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# «ET NULLUS VOCETUR PRIOR, SED GENERALITER OMNES VOCENTUR FRATRES MINORES» AUTHORITY AND SERVICE IN FRANCISCAN LIFE

Noel Muscat OFM

In his *Testament*, St. Francis describes the institution of the fraternity of friars minor in the following terms: “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.”<sup>1</sup> The arrival of the first brothers was a complete surprise for Francis. He never dreamt of establishing a fraternity of religious men. He insists that the brothers were a gift that was lavishly bestowed upon him by God Himself.

The early fraternity of friars minor was not established on any juridical lines or hierarchic structures. If we study the mediaeval sources for the life of St. Francis, particularly those coming from the pen of the companions of the saint, we notice that the first brothers were not even conscious of their specific identity as a religious family. They merely considered themselves to be “penitents” from Assisi.<sup>2</sup>

It was only later on, namely after 1209, when Francis took his first brothers to Pope Innocent III in order to have his *forma vitae* approved, that the brothers began to be more conscious of their status in the Church as a *religio* or *ordo*, that is, a religious order. Even this process, however, was gradual in its unfolding. Tommaso da Celano, the first biographer of the saint, sums up this gradual process of self-identification in an episode in which Francis has a sudden intuition regarding the name that he should give to the brothers: “But the subject at hand is primarily the Order that [Francis] accepted and retained as much out of love as out of profession. What was that Order? He himself originally planted the Order of Lesser Brothers and on the occasion of its founding gave it this name. For when it was written in the Rule, ‘Let them be lesser...,’ at the uttering of this statement, at the same moment he said: ‘I want this fraternity to be called the Order of Lesser Brothers.’”<sup>3</sup>

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<sup>1</sup> *Test* 14 [FAED I, 125]. Latin text in FRANCESCO D’ASSISI, *Scritti*. Edizione critica a cura di C. PAOLAZZI, Frati Editori di Quaracchi, Fondazione Collegio S. Bonaventura, Grottaferrata 2009, 396: Et postquam Dominus dedit michi de fratribus, nemo ostendebat michi quid deberem facere, sed ipse Altissimus revelavit michi quod deberem vivere secundum formam sancti Evangelii.

<sup>2</sup> AP 19 [FAED II, 43]: «Many people repeatedly questioned [the brothers], 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.» Cfr. L3C 37 [FAED II, 90].

<sup>3</sup> 1C 38 [FAED I, 217]. Latin text: THOMAS DE CELANO, *Vita beati Francisci*, 38, in *Analecta Franciscana* X, 30: «Sed de ordine, quem charitate pariter et professione assumpsit et tenuit, præcipue sermo in manibus est. Quid enim? Ordinem Fratrum Minorum primitus ipse plantavit, et ea scilicet

In his publication on the origins of the Franciscan Order, the late Franciscan scholar Kajetan Esser wrote: “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*.”<sup>4</sup>

The official structure of the Franciscan fraternity as a religious order called for the establishment of a hierarchy from its early stages. This was certainly important if the Church were to approve the form of life of the Gospel that Francis proposed. Until 1209, when Francis appeared in front of Pope Innocent III, it goes without question that he was the head of the brotherhood, and also that the brotherhood was none other than a prevalently lay group of men living together under a loose *propositum*, but under the direct dependence of the bishop of Assisi, in whose diocese they were born as a fraternity.

The unpreparedness of Francis and the first brothers in being aware of these juridical forms of government is evident in the same episode in which Francis goes to Pope Innocent III. Celano describes what happened in very diplomatic terms:

“When blessed Francis saw that the Lord God was daily increasing their numbers, he wrote for himself and his brothers present and future, simply and in few words, a form of life and a rule. He used primarily words of the holy gospel, longing only for its perfection. He inserted a few other things necessary for the practice of a holy way of life. Then he went to Rome with all his

brothers, since he greatly desired that the Lord Pope Innocent the Third confirm for him what he had written. There was in Rome at this time the venerable bishop of Assisi, Guido by name, who honoured Saint Francis and all the brothers in everything and revered them with special love. When he saw Saint Francis and his brothers, he reacted strongly at their arrival, as he did not know the reason for it. He feared they wanted to leave their homeland, where the Lord had begun to perform great things through his servants. He greatly rejoiced to have such men in his diocese, for he relied most of all on their life and character. But when he heard the cause and understood their plan, he rejoiced greatly in the Lord and promised to give them advice and to offer his support.”<sup>5</sup>

The Latin text states that bishop Guido, when he saw Francis and the brothers at the papal curia, *ipsorum adventum graviter tulit*.<sup>6</sup> This would imply that Guido was deeply disturbed by the presence of the brothers at the curia, and for a very simple reason. Given that they fell under his protection and were under his jurisdiction, since they were only present in the Assisi *contado* which formed part of his diocese, he could not accept the fact that Francis had spontaneously decided to take the brothers to Rome directly to the Pope, without even consulting him beforehand. Celano seems to be very diplomatic and to present the whole affair as a benign misunderstanding, but one should think that it was more complicated than that. Guido might have initially reacted strongly and adversely to Francis’ initiative, and only at a second stage did he accept to support him in his endeavour and present him to Cardinal Giovanni Colonna, bishop of Sabina, who then introduced him to Innocent III.

