the period of the Avignonese papacy, as an orthodox manifestation of the ideals of the Spirituals and Fraticelli of the beginning of the 14<sup>th</sup> century. In the beginning the movement of reform had a strong element and also a weakness. It was a strong reform because it became a force against Conventualism, with the literal observance of the Rule. It was, however, a weak movement, since it became confused with the ideals of the Fraticelli, who had been condemned by John XXII. What were the links between this movement born officially in 1368 and the party of the Spirituals and Fraticelli who, as we have seen, had been condemned in 1317? The answer to this question is that Paoluccio dei Trinci was not the founder of the reform, but could rather be called the second founder. The reform had been born in 1334-1355, during the time when the remaining Fraticelli were still living in secluded hermitages, and exercising influence upon people like Paoluccio dei Trinci. It is sufficient to remind our readers that Angelo Clareno was still living in the Basilicata region of southern Italy (Santa Maria in Aspromonte) until 1337.

The first attempt at reform in Italy began when brother Giovanni da Valle da Foligno received permission from the General Minister Gerard Eudes to follow the literal observance of the Rule in the friary of Brogliano, a hermitage between Foligno and Camerino. In this region the influence of the Fraticelli was predominant. Angelo Clareno had contacts in this area, and the same family dei Trinci, from which Paoluccio would be descended, had contacts and sympathies with the Fraticelli. Pope Clement VI gave Gentile da Spoleto, who became successor to Giovanni da Valle in 1350, permission to live the strict observance of the Rule in other Franciscan hermitages, besides that of Brogliano. These hermitages were those of Le Carceri on Mount Subasio; La Romita, near Porcheria; Monteluco, above Spoleto; and Giano, on the west of the Clitunno stream. These brothers were not priests, and they were initially known as *fratres simplices* or *fratres devoti* (simple or devout brothers), and their hermitages were known as *loca devota* (devout places). In 1354, however, the General Minister William Farinier suppressed the reform, since he declared it suspect to the tendencies of the Fraticelli. On August 18, 1355 Innocent VI revoked all privileges given to the reformed brothers. This suppression marked the end of the

first attempt towards the regular observance in the Order of friars Minor. The second attempt, which would be more successful, was initiated by brother Paoluccio Vagnozzi dei Trinci in 1368.

### **The foundation of the Custody of the Holy Land (1342)**

The presence of the Franciscan friars in the Holy Land goes back to the very beginnings of the Order of friars Minor. During the General Chapter of 1217 the Order was divided into Provinces, namely six in Italy (Tuscany, Lombardy, Marches of Ancona, Terra di Lavoro, Apulia and Calabria), two in France, and one each in Germany and Hungary, Spain, and Syria. This last one was also known by the name of *Outremer*, and comprised all the regions of the eastern Mediterranean, including Egypt, Palestine, Syria, Cyprus, Turkey and Greece. Brother Elias was sent as first Provincial Minister of Syria from 1217 until 1219. In 1219 Francis himself went to Egypt with the fifth Crusade, and had the famous meeting with the Sultan Melek el-Kamel. According to a late witness, given to us by Angelo Clareno, Francis acquired a safe conduct from the Sultan in order to visit the Christian holy places in Jerusalem.<sup>201</sup>

The first documented Franciscan presence in Jerusalem goes back to 1229. On February 18 of that year the emperor Frederick II concluded a peace treaty with the Sultan of Egypt Melek el-Kamel. Both established a truce of 10 years and Frederick II entered triumphantly in Jerusalem. Pope Gregory IX, however, excommunicated the emperor, since he had acted out of his own initiative and had not obeyed the pope's call for a crusade. From the papal document *Si ordinis Fratrum Minorum* of Gregory IX (February 1, 1230) we can conclude that the friars were present in the Holy Land. According to a local tradition their first friary was situated close to where today the Franciscans commemorate the fifth station of the Via Dolorosa.<sup>202</sup>

In 1244, after the cessation of the truce of 1229, the Kwarismian Turks, together with the Mameluk king Bibars, ravaged Jerusalem and massacred the Christian population. The initial period of Franciscan presence in the Holy City thus came to an end.

The Province of Syria was reorganized into smaller entities in 1263, with the establishment of the Custodies of Cyprus, Syria and the Holy Land. This last entity comprised the friaries of Jerusalem and of the coastal crusader towns of Acre, Antioch, Sidon, Tripoli, Tyre and Jaffa.

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<sup>201</sup> ANGELO CLARENO, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, Translated from the Latin by David Burr and E. Randolph Daniel, Franciscan Institute Publications, St. Bonaventure University, NY 2005, 29: "On the third attempt, after Francis had suffered many reproaches, fetters, floggings, and labours, he was led to the Sultan of Babylon by the providence of Christ. Standing in front of the Sultan, completely on fire with the Holy Spirit, he preached to him Christ Jesus and the faithfulness of his gospel with such power, life, and effectiveness, that the Sultan and all of those who were present were astounded. Because of the power of the words that Christ had spoken through Francis, the Sultan, converted to mildness, against the decree of his impious law, freely heard Francis's words, and on the spot invited Francis to stay in his land longer. Finally, the sultan ordered that Francis and his brothers should be able to visit the sepulchre of Christ in Jerusalem without paying any tribute."

<sup>202</sup> G. GOLUBOVICH, *Biblioteca Bio-Biografica della Terra Santa e dell'Oriente Cristiano*, Tomo I (1215-1300), Quaracchi 1906, 158-160.

On May 18, 1291, the city of Acre, or Saint-Jean d'Acre, the last stronghold of the Crusaders in the Holy Land, fell into Muslim hands after the Sultan Melek-al-Ashraf massacred the entire population, including fourteen friars Minor and the Poor Clares.<sup>203</sup> The remaining friars and other survivors had to take refuge on the island of Cyprus, where the Province of the Orient continued to have its headquarters. At that time Pope John XXII permitted the Provincial Minister of the Holy Land to send two friars to the Holy Places every year. In spite of the difficulties, the friars Minor continued to exercise all possible forms of apostolate. Their presence in the service of the Holy Sepulchre is attested for the period 1322 to 1327.

The definitive return of the friars Minor to the Holy Land, with legal possession of certain Holy Places and right of us for others, can be attributed to the generosity of the King of Naples, Robert d'Anjou, and the Queen Sancia de Majorca. In 1333, through the mediation of the Franciscan Roger Guérin, they obtained from the Sultan of Egypt the site of the Cenacle and the right to officiate at liturgies in the Holy Sepulchre. Among other provisions, it was established that the friars Minor would exercise their rights on behalf of the Christian world.

In 1342, Pope Clement VI approved the project of the royals of Naples, by issuing the Bulls *Gratias Agimus* and *Nuper Carissimae* (November 21, 1342).<sup>204</sup> In

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<sup>203</sup> G. GOLUBOVICH, 350-354.

<sup>204</sup> CLEMENT VI, Bulla *Gratias Agimus* (November 21, 1342): "Clement, bishop, servant of the servants of God. To his well-loved sons the Minister General and the Ministers of the Land where the Order of friars Minor labour, salutations and Apostolic Blessing.

1. We give thanks to the Dispenser of all good, offering Him worthy praise, for having awakened such zeal and fervour of devotion and faith in our most dear children in Christ, King Robert and Sancia, Queen of Sicily, illustrious in honouring our Redeemer and our Lord Jesus Christ, not ceasing to work with indefatigable love for the praise and glory of God, as well as for the veneration and honour of the Holy Sepulchre of the Lord and of the other Holy Places beyond the sea.

2. A short time ago good news from the king and queen reached our Apostolic See relating that, at great cost and following difficult negotiations, they had obtained a concession from the Sultan of Babylon (that is, Cairo), who to the intense shame of Christians occupies the Holy Sepulchre of the Lord and the other Holy Places beyond the sea that were sanctified by the blood of this same Redeemer, to will that friars of your Order may reside continuously in the church known as the Sepulchre and celebrate there solemn sung Masses and the Divine Office in the manner of the several friars of this Order who are already present in this place; moreover, this same Sultan has also conceded to the King and Queen the Cenacle of the Lord, the chapel where the Holy Spirit was manifested to the Apostles and the other chapel in which Christ appeared to the Apostles after his resurrection, in the presence of Blessed Thomas; and also the news of how the Queen built a convent on Mount Zion where, as is known, the Cenacle and the said chapels are located; where for some time she has had the intention of supporting twelve friars of your Order to assure the divine Liturgy in the church of the Holy Sepulchre, along with three laymen charged with serving the friars and seeing to their needs.

3. To this end, the abovementioned Queen, in fulfilment of her pious devotion and that of the King, humbly asked us to intervene with our Apostolic Authority towards providing for the needs of these same Holy Places by sending devoted friars and qualified servants to the abovementioned number.

4. We, therefore, approving the pious and praiseworthy proposal of the said King and Queen, and their devout intention worthy of divine blessing, and wanting to favour and encourage their wishes and desires, by this present [bull] do concede to all and to each of you full and free power to summon, now and in the future, in your presence and by apostolic authority and at the request of the abovementioned King and Queen and their successors, after having heard the advice of the counsellors of your Order, capable and devout friars from among the entire Order to the number indicated.

5. Furthermore, considering the importance of this matter, due consideration is to be given to those friars who are destined to the service of God at the Holy Sepulchre, as well as at the Holy Cenacle and in the above-mentioned chapels; this, after duly inquiring of their Provincial Ministers of your Order regarding the aptitudes of those friars designated and temporarily destined for these regions beyond the sea and, in the case of one of them being absent, that on each occasion required, the friars sent to replace those absent be given license to reside in these regions.

these documents the pope declared the Franciscans as the official Custodians of the Holy Places in the name of the Catholic Church. The friars assigned to the service of the Holy Land could come from any province of the Order, and once in the service of the Holy Land they would fall under the jurisdiction of the Father Custos, the “Guardian of Mount Zion in Jerusalem.”

### The beginnings of the Observant Reform in Italy<sup>205</sup>

In 1340 the Minister General Gerard Eudes had expelled from the hermitage of the Carceri, above Assisi (*locum Carceris beati Francisci in monte Subasio*), a group of *Fratricelli*, and had substituted them with another group of friars who also lived a penitential and austere life. In 1354 the Minister General William Farinier had motivated his repressive action against brother Gentile da Spoleto and companions on the basis of them being suspected of heresy and a lack of obedience to the superiors of the Order. The *Chronicle of the XXIV Ministers General* states:

“During that time [1354-1355] many heretical brothers were to be found. These were opposed to the Church and to the Community of the Order. The lord legate Egidio (cardinal Albornoz) of Spain, together with the same general brother William Farinier, sent many inquisitors from the Order of Minor against these friars in Italy. Many of the brothers were dispersed and punished according to canonical sanctions.”<sup>206</sup>

In central Italy there were two main groups of dissident Franciscans. The older group was that of the *fratricelli de paupere vita* (Fratricelli of the poor life), who regarded themselves as being faithful to the tradition of Angelo Clareno. A more recent group was that of the *fratricelli de opinione* (Fratricelli who matured a proper doctrine of poverty), and who followed the ideology of Michele da Cesena and his companions, during their rebellion against John XXII regarding the poverty of Christ and the apostles.

In the mid-14<sup>th</sup> century the Community of the Order was governed by men coming from the Province of Aquitaine, and supported the Avignon popes John XXII, Benedict XII, Clement VI, and Innocent VI. This last pope promoted to the

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6. We further grant you, in case of refusal on the friars' part, the power to oblige them to obey, following an admonition, through the use of ecclesiastical censures. Nothing is to contradict these provisions, not any apostolic prohibition or contradictory statutes of the Order, even if supported by solemn attestation or apostolic ratification or any other convention, nor yet if some have received from the Apostolic See, in general or in particular, exemption from interdiction, suspension or excommunication, unless the apostolic letter makes full, express and literal mention of this indult.

7. We desire that, when those friars so designated are present in the regions beyond the sea, they be under obedience and subject to the governance of the Guardian of the friars of your Order, as well as the Minister Provincial of the Holy Land, with all that falls within his competence.

Given at Avignon, the 21<sup>st</sup> of November, 1342, in the first year of Our Pontificate.”

English translation taken from: PIERBATTISTA PIZZABALLA, *The Franciscan Presence in the Holy Land*, Franciscan Printing Press, Jerusalem 2008, 6-7, downloaded from the official website of the Franciscan Custody of the Holy Land:

[http://www.custodia.org/IMG/pdf/The\\_Franciscan\\_presence\\_in\\_the\\_Holy\\_Land.pdf](http://www.custodia.org/IMG/pdf/The_Franciscan_presence_in_the_Holy_Land.pdf)

<sup>205</sup> C. SCMITT, “Osservanti,” in DIP, Vol. 6, Rome 1980, 1022-1055.

<sup>206</sup> ARNALD DE SARRANT, *Chronica XXIV Ministrorum Generalium OFM*, in *Analecta Franciscana* III, 549: *Inventi etiam sunt tunc temporis multi Fratricelli haeretici Ecclesiam et Communitatem Ordinis condemnantes. Contra quos in Italia tam dominus Legatus quam dictus Generalis inquisitors Ordinis multiplicantes, multi fuerunt fugati et puniti secundum canonicas sanctiones.*

cardinalate the General Ministers William Farinier (1356) and Fortanerius Vassalli (1361), whom Clement VI had already nominated archbishop of Ravenna (1347) and patriarch of Grado and Aquileia (1351). In 1366 Urban VI gave the title of cardinal to the General Minister brother Marco of Viterbo, who had governed the Order since 1359. In 1378, the year which marked the beginning of the Western Schism, the Roman Pope Urban VI nominated cardinal Tommaso da Frignano, who had been General from 1367 to 1372, and the Avignonese Pope Clement VII nominated cardinal Leonardo da Giffoni, who had been General from 1373 to 1378. It is important to note that, during the Great Western Schism, the Order had two General Ministers, one showing allegiance to the Roman pope and the other one to the Avignonese pope.

Some of the Franciscan hermitages, which were closely linked with the memory of Saint Francis and the early companions, began to draw new attention in the year 1368, and became centres of vitality and relevance in the history of the Franciscan Order in Italy. These hermitages, in fact, were the very places in which a new Franciscan reform was born in relative autonomy. The man behind this new reform was brother Paoluccio Vagnozzi dei Trinci from Foligno.

Paoluccio was born in Foligno in 1309 from Vagnozzo Trinci e Ottavia Orsini. When he was still a 14 year old adolescent (1323) he was sent to the friary of Saint Francis in Foligno. Out of humility he wanted to remain a lay brother. His name Paoluccio, which in Italian sounds diminutive, indicates his young age when he entered the Franciscan life. Giacomo Oddi, author of the 15<sup>th</sup> century work *Franceschina*, calls him an *homo ydiota, semplice et laico* (an unlearned, simple and lay man). The chronicler Mariano da Firenze adds that he was *fondatore, principio, capo, duca, padre dell'Osservanza* (founder, beginner, head, leader, father of the Observance). We possess very little information regarding the period 1328-1368 in which he was active in the Franciscan life.

In 1368 Paoluccio Trinci asked the General Minister Tommaso da Frignano for permission to return to the hermitage of Brogliano together with some companions. The friars began to live there in extreme poverty. They used to wear wooden clogs (*zoccoli* in Italian), and hence the local people called them *Zoccolanti*. Paoluccio lived at Brogliano, but only for particular periods of time. In fact, in 1371 he transferred to the hermitage of Cesi (Terni). In 1386 he was in the friary of San Francesco in Perugia. When he was an old man and nearly blind he was taken to the friary of San Francesco in Foligno, where he died and was buried on September 17, 1391.

Between 1388 and 1390 the General Minister of the Roman papal obedience, brother Enrico d'Asti placed the institutional foundations and the necessary organization for the *luoghi devoti ossia eremitori di devoti frati semplici* (devout places, that is, hermitages for the simple and devout friars), and placed them under the authority of brother Paoluccio da Foligno. Paoluccio was nominated *commissario* (commissary) of the General Minister, with the same jurisdiction on the friars given to a Provincial Minister, including the right to receive novices.

The friars of this new reform were to be found in 18 hermitages. The majority of them, twelve in all, were to be found in the Custodies of Assisi (Le Carceri, San Damiano, Rocchiocciola), Perugia (Farneto, Monte di Perugia, Montegiove), Todi (Montegiove, L'Eremita), Narni (Stroncone) and the Valley of Spoleto (Giano, Monteluco, Brogliano). The other six were situated in the Custodies of Ancona (Forano), Ascoli Piceno (Montefalcone), Fermo (Massa, Cesa Palombo), and Camerino (Camerino, Morrovalle).