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occasione hoc ei nomen imposuit. Cum nempe sic in Regula scriberetur: ‘Et sint minores’, ad huius sermonis prolationem, ea quidem hora: ‘Volo’, inquit, ‘ut Ordo Fratrum Minorum fraternitas hæc vocetur’.» The English translation of the term *Ordo Fratrum Minorum* with *Order of Lesser Brothers* is not consistent with the true nature of *fraternitas* and

*minoritas* in the Latin name, and I would prefer to use *Order of Friars Minor*.

<sup>4</sup> K. ESSER, *Origins of the Franciscan Order*, Franciscan Herald Press, Chicago 1970, 23.

<sup>5</sup> 1C 32 [FAED I, 210].

<sup>6</sup> *Analecta Franciscana* X, 26.

After the oral approval of the *forma vitae* the brothers returned to Assisi. Francis was by now recognised officially as the undisputed leader of the fraternity, which was assuming the contours of a very centralised body under the direction of its founder.

Indeed, the same description of the fraternity is given by Jacques de Vitry-sur-Seine, bishop elect of Acre in the Holy Land.

In his *Letter written from Genoa (1216)* Jacques speaks about the fraternity of the *fratres minores* and *sorores minores* which he found in the region of Perugia, stating that they lived according to the pattern of the first Christians, thus seeing them as a *communitas*, rather than as a *fraternitas*. He never mentions Francis by name in this Letter, but gives importance to the collegial structure of the chapter in which “the brothers of this Order assemble once a year in a designated place to rejoice in the Lord and eat together; with the advice of good men they draw up and promulgate holy laws and have them confirmed by the Lord Pope.”<sup>7</sup> Then he goes on to speak about the dispersion of the brothers in mission in various parts of Italy. The fact that Jacques mentions the chapters and the legislative activity of the brothers gathered for these assemblies shows that, by 1216, the Order did have an established hierarchy, but that its structure did not resemble the monastic pattern of a *communitas* under the direction of an *abbas*, but that it was rather a kind of collegial structure in which the decisions taken together during chapters dictated law to all brothers without distinction.

In his second *Letter written from Damietta (1220)*, when Jacques de Vitry was already bishop of Acre and was present during the Fifth Crusade in Egypt, he speaks about the Order and states that it did have a superior, but does not mention Francis by name. Moreover, he also criticises the practice of admitting men in the Order without making

them go through the canonical year of novitiate.<sup>8</sup>

It is only in the *Historia Occidentalis*, that Jacques de Vitry mentions Francis by name: “We have seen the founder and master of this Order, Brother Francis, a simple, uneducated man beloved by God and man, whom all the others obey as their highest superior.”<sup>9</sup>

If Jacques was writing this work around 1221-1223, as is normally accepted, then it is evident that Francis was still considered to be the undisputed leader and superior of his fraternity, as well as its founder. This gives the impression that the Order was still highly centralised in its organs of government. At the same time, however, we know that Francis had already renounced the leadership of the Order in 1220, and that the Order had been celebrating general chapters during Pentecost at least from the one in 1217, when the brothers were sent for the first time beyond the Alps and beyond the Sea, in France, Spain, Germany, Hungary and the *Terra Promissionis*, or Province of Syria. In 1221 the Order had also approved the text of the *Regula non bullata* during the Pentecost chapter, which is normally considered to be the famous “chapter of mats” of which the Sources speak.

This short glance at the developments in the Order during the first decades of its existence throws light on the way in which Francis conceived the need to have an effective leadership of the brothers and to indicate its true nature in the Order’s legislation. Since he had no preparation in canon law Francis necessarily made recourse to experts, as was the case of Cardinal Ugo di Segni and brother Bonizo di Bologna in the drafting of the *Regula bullata* of 1223. However, this did not mean that Francis did not have a say in the canonical structuring of his fraternity, in which he adamantly wanted to see the

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<sup>7</sup> JACQUES DE VITRY, *Letter written from Genoa (1216)* [FAED I, 580].

<sup>8</sup> JACQUES DE VITRY, *Letter written from Damietta (1220)* [FAED I, 580-581].

<sup>9</sup> JACQUES DE VITRY, *Historia Occidentalis (c.1223)* [FAED I, 584].

reflection of the Gospel ideals that he embraced. The first step in trying to understand Francis' concept of authority in the Order is to examine his own idea of how a superior should act in the fraternity. One of the ways to do so is to see what kind of authority the Order was experiencing during its first two decades of existence, that is, besides the supreme spiritual authority and presence of Francis as its founder. We have to do so, given that the terminology used in the writings of St. Francis, might be misleading since it does not speak in clear terms about the names that the Order's superiors were known by.