Foligno and the surrounding regions therefore became the place of origin of the Regular Observance, after the first attempt at reform which failed, namely that of Giovanni da Valle and Gentile da Spoleto. It is important to note that Paoluccio Trinci had entered the Franciscan life even before these two early reformers. In this preparatory movement of the Italian Observance it is important to notice the usual initial ideal of all Franciscan reforms, namely, the will to follow the Franciscan Rule according to a “literal observance,” side by side with the Community of the Order, living in the large friaries of the towns, where the friars observed the Rule with the papal interpretations.

Around the year 1390 the legacy of the group of brother Paoluccio, who was by then an old man, was taken over by brother Giovanni da Stroncone, who had been his disciple and novice in Brogliano (1373), and who continued to lead the new reform until his death in 1418. At the beginning Brogliano was the centre of the Italian Observance, but before the death of brother Paoluccio it had spread to other important friaries, where the famous saints and reformers of the Italian Observance in the 15<sup>th</sup> century were formed. Thus the “observant” family soon took over the friary of San Francesco al Monte (or Monteripido), outside Perugia, where Saint John Capestrano received his formation, the friary of Colombaio, outside Siena, where Saint Bernardine Albizzeschi of Siena became a Franciscan. In 1414 the number of reformed friaries in Italy increased to 34, and in 1415 the friary of Saint Mary of the Angels at the Porziuncola joined the family of the Regular Observants, with the obligation, however, to send its income to the Sacro Convento in Assisi.

### **The “four pillars” of the Observant reform in Italy during the 15<sup>th</sup> century**

The Regular Observance in Italy was organized on professional lines by four great saints, known as the “four pillars” of the Observant movement. They were Saint Bernardine Albizzeschi of Siena (1380-1444), Saint John of Capestrano (1386-1456), Saint James of the March (1394-1476), and Blessed Alberto da Sarteano (1385-1450).

#### *Saint Bernardine of Siena*

Bernardine was born at Massa Marittima, in Tuscany, from the noble family of Albizzeschi, on September 8, 1380. When he was still six years old both his parents died, and an aunt from Siena took care of his upbringing. As a young man Bernardine studied civil and canon law. In 1397 he became a member of the Confraternity of the Virgin Mary *della Scala*, and served the sick and the victims of the plague in the hospital of Siena.

On September 8, 1402 Bernardine entered the Order of friars Minor in the friary of San Francesco in Siena. He asked to spend his novitiate in the friary of Colombaio, outside Siena, which was one of the hermitages of the Observant reform. He made his profession on September 8, 1403 and was ordained priest in 1404. He first lived in the friary of Capriola. In 1417 Bernardine began his apostolate of preaching, which made him famous all over the Italian peninsula. He visited and preached in many Italian towns, using the *volgare*, or the language of the common people. In the period of Humanism, Bernardine denounced the abuses of power, usury and the abuse of the poor on the part of the rich, and encouraged everybody to live according to high moral standards of the Christian life. The churches in the

towns could not contain the crowds who gathered to listen to his sermons, and he had to preach outside in the *piazzas*. He became an apostle of peace in many Italian towns torn by civil strife between the Ghibelline (imperial) and Guelph (papal) parties.

During his preaching Bernardine made use of a monogram with the letters IHS (*Iesus Hominum Salvator*), and became an apostle of the devotion to the Name of Jesus. He introduced this devotion in Volterra in 1424. In 1427, however, he had to appear before Pope Martin V, accused of heresy. During the process in Rome Bernardine was defended by the canon lawyer John of Capestrano, who was his companion in the Order, and who convinced the pope regarding the orthodoxy of the use of the monogram of the Name of Jesus. Martin V wanted to consecrate Bernardine bishop of Siena, but the saint refused, as he later did when offered the bishoprics of Ferrara (1431) and Urbino (1435). In 1432 Pope Eugene IV, who favoured the Observant reform, defended Bernardine and his preaching. The devotion to the Name of Jesus grew so much in the Franciscan Order that Pope Clement VII instituted the liturgical feast in 1530.

At the friary of Capriola Bernardine wrote his Latin *Sermones*. In the meantime he continued his journeys as a preacher. In 1438 he was elected Vicar of the Cismontane Observants. In fact, Bernardine became the great organizer of the movement of the Regular Observance in Italy. The Observants during the 15<sup>th</sup> century were divided into two distinct families, the Cismontane and the Ultramontane, each of which had its own Vicar General, who was autonomous from the General Minister of the Order, who was elected from among the ranks of the unreformed, or Conventual family. Before his death Bernardine had reformed more than 300 friaries in Italy, in which lived a thousand brothers. He took part in the Council of Florence. In 1442 he asked the pope to accept his resignation as Vicar of the Observants, and dedicated his last months to preaching.

Bernardine became seriously ill in 1444, but continued preaching in the kingdom of Naples. On May 20, 1444, vigil of the Ascension, while preaching in L'Aquila, in the Abruzzi region, Bernardine died. He was buried in the Franciscan church of the town. Pope Nicholas V canonized him on May 24, 1450, in a ceremony which marked a triumph of the Observant family in Italy. On May 17, 1472 his remains were transferred to the church of the Observant Franciscans in L'Aquila.

### *Saint John of Capestrano*

John was born at Capestrano, in the diocese of Sulmona in the Abruzzi region of central Italy, in 1385. It is probable that his father was German, who had come to live in Naples. John lost his father when he was still very young, and was brought up by his mother. As a young man he studied civil and canon law in Perugia, under the master Pietro de Ubaldis. In 1412 Ladislao, king of Naples, who had conquered the Perugia from papal control, nominated him governor of that city. During the war between Perugia and the Malatesta family in 1416, John was sent as an ambassador, but was captured and imprisoned. It was during the time in captivity that he felt the call to consecrate his life of God. He had a dream in which he saw Saint Francis who invited him to join his Order.

On October 4, 1416, John entered the friary of San Francesco al Monte (Monteripido) in Perugia. He studied theology under the guidance of Bernardine of Siena, and was a companion of James of the March, both of whom became his future companions in the reform of the Order. John began to accompany Bernardine in his

preaching expeditions. In 1425 he was ordained priest. John then dedicated his life to itinerant preaching in Italy and beyond the Alps. He was an ardent apostle of the devotion towards the Name of Jesus, and in 1429 he went to Rome as a lawyer to defend his companion Bernardine of Siena against the accusation of heresy.

Pope Martin V (1417-1431) wanted to avoid a schism within the Order of Minors. So he convoked a General Chapter in Assisi in 1430. This Chapter published a new set of Constitutions on June 21. The Constitutions became known as the *Martinianae*, and they were the fruit of the work of John of Capestrano. The General Minister Guglielmo da Casale (1430-1442) took an oath to observe these Constitutions, which would have been the guarantee of the reformation of the Order of friars Minor, without the need of separation between the Conventual and Observant families. Unfortunately, on August 23, 1430, Pope Martin V published the document (*breve*) *Ad Statum*, in which he accepted the Minister's plea to dispense the unreformed friars from the observance of the Martinian Constitutions. In 1431, during the General Chapter of the Observants in Bologna, John of Capestrano was nominated Commissary General of the Italian Observants.

At this moment in the history of the Order we can speak of a division into two families, at least in practice, although not yet officially sanctioned by papal authority. The leadership of the entire Order of Minors would continue to be kept by the Conventual family, from whose ranks the General Minister was elected, while the Observant families (Cismontane and Ultramontane) would have their own Vicar Generals. Thus, during the 15<sup>th</sup> century, historians speak about friars *sub ministris* (under the obedience of the Ministers), and friars *sub vicariis* (under the obedience of the Vicars).

On January 11, 1446 Pope Eugene IV (1431-1437) issued the Bulla *Ut Sacra*, which declared that the Observants had the right to elect two Vicars from among their ranks, one for the Cismontane and the other one for the Ultramontane friars, and that the Minister General was bound to confirm these elections. Thus, from 1446 onwards, the Minister General had no more direct power over the reformed family, and in practice the Order was already divided into two distinct families, the Conventual and the Observant.

John of Capestrano extended his work of reform also beyond the Alps, and collaborated with the Vicar of the Ultramontane Observants, John Maubert. He also met Saint Colette of Corbie, who as a Poor Clare reformed many female monasteries and also some Franciscan friaries, but this time under the direct obedience of the Minister General of the Order.

John was sent as legate to Milan in 1439, in 1446 he went as ambassador to the king of France, and in 1451 as an apostolic nuncio in Austria. During this period he visited many parts of the Austro-Hungarian empire, preaching against the heresy of John Hus. He also visited Poland at the request of Casimirus IV, and reformed many friaries in Poland, where the Observant movement prospered. He preached in Carinthia, Austria, Hungary, Transylvania, Poland, Thuringia, Moravia and Bohemia. In 1454 John was summoned to assist the Christian princes in their battle against the Turks, by preaching a crusade. He dedicated all his energies encouraging Christian Europe to rise up against the Muslim onslaught, and took part in the battle of Belgrade as preacher of the Christian army. For this reason Pope John Paul II declared John Capestrano patron saint of military chaplains. John died at Villach in Croatia, on October 23, 1456. He was beatified in 1694 and canonized in 1724.

### *Saint James of the March*

James was born in a family of farmers at Monteprandone, in the Marches of Ancona, in 1394. He studied at Offida, under the guidance of an uncle who was a priest, and who sent him for higher studies at Ascoli Piceno. From there he proceeded to the university of Perugia, where he studied canon law. For some time he lived at Florence, where he exercised the profession of magistrate. On July 26, 1416 he entered the Franciscan Order in the chapel of the Porziuncola in Assisi. The friary of Saint Mary of the Angels had been handed over to the Observant reform the year before, in 1415. James spent his novitiate year at the hermitage of Le Carceri, and then studied theology in the friary of Fiesole, outside Florence, where he had Saint Bernardine of Siena as his master of theology. On June 13, 1420 James was ordained priest.

For nearly half a century James dedicated all his energies to preaching. He first preached in Tuscany, Umbria and Marche, but then travelled far and wide beyond the Alps and preached in Germany, Austria, Sweden, Denmark, Bohemia, Poland, Hungary, and Bosnia. In this last region he became Commissary of the Observants. During the Council of Basle (1439) James promoted the union of the moderate followers of John Hus with the Church, as well as being the promoter of union with the Greek Orthodox Church during the Council of Ferrara and Florence (1439-1443).

In 1453 Constantinople was sacked by the Turks. James preached a crusade, and after the death of John of Capestrano, in 1456, he was sent in Hungary, to continue the preaching mission of this famous saint.

In Italy James tried to destroy the remaining groups of dissident *Fraticelli*. He also instituted *Monti di Pietà*, which were a kind of financial institution to aid the poor against usury. In 1460 he was offered the episcopal see of Milan, but refused. His relationship with John Capestrano during the Observant reform is proved by a letter which Capestrano himself wrote to him.

Under Pope Callistus III, in 1455, James became an arbiter between the Conventuals and the Observants. On Easter Monday 1462 he preached in Brescia, but was accused of theological inaccuracies by the Dominican inquisitor Giacomo da Brescia. His cause was presented to Pope Pius II during the winter of 1462, but it came to no conclusion.

James spent his last years at Naples, where he died on November 28, 1476. He was beatified by Urban VIII in 1624 and canonized by Benedict XIII in 1726. He is author of a group of *Sermones*, which have been published in a critical edition.

### *Blessed Albert of Sarteano*

Albert was born at Sarteano, in Tuscany, in 1385. He entered the Order of friars Minor in 1405, but was initially a member of the Conventual family. In 1415 he passed over to the Observant family, drawn by the example of Saint Bernardine of Siena. He became a famous preacher. His fame was so great that the famous rhetor Guerimo of Ferrara, having heard that Albert had come to preach in that town, anticipated his lecture by an hour and told the students at the very end: "You have listened to the theory; let us now go and see how to put it in practice." Pope Eugene IV nominated Albert as his legate for negotiations with the Greeks, in order to invite

them to the Council of Bologna in 1453. But in the meantime Albert died in Milan on August 15, 1450. He is recognized as a blessed in the Franciscan Order.

### The Observant Reforms in France and Spain

The Observant reform in the Ultramontane family was largely a phenomenon of France and Spain. Whereas the Italian Cismontane Observants were under the obedience of their Vicars General (*sub vicariis*), the Ultramontane Observants were characterized by their direct obedience to the Ministers General of the Order (*sub ministris*). The main reforms we shall consider are those of the Coletani, Villacresciani, Guadalupensi and Martiniani groups.

#### *Coletani*<sup>207</sup>

These friars took their name from their spiritual guide, Saint Colette of Corbie (1381-1447). These reformed friars were grouped together by Henry de Baume (†1439), who was the confessor of Saint Colette. As a group they maintained difficult relations with the other Observants. On December 23, 1446, Eugene IV issued the Bulla *Vacantibus*, in which he wanted all the reformed groups of Franciscans to submit to the obedience of the Vicars General of the Observants. The Vicar General of the Ultramontane Observants was John Maubert (1443-1451). But Pope Nicholas V (1447-1455) suspended this Bulla, and left the Observant reforms beyond the Alps with the freedom to choose to live *sub ministris*. Thus the Coletani were dispensed from following the Observants *de Familia* (that is, the mainstream Observants who obeyed the Vicars), and passed over to the direct obedience of the Conventual General Minister. The first friary to pass over to this reform of the Coletani was that of Mirabeau in France, in 1390.

#### *Villacresciani*

These friars were grouped together as a Franciscan reform movement by fray Pedro de Villacreces in Spain. Pedro was *magister* in Salamanca and started this reform in Spain in 1396. The reformed family received approval by Benedict XIII. Pedro retired to the hermitage of Santa Maria della Salceda in the province of Castile. Afterwards he founded other hermitages, namely Aguilera, Compasto and Abrojo, which were small hermitages with not more than twelve friars each. In these hermitages the friars lived like recluses, with a strict observance and a contemplative life. The reform was definitely confirmed by Pope Martin V during the Council of Constance (1414-1418).

In the meantime Pedro had gone to Italy, where he came into contact with the Observant hermitages in the Apennines, particularly Le Carceri in Assisi. He also became familiar with Saint Francis' small rule for hermitages (*De religiosa habitatione in ermo*). Back in Spain Pedro went to live in the hermitages of Aguilera and Abrojo, he preached in Valladolid, and died at Peñafel on October 10, 1422. His austere reform family never accepted to be united with the Observants, but preferred

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<sup>207</sup> G. ODOARDI, "Colettani", in DIP, Vol. 2, Roma 1975, 1211-1218.

to remain *sub ministris*. Pope Nicholas V defended the Villacresciani from the Observants who wanted to include them under their obedience in 1447.

After the death of Pedro de Villacreces, his successors were fray Lope de Salazar (1436) and fray Pedro Regalado. In 1471 the Spanish Observants, with the authority of the *breve* of Sixtus IV *Inter cetera*, succeeded in uniting the Villacresciani with the Custody of Santa Maria in Castile.

### *Guadalupensi*<sup>208</sup>

Another Franciscan reform in Spain was born in 1487. In that year fray Juan de La Puebla (†1495) and his disciple fray Juan de Guadalupe (†1505) began a new reform within the ranks of the Observant movement, which became known as the reform of the *Discalced friars Minor* (*Discalceati*). It also was modelled upon the model of life of the hermitage of Le Carceri in Assisi. These Spanish reformers were also known by the name of *fratres de caputio* (friars of the hood) or *caputiati*, since they wore a pyramidal hood, which they considered to be similar to the one Saint Francis used to wear. This was a reform of the strictest observance.

From its very beginning the reform began by Juan de La Puebla was placed under the leadership of the Vicars of the Ultramontane Observance. Since these were against the rigours of this new reform, Juan de La Puebla decided to withdraw from their protection and place his reform under the direct obedience of the Conventual General Minister. The General Francesco Nanni Sanson guaranteed this protection in 1496, and obtained from Pope Alexander VI the Bulla *Sacrosanctae militantis Ecclesiae*, which rendered them independent of the Observants.

Juan de Guadalupe founded a hermitage in the kingdom of Granada. In the meantime the Spanish Observants tried to block this new reform, with the help of Cardinal Jimenes de Cisneros, who was a staunch defender of the Observant reform in Spain. On February 27, 1497, the Spanish Observants obtained the Bulla *In apostolicae dignitatis*, by which the Guadalupensi were brought forcefully under their jurisdiction. Juan de Guadalupe therefore went personally to Pope Alexander VI who, with the Bulla *Super familiam* on July 25, 1499, confirmed the autonomy of the Guadalupensi from the mainstream Observants, and placed them under the obedience of the Conventuals. In 1502 the Pope gave permission to extend the reform outside the kingdom of Granada. In this way the Custody of the Holy Gospel and that of Santa Maria della Luce in Castile were born. The Ultramontane Observants requested the Spanish bishops and the royal family to block the spreading of this new reform. At long last the Observants won the battle and forcefully placed the Guadalupensi under their obedience. Juan de Guadalupe continued to battle against this decision, with the help of the General Egidio Delfini, until he died in 1505. The two Custodies of Guadalupensi were united into one province, under the title of the Holy Gospel. It was in this reform that Saint Peter of Alcantara (†1499) lived.

### *Martiniani*

This reform was a made up of a group of Reformed Conventuals, who observed the Martinian Constitutions of 1430. We have seen that these Constitutions

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<sup>208</sup> G. ODOARDI, "Guadalupensi," in DIP, Vol. 4, Rome 1977, 1451-1456.

had the aim of keeping the Conventuals and Observants united into one reformed Order of friars Minor, but that the General Minister Guglielmo da Casale then asked Pope Martin V to dispense the Conventuals from their observance. Some of the Conventuals from the province of Saxony, who gathered at the Chapter of Halberstadt in 1430, asked not to be dispensed from the observance of the Martinian Constitutions. They were also subject to the obedience of the Minister General, and not to that of the Observant Vicars.

### **The Observant reforms in the Cismontane family**

#### *Capriolanti*<sup>209</sup>

The small congregation of the Capriolanti took its name from brother Peter Capriolo of Brescia (†1480), an Observant friar from the vicariate of Lombardy. The reform initially took under its control some friaries in Lombardy, between the duchy of Milan and the republic of Venice. The reform had already started in 1467, when the Vicar General of the Cismontane Observants tried to block it during a general congregation in Mantua. The Vicar who came after him, Marco of Bologna, made an agreement with Peter Capriolo, and the latter was reconciled with the Observants and invited to a friary close to Siena. But in October 1471 the Franciscan Pope Sixtus IV ordered Peter to go away from Rome, where he resided, and to return to Milan and submit his obedience to the superiors. In December of the same year the commune of Brescia asked the doge of Venice to obtain from Pope Sixtus IV and from the Minister General Zanetto da Udine the protection of the Observants of the friary of Saint Apollonio in Brescia, who were being persecuted by their brothers in Milan. The duke of Milan also entered the controversy, and he asked the Pope to prohibit the Capriolanti who lived in Bergamo, Brescia and Crema to be separated from the Observant Vicariate of Milan. The Pope, however, decided to separate these friars from the Observant Vicars and place them *sub ministris*, under the authority of the General Zanetto da Udine. The question became a political one. The king of England, Edward IV (1471-1483) and the duke of Milan threatened to expel the Conventuals from their territories, if the pope were to suppress the Bulls of Eugene IV in favour of the Observants. On March 25, 1477, Sixtus IV conceded permission to Peter Capriolo to erect the friaries of Bergamo, Brescia and Crema into an independent Observant Vicariate, under the patronage of Saint Bernardine of Siena and the protection of the Minister General Francesco Nanni Sanson. After the death of Peter Capriolo in 1480, the pressure on the Capriolanti grew so much that in 1491 they were incorporated in the Observant Vicariate of Brescia.

#### *Amadeiti*<sup>210</sup>

This reform began with the work of brother Amadeo João da Silva (†1482), who took the Franciscan habit at the Sacro Convento in Assisi and was incorporated in the Province of Milan by the General Minister Giacomo da Mozzanica. He retreated with some brothers in solitary places under the obedience of the Minister of

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<sup>209</sup> C. SCMITT, "Capriolanti," in DIP, Vol. 2, Rome 1975, 254.

<sup>210</sup> B. PANDZIC, "Amadeiti," in DIP, Vol. 1, Rome 1974, 502-503.

Lombardy. Their first friary was that of Santa Maria di Bressanoro in the diocese of Cremona. Amadeo then founded the friary of Santa Maria delle Grazie in Brescia. The duke of Milan, Galeazzo Sforza, prohibited Amadeo from founding a friary of his reform in Milan. However, even among the protests of the Vicar General of the Cismontane Observants, brother Marco of Bologna, Amadeo succeeded in founding the friary of Milan in 1471. The reform was consolidated through the help of the Franciscan Pope Sixtus IV and the duchess of Milan Bona di Savoia. In 1472 Amadeo obtained the friary of San Pietro in Montorio in Rome. When he died his reform had 39 friaries, which were under the obedience of the Minister General. There were alternate attempts to unify the reform either with the Conventuals or with the Observants, especially on the part of Popes Julius II (1506) and Leo X (1513). With the famous Bulla *Ite vos* of May 29, 1517, which marked the separation between the Observants and the Conventuals, the union between the Amadeiti and the Observants was established once and for all.

### *Clareni*<sup>211</sup>

These friars were initially a group of disciples of Angelo Clareno, who were accused of heresy by the Avignonese popes, and had to flee to the regions of central and southern Italy. They developed especially during the pontificate of Boniface IX (1389-1404). In March 1473 Sixtus IV approved the transfer of some Clareni from the obedience to the bishops to the obedience to the Minister General, and allowed them to elect their own Vicar General, with all the privileges given to the Conventuals in the Bulla *Regimini universalis ecclesiae*, known by the name of *Mare magnum* (August 31, 1474). In 1473 the Clareni entered Rome and founded in Italy a Custody dedicated to Saint Jerome. The Clareni were mainly lay brothers who lived in hermitages. They survived in spite of the attempts by Julius II to incorporate them with the Conventuals or the Observants, even after the union of the reformed families with the Regular Observance in 1517. Finally Pope Saint Pius V incorporated them definitely with the Friars Minor of the Regular Observance on January 23, 1568.

### ***Further Reading***

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 369-383; 384-389; 441-456; 457-478.

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<sup>211</sup> C. SCMITT, "Clareni," in DIP, Vol. 2, Rome 1975, 1114-1115.

## Chapter 9

# 1517: THE POINT OF ARRIVAL AND THE POINT OF DEPARTURE

### Conventuals and Observants during the 15<sup>th</sup> century. The Bulla *Ut Sacra* (1446)

The Council of Constance (1415-1418) marked the end of the Western Schism. In 1417 a new Pope was elected for all the Church, and he began to reside in Rome. His name was Martin V (1417-1431). The General Chapter of Forlì in 1421 elected Angelo Salvetti as General Minister. His successor was Antonio da Massa Marittima (1424-1430). Guglielmo da Casale was the next on the list of General Ministers (1430-1442). His generalate marked an important moment in the development of the Observant reform of the Order.

In 1430 Pope Martin V convoked a General Chapter in Assisi. During this Chapter new Constitutions were published, known as the *Martinianae*. The author of this new set of Constitutions was Saint John Capestrano, and he wrote them with the aim of safeguarding the unity of the Order. In fact, Guglielmo da Casale accepted the principle of reform in the Order, particularly regarding the theme of poverty. But on August 23, 1430, the same General Minister renounced to the agreement stipulated between the Conventual and Observant families, and requested the Pope to dispense the Conventuals from the observance of the Martinian Constitutions. Martin V then published the *breve* entitled *Ad Statum*, in which he gave the Conventuals permission to retain and administer their common property through procurators. This document is known in history as the *magna charta* of conventualism in the Franciscan Order.

“It was not long before a number of friars sought from Martin V absolution from the oaths which they had so lightly taken at Assisi. Among those who sought such relief was no less a person than William of Casale, the new Minister General, who begged the pope to allow him some relaxation of his oath before he set out on his long journey on a visitation of the provinces. Martin seems to have looked with favour upon these petitions, in spite of the fact that they threatened all hope of unity in the Order. The edifice so carefully built up by Capistrano was already beginning to crumble. The pope destroyed it altogether when, on 23 August, 1430, he issued the bull, *Ad statum*, in which he gave the friars permission, through their proctors, to retain and enjoy any kind of property, real or personal, as long as legally it belonged to the Holy See.”<sup>212</sup>

When Martin V died, the new Pope, Eugene IV (1431-1447) became a staunch supporter of reform in the Franciscan Order.<sup>213</sup> On March 15, 1431 Eugene IV published the Bulla *Vinea Domini*, in which he explained how he would support the reform of the Friars Minor. He gave permission to the Observants to have their own Vicars General for the Cismontane and Ultramontane families. In 1431 the friary of La Verna passed over to the Observant reform. In 1434 Eugene IV declared that the

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<sup>212</sup> J. MOORMAN, *A History of the Franciscan Order From Its Origins to the Year 1517*, 447-448.

<sup>213</sup> J. MOORMAN, 448: “An Augustinian canon, Eugene showed at once that he was interested in reform... He had himself been involved in the reform movement in his own Order, and was naturally sympathetic to those who wished to restore something of the primitive simplicity enjoyed by the early Franciscans. He was, moreover, an old friend of Capistrano who called upon him shortly after his election and pleaded with him to take up the cause of reform as supported by the Observants.”

Franciscan Observants were to be the only custodians of the Holy Land. In 1437 the Pope nominated Saint Bernardine of Siena as Vicar General of the Cismontane Observants. During the exile of Eugene IV, in 1439, an antipope was elected, namely Felix V. This antipope was supported by the Franciscan provinces of Germany, and they elected Matthias Döring as a minister general of that faction within the Order.

Guglielmo da Casale died in 1442. The Chapter of Padua in 1443 was asked by Eugene IV to elect as Minister General Albert of Sarteano, who had been Vicar General of the Cismontane Observants. The Conventuals, however, were against this nomination, and Albert had to resign. Instead of him Antonio Rusconi of Como (1443-1449) was elected, while John Capestrano was nominated Vicar General of the Cismontane Observants, and John Maubert as Vicar General of the Ultramontane Observants. At this stage it was clear that the division between Conventual and Observant families was inevitable.

On January 11, 1446, Eugene IV published the Bulla *Ut Sacra Ordinis Minorum Religio*, which sealed the future separation between the Conventuals and Observants. The Bulla gave the Observants the right to elect their own Vicars General. The General Minister had to confirm them, and retained the right to visit all the friaries of the Order. No Observant friar could transfer to the ranks of the Conventuals, but the Conventual friars were free to pass over to the Observant reform if they so wished.

In 1445 the friary of Arcoeli in Rome was given to the Observants. In 1449 John Capestrano was re-elected Vicar General of the Cismontane Observants, and in 1450 Bernardine of Siena was declared saint. His canonization was a triumph for the Observants. However, even before the definitive division of the Order, we cannot say that the Observant movement was truly united. We have already noted various attempts at autonomy from the Vicars of the Cismontane or Ultramontane families on the part of a good number of small reform families. This was especially the case in France and Spain, where many of the reforms preferred to remain *sub ministris*, rather than depend upon the Ultramontane Vicar General. The Cismontane Observants followed the Martinian Constitutions, whereas the Ultramontane Observants, as from 1451, chose to observe the Barcellona Constitutions, or *Statuta Barcenonenses*, published in that year by the General Chapter of the Ultramontane Observants.

Under the direct influence of Saint James of the March, on February 2, 1456, Pope Callistus III published the *Bulla Concordiae*, which was an attempt to reconcile the Observants with the Conventuals. The Observants were ordered not to appropriate the friaries of the Conventuals.

### **The road toward the division of the Order (1464-1517)**

In 1464 Francesco della Rovere was elected as Minister General (1464-1469). Later on he would become Pope Sixtus IV (1471-1484). The Conventuals, after having lost the large friary of Aracoeli to the Observants, made their headquarters in the friary of Santissimi Apostoli in Rome. Francesco della Rovere tried to reform the Order, but with little success. It was during the time when he was Pope Sixtus IV that the Vicar of the Cismontane Observants, Marco da Bologna, tried in vain to defend the cause of the reform during a consistory in front of the Pope, which marked an attempt to revoke the provisions of the Bulla *Ut Sacra* of Eugene IV.

Between February 27 and April 10, 1472, Pope Sixtus IV convened a consistory, in which he wanted to revoke the wide autonomy which the Observants

enjoyed from the Conventual Minister General's jurisdiction, and which had been given to them by Eugene IV in *Ut Sacra*. It was during this meeting in front of the Pope, that Marco da Bologna accomplished a courageous and risky act, which left the Pope dumbfounded, and convinced him to abandon his project of revoking the Bulla of Eugene IV. In front of all the participants to the consistory Marco took the Rule of Saint Francis out of his sleeve and threw it in the middle of the meeting hall, and raising his eyes to heaven, shouted: "O most holy Father Francis, now you defend your Rule, since I cannot do anything else!" These words surprised all those present, including the Pope.

During the General Chapter of Urbino Francesco Nanni Samson was elected Minister General (1475-1499). He was a moderate General in his approach to reform, and also tried to favour the Observants, but he was personally a convinced Conventual friar. He was against the efforts of Cardinal Francisco Ximenes de Cisneros, archbishop of Toledo, who with the authority of the royal family of Spain, was trying to forcibly reform all the Franciscan Conventuals in Spain and make them submit to the authority of the Observant Vicar General.

The General Chapter of Terni elected Egidio Delfini as Minister General (1500-1506). He tried to encourage the reform of the Conventual family, and also asked the help of Pope Julius II (1503-1513). In 1506 he convoked a General Chapter in Rome to deal with the issue of reform, but his projects for the unity of the Order failed.<sup>214</sup> He issued an encyclical letter in which he announced that the General Chapter had drafted a new set of Statutes, aimed at reforming the Order. These Statutes were approved by Pope Alexander VI on April 7, 1501, and are known as the *Statuta Alexandrina*. He travelled a lot, and tried to bring back the Conventuals to a less relaxed way of life, but also tried to compel the Observants not to break away from the Order, and not to hold on to their friaries, but to join the large Conventual houses. Both families rejected his pleas. He also tried to stop the effort of Cardinal Ximenes de Cisneros to boost the Observant reform in Spain to the detriment of the Conventuals, but even in this endeavour he failed miserably. The same thing happened in the case of the French Colettan friars, who were not ready to accept the Observant Vicars in the envisaged union of the whole Order which the General Minister was planning to achieve.

Pope Julius II, who succeeded Alexander VI and Pius III, was a strong supporter of the Order, and was surprised at the great success which the Observants had by now achieved in Europe, to the point that even secular princes were threatening to oust the Conventuals from their realms if the Pope did not show support towards the Observants. In the meantime, Egidio Delfini had summoned a *capitulum generalissimum* for October 1504, but it never met. The Observants had by

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<sup>214</sup> J. MOORMAN, 569-570: "When the Conventual friars met for their Chapter General at Terni in October 1500 they had been for nearly a year without a Minister General. Samson, after twenty-four years in office, had died at the age of eighty-five, and the friars now decided to elect in his place Giles Delfini, a man of ability and determination who had held office as Provincial Minister of Umbria... Living himself the life of a true Friar Minor, he set himself to restore to the Order some of those qualities which had brought to the friars the love and loyalty of the people in past generations... But he failed. 'Had he lived earlier,' says Holzapfel (*Manuale*, 128), 'he would doubtless have been remembered as the saviour of the Order. But he was too late.' His policy, admirable though it was, found few supporters. The Conventuals distrusted him because they felt that he was far too lenient with the Observants in the matter of their obedience to the Minister, and the Observants disliked him because it seemed to them that he was trying to rob them of their independence. In spite, therefore, of the energy and courage of Giles Delfini, his generalate of six years, from 1500 to 1506, achieved very little, and the Order slowly drifted towards division."

now decided that they did not want to cooperate with a Minister General who wanted to unite them at all costs with the relaxed Conventual family. At long last, Julius II himself convened a Chapter at Aracoeli in Rome, which relieved Egidio Delfini from his office and elected Rainaldo Graziano di Cotignola as Minister.

The last General Minister before the definitive separation of the Order was Bernardino of Prato (1513-1517). By the beginning of the 16<sup>th</sup> century, the division between Conventuals and Observants had assumed levels of a public scandal, and separation seemed to be the only option remaining in order to save the Order. Pope Leo X (1513-1521) decided to bring it about. On July 11, 1516 the Pope called for a *capitulum generalissimum* to meet in Rome for Pentecost, May 31, 1517, obliging all Franciscan families and reforms to be present, namely, the Conventuals, Cismontane Observants, Ultramontane Observants, Amadeiti, Coletani, Clareni and Discalced.

### **The Bulla *Ite vos in vineam meam* (1517)**

The *capitolo generalissimo* was celebrated in Rome, on May 29, 1517. From the beginning it was clear that the Observants were not favourable to a division of the Order, but that at the same time they could not accept a Minister General who would not be a reformed friar. On their part the Conventuals defended their right to hold on to the papal privileges with a tranquil conscience. Leo X decided to publish the Bulla *Ite vos in vineam meam* (May 29, 1517). In the Bulla he informed the Conventuals that they would have to renounce their right to elect the Minister General from among their ranks. The Order was to have one General Minister chosen from among the reformed families.<sup>215</sup> Regarding all the other reformed families, the Pope ordered

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<sup>215</sup> LEO X, Bulla *Ite vos in vineam meam*. Text in L. Wadding, *Annales Minorum*, Vol. 18, Quaracchi, Florence 1933, numbers 43-48. Here we quote the most important parts of this Bulla:

“We want and order, according to what is contained in the Rule of blessed Francis, that there should be one Minister General for the entire Order, who exercises full powers over all brothers of the same Order and over each member of the same Order, in all those things which pertain to the Rule, and to whom all the brothers are bound to strictly obey in all those matters which do not go against God, their souls or the Rule... The election of his successor should be done exclusively by the Ministers provincial and Custodes who come from the reformed family, whether they are Cismontanes or Ultramontanes, during the General Chapter of the same Order, on the feast of Pentecost, in the place chosen by the Minister General during the General Chapter immediately preceding. All Ministers and Custodes who have been called to the Chapter, whether they come from the Cismontane or Ultramontane families, are bound to attend. And, in order that the head and leader does not appear to be different from the members, we want and also order that no brother can be elected to the office of Minister General, if he does not lead a reformed life, and if he does not belong to a reformed community of brothers... This being the case, for the election of the future Minister General during the upcoming feast of Pentecost in the friary of Aracoeli in Rome, to be celebrated according to our orders expressed in the letters sent in the form of a papal Brief: we order all the Ministers and Custodes of the reformed families, as well as the Vicars and discreets of the Friars of the Observance *de familia*, to carry out such an election... In this same Order, in order to conserve the peace with God, and to nurture charity to the greatest degree between the Cismontane and Ultramontane brothers of the same Order, we order that, when a Minister General has been elected for six years from the ranks of the Cismontane brothers, during the following six years the Minister should be elected from among the ranks of the Ultramontane brothers... Regarding the Ministers Provincial, in the Provinces whose Ministers are as yet not reformed, or where there are no reformed brothers, we declare, establish and order, that the Vicars of the Friars of the Observance *de familia* of the same Provinces, from now on and for ever are to be considered without any doubt as being the Ministers of the same Provinces, and they are to be called by the name of Ministers... Regarding the reformed brothers, who want to observe the Rule of blessed Francis in a pure and simple way, and which have been often mentioned in the preceding parts [of this Bulla] and will be mentioned later on: we want and declare that the same

them to unite all together under the Observant reform, to drop all their different names, and to adopt the official title of *Ordo Fratrum Minorum* (Order of the Friars Minor). The *Minister Generalis totius Ordinis Minorum* (Minister General of the entire Order of Minors) was henceforth to be elected from their ranks, for a period of six years, alternatively from the Cismontane and Ultramontane families. The seal of the Order would pass over to the new Minister General of the Friars Minor, who preferred, however, to retain the name *Fratres Minores de Regularis Observantia* (Friars Minor of the Regular Observance). This name continued to be used until 1897.

“*Ite vos* begins by referring to the excellent work done by the Order of Friars Minor in past ages and to the reforms which had been carried out from time to time by such men as S. Bonaventura and S. Bernardino of Siena. But in recent years dissensions and disputes have arisen which have caused much distress. The pope himself has always loved the Order, and has suffered much from the complaints and appeals which have reached him from many quarters. It was in face of these that he set up a Commission, whose advice he has accepted.

The Order is, in future, to have one Minister General to whom all friars must promise obedience, as the Rule demands. But, from now onwards, the Minister General must be taken only from one of the reformed parts of the Order, whether from Italy or elsewhere. Moreover, all elected to any office or administration must also be *reformati*, whether Observants, Amadeiti, Clareni, *Fratres de Caputio*, Colettans, *Reformati sub Ministris* (Reformed Conventuals), or Discalced. All these groups are in future to unite to form the Order of Friars Minor. As far as those are concerned who refuse to take part in this union, the pope declared that he would deal with them in due course.

The next day being Whit Sunday no meetings were held, thus giving the friars an opportunity to discuss these sudden changes. But on the Monday another Consistory was held at which the pope himself addressed the friars and others. Those who could now regard themselves as members of the Order were called upon to choose their new Minister General”<sup>216</sup>.

On June 1, 1517, Christopher Numai of Friuli, from the Cismontane family, was elected as the 44<sup>th</sup> Minister General of the Order of Friars Minor in the list of Ministers descending from the founder Saint Francis. Berardino of Prato consigned to him the seal of the Order. On June 12, 1517, Pope Leo X published the Bulla *Omnipotens Deus*, which is known as the *Bulla concordiae*. In this Bulla he ordered the Friars Minor Conventuals to elect their own *Magister Generalis* (Master General), who had to be confirmed by the Minister General of the Order.<sup>217</sup> They elected

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brothers known as Reformed brothers, who want to observe the Rule of Saint Francis in a pure and simple way, namely the Observants, both those *de familia*, as well as the Reformed under the Ministers, as well as the Amadeiti, Colettani, Clareni, the brothers of the Holy Gospel or *de Caputio*, and the Discalced, or other similar reformed brothers who are known by some other name, and who want to observe the Rule of Saint Francis in a pure and simple way: from now on all these above mentioned groups of brothers should unite to form one religious family, and we hereby unite them together in perpetuity. Regarding the diverse names of these aforementioned brothers, we now order that they should and can be called Friars Minor of Saint Francis of the Regular Observance, both with the addition of this specification or without it. We hereby declare that the Conventual brothers, who still live according to the privileges, should now become subject to the same Ministers General and Provincial...”

<sup>216</sup> MOORMAN, 583-584.

<sup>217</sup> LEO X, Bulla *Omnipotens Deus*. Text in L. Wadding, *Annales Minorum*, Vol. 18, Quaracchi, Florence 1933, numbers 51-53. Here we quote the most important part of this Bulla:

“From now onwards, the Conventual Friars, who live with the privileges conceded to them by the Apostolic See, and who want to hold on to their incomes and possessions, or to the other temporal goods accorded to them by the same privileges, according to these letters we now establish and order that one of the same Conventual Friars who leads a praiseworthy life and gives good example, can now be elected as their Master General, and be called by this name. He is to take care to uphold the same

Antonio Macelo de Petris de Cherso, but they also regarded him as the 44<sup>th</sup> legitimate successor of Saint Francis in the list of Ministers General. In fact, the Conventuals never accepted to call their superior by the name of Master, and they continued to regard him as a Minister General.

The Franciscan historian Herbert Holzapfel OFM, in his *Manuale Historiae Ordinis Fratrum Minorum*, published in Fribourg in 1909, writes:

“The two parties, the reformed and the non-reformed, were so different in manner of life and in their attitude towards the Rule, that it was impossible for them to find place in a united society. If both parties were to be permitted to continue, complete separation was the only solution. Every sincere friend of the Order will deplore this fact, no matter to which family of the whole Order he belongs today. It would be unjust to identify the Conventuals of today with their regulated discipline with the non-reformed Conventuals of the 15<sup>th</sup> century, just as the Friars Minor of today have no cause to defend the mistakes made by the Observants of those times.”

### **The evangelization of the Americas in the 16<sup>th</sup> century**

The movement of reform and missionary zeal in the Franciscan Order, particularly in the Observant family, developed greatly during the late 15<sup>th</sup> and during the 16<sup>th</sup> centuries, during the “discovery” of the New World. Here we are going to give a brief presentation of the attempts at missionary evangelization of the Americas on the part of the Franciscans after 1492.

#### *The evangelization of Latin America*

Christopher Columbus was a good friend of the Franciscans, especially of Juan Perez, guardian of the friary of La Rabida, near Palos. It was in the same friary that Columbus knew brother Antonio Marchena, who was an astronomer. Perez defended Columbus in front of the Spanish monarchs Ferdinand and Isabella, and was instrumental in bringing about the success of the expeditions of this navigator.

We do not know whether Columbus was accompanied by Franciscan friars during his first voyage across the Atlantic in 1492. But during his second crossing, in 1493, Columbus was accompanied by two Franciscan lay brothers from Belgium, namely Jean de la Duele and Jean de Tisin. After this date the Franciscans began to arrive in the New World, particularly in the Antilles. This missionary expansion was encouraged by the Cardinal Archbishop of Toledo, Francisco de Cisneros. In 1526 Pope Clement VII asked the emperor Charles V of Spain to send 120 Franciscan Observants and 70 Dominicans to the Americas. In 1504 the first bishop of the new colonies, Garcia de Padilla, arrived in Haiti, and in 1511 he went to the see of Santo Domingo.

In 1519 two Franciscans accompanied Cortés in his expedition to Mexico. In 1521 Cortés asked the king of Spain to send missionaries, preferably from the family of the Franciscan Observants. Charles V requested the Minister General to send the friars. Francisco de Angelis Quiñones immediately sent a group of missionaries from the province of Saint Gabriel, under the direction of Martin de Valencia. They arrived in Mexico in 1524, and have been known in history as the twelve apostles of Nueva España.

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privileges of the Conventual Friars, whereas the confirmation of his election has to be requested from the Minister General of the entire Order...”

The first Franciscans came to Latin America with the colonial mentality of Spain, and contributed to the painful destruction of the culture of the indigenous Aztecs of Central America. However, it would be unjust to forget the great number of friars who defended the Indios from the tyranny of the *Conquistadores*. One of the most famous among these Franciscans was Juan Zumárraga (†1548), the first bishop of Mexico City, who was directly involved in the famous apparitions of the Virgin Mary of Guadalupe to Juan Diego at Tepeyac on December 9, 1531.

The Franciscans soon spread all along the territory north of Mexico and in the Yucatán Peninsula. They also arrived in Guatemala and Honduras in 1525.

The first regions of South America evangelized by the Franciscans were the countries of Colombia and Venezuela. The first missionaries arrived from the Antilles in 1510. In 1516 three Franciscans suffered martyrdom by cannibals. Slowly but surely, they succeeded in converting the Indios of these regions. The work of the Franciscans in the mission stations was often destroyed by the same *Conquistadores*, who stole whatever they could find during their expeditions. The words of praise that Philip II had for the Franciscans in 1587 were of no avail in helping the situation of the new missions in Latin America. The Franciscans established missionary stations at Cartagena, Pamplona, Bogotá (Colombia) and in the regions of the Orinoco river in Venezuela. The first Franciscans arrived in the island of Trinidad in 1540, and were killed by cannibals.

The reign of the Incas in Perú was destroyed by the ruthless violence of Pizarro, who betrayed the king Atachualpa. The Incas were ready to welcome the new *Conquistadores*, and even to give them gold in great quantities! The missionaries, like Marco of Nice, who had come to Mexico, give us witness regarding the great cruelty of the Spanish conquerors. In 1533 this Franciscan friar went to Quito to protest with the authorities. The Franciscans had established themselves in Perú, and particularly in Lima, where they had friaries and colleges. Another important Franciscan mission was that of the region of Ucayali. In 1533 the Franciscans began to evangelize Chile. The first bishop of Santiago was Antonio de San Michael. In this country the Franciscans worked hard in favour of the indigenous populations, who often rebelled against the tyranny of their colonizers. In 1580 two Franciscans, Antonio Quadramiro and Christopher de Merida, travelled down to the Straits of Magellan in order to evangelize the Indios of Tierra del Fuego.

In Bolivia the first Franciscan missionaries worked in extremely harsh conditions of poverty, particularly in the regions of the rivers Beni and Madre de Dios.

Argentina was evangelized particularly in the region of Tucumán by Saint Francis Solano (1549-1610), who is recognized universally as the apostle of South America.

The Franciscans entered Paraguay in 1538. The first bishop of Asunción was the Franciscan Juan de los Barrios. Many Franciscans worked in evangelizing these regions and translated the sacred texts in the Guaraní language. In the same regions the Jesuits had organized many of their *reducciones*, particularly above the Saltos do Iguaçu, but they were subsequently expelled by the Spanish and Portuguese in 1767. Their story is immortalized in the film "Mission".

The largest country of South America is Brazil. When Cabral arrived in Brazil in 1500, he was accompanied by a few Franciscans. At the very beginning the Franciscans suffered martyrdom in the hands of the local populations. But after 1570 two provinces of Alcantarine or Discalced Franciscans established themselves on the coasts of Brazil. Other Observant Franciscans continued to evangelize the interior

regions of the immense country. In 1635 an expedition of Franciscan friars left from Quito in Ecuador, in order to penetrate in the forests of the Amazon basin from the west. Their intention was that of arriving at the Aguarico river. Unfortunately many of them were killed by the natives. Some soldiers, however, together with the Franciscans Diego de Brieda and Andrea de Toledo, escaped upon a canoe on the river Napo, and reached the point where it meets the Amazon. Then they continued along all the Amazon river basin, until in 1637 they arrived at the delta on the Atlantic coast. They had crossed the entire width of South America.

### *The evangelization of North America*

In 1527 five Franciscan friars accompanied the expedition of Narvaez in Florida. Some of them died of hunger, among them the bishop Juan Suarez. The true beginnings of the missions in what are today the United States of America started in 1565, and continued particularly after 1597 in the regions of Florida and Georgia, where the Franciscans converted a great number of Indians.

The Franciscans arrived in New Mexico in 1539, and accompanied the expeditions of 1540. From New Mexico the Franciscans spread in Arizona, where they worked in extreme difficulties among the Apaches. In 1609 the Custody of Florida was established, and in 1616 the Custody of the Conversion of Saint Paul was founded in New Mexico and Arizona.

In 1690 Querétaro sent the first Franciscan missionaries in Texas. The missionaries worked along the Rio Grande in the region of San Antonio. Many mission stations were opened along the river Colorado and along the desert in the direction of California.

The success of the evangelization of the Americas was an initiative in which the Franciscans were certainly at the forefront. The poverty and the evangelical zeal, which were part of the same foundation of the Order made the friars ideally adapted for the missionary work which lay ahead of them. But there were at least two other characteristics of the Franciscans that contributed to their relationship with the native population and therefore to their success, namely a cosmopolitan vision of the world and a vision of the Church in a reformed society. Whatever kind of experience they did in order to evangelize the indigenous populations of the New World, depended upon the ability of the friars to learn and master the local languages of the natives. The great success with which they succeeded in this endeavour is proved by the great quantity of dictionaries, grammars, catechisms, sermons and spiritual writings in the native languages. Until 1572 the Franciscans had written at least eighty literary works in the local languages, and this was a success unparalleled even if one places all the other religious families present in the continent together.<sup>218</sup>

The most famous among the missions in the United States of America were those of California. Baja California in Mexico was evangelized by the Jesuits and the Dominicans. The Franciscans concentrated their efforts in Alta California. The apostle of these missionary expeditions was Blessed fray Junípero Serra, beatified in 1988 by Pope John Paul II. In 1769, after a long experience of missionary work in Mexico, Junípero Serra continued his work in the region of California. The original names of the Franciscan mission stations are still existent in the names of the great

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<sup>218</sup> CONRAD L. HARKINS, "Franciscan Friars in the New World," *Friar Lines*, Vol. 6, No. 1 (1994), 17-31.

cities of the Pacific coast in California: San Diego, San Francisco, Los Angeles, San Juan Capistrano, Santa Clara, San Buenaventura, Monterey, Carmel.

In Canada the Recollect Franciscans from France entered in the regions of Quebec in 1615. In 1619 other Recollect Franciscans from Aquitaine evangelized Nova Scotia. Nicholas Viel became the first martyr of Canada in 1625. When Canada became a British colony in 1763, the Franciscan missions had to close down. But in 1881 the Franciscan Blessed Frederic Janssoone, Commissary of the Holy Land, returned to the mission of Trois-Rivières and refounded it, together with the missions of Montreal and Quebec.

### ***Further Reading***

MOORMAN John R.H., *A History of the Franciscan Order: From Its Origins to the Year 1517*, Franciscan Herald Press, Chicago 1988, pages 369-383; 384-389; 441-456; 457-478.