### Terminology of government in the Order

When we consider the various levels of government in the Order during its early existence, we have to make reference to the writings of St. Francis. The first and most important reference should be made to what Francis intends to imply in chapter 6 of the *Regula non bullata*, where he states: "Let no one be called *prior*, but let everyone in general be called a lesser brother. Let one wash the feet of the other."<sup>10</sup>

It is clear from these expressions that, for Francis, the ideal of government in the Order hinges upon the example of Christ who washes the feet of the Apostles during the Last Supper. In other words, it is a duty of service, a ministry of the brothers, a *ministerium fratrum*. Francis rejects the notion of a brother superior who assumes the name of *prior*, a term which was common in monastic practice, as well as in the case of other new mendicant Orders which were born contemporaneously to the Order of friars minor. The Latin word means "first", the one who stands before all the others. Therefore, one of the first notions of authority in the Order is linked with the affirmation of what a brother who is chosen as superior is not, and what he actually represents, namely the example of

Christ who is the slave and washes the feet of his Apostles.

Given this initial clarification, it remains obvious that a kind of authority in the Order had to exist for various reasons. The Order had grown from a small fraternity of brothers to a large family of around 3000 brothers by 1221. The need to have a form of life, or a rule, approved by the Church necessitated a clear description of the organs of government and the parameters of authority within the same Order. In order to clarify this, we need to look at the different ways in which Francis mentions superiors in the Order, that is, at the terminology linked with the organs of government.

In his writings Francis makes use of the following terms in order to denote the superior of the brothers: *praelatus*, *minister [generalis / provincialis]*, *custos*, *Guardianus*. We shall have a look at each of these terms and try to understand their specific role in the fraternity.

### *Praelatus*

The term *praelatus* immediately strikes an odd note in the symphony of Franciscan terms relating to the office of service and ministry in governing the brothers. In Latin the word indicates one who is offered before the others in a position of authority, literally, a preferred person, and is normally applied to clerics who hold offices of importance in the Church, such as bishops, abbots, canons. It goes without saying that this was certainly not the idea of Francis regarding superiors. However rarely Francis makes use of the term, which is found only in the *Admonitions*, we still have to understand what he exactly implied by using it.

The reference to the *praelatus* is found in the third *Admonition*, which speaks about perfect obedience.<sup>11</sup> The term was commonly used to denote religious superiors, particularly in the Cistercian

<sup>10</sup> *RegNB* 6 [FAED I, 68]. Latin text in PAOLAZZI, *Scritti*, 252: «Et nullus vocetur prior, sed generaliter

omnes vocentur fratres minores. Et alter alterius lavet pedes (cfr. Joa 13,14).»

<sup>11</sup> *Adm* 3 [FAED I, 130].

tradition. Given that the *Admonitions* betray a certain influence of Cistercian spirituality, it could be that Francis kept the term in its original setting, but intended to use it to refer to the superiors in the Order, which he normally calls *ministri et servi*, ministers and servants, of the brothers. Although the significance of the term is not that important, it remains evident from the words of this *Admonition*, that true obedience for Francis implies a total self-offering in the hands of one's superior, based upon the words of Christ in Lk 14:33: *Whoever does not renounce all that he possesses cannot be my disciple*, and in Lk 9:24: *Whoever wishes to save his life must lose it*. For Francis this motivation is what truly matters in obedience, and therefore the authority of the minister or prelate is based upon such a motivation. Authority does not stem from a person's personal talents or qualities, or from one's intellectual preparation, but from the service that one renders to Christ when he offers his life for his brothers. In this way even the prelate himself is committing an act of genuine obedience if he is looking for the will of God and accepts his office as a service of love for the brothers who spontaneously offer their lives for the sake of obedience.

### **Minister**

The most commonly used term to denote the superior of the brothers is that of *minister*. Francis uses the term in a general way, as well as referring to the office of minister general or minister provincial. The office of minister stems from Christ's words in the Gospel of Matthew 20:28 and Luke 22:27.<sup>12</sup> Both passages are taken from episodes linked directly with the theme of

the passion of Christ. The first one refers to the request of James and John to sit at the right and left hand sides of Christ in His kingdom, to whom Christ answers with a reference to the drinking of the chalice of suffering in His passion. The second text is taken from the episode of the Last Supper according to the version of St. Luke, in which we find some similarities with the act of the washing of feet in John 13. The reference to these Gospel texts renders the office of minister a truly original one in the mind and heart of Francis. A look at his writings can shed light on the various aspects of the office of minister.

Francis dedicates a *Letter to a Minister*,<sup>13</sup> in which we find a truly edifying example of what serving the brothers as a minister is all about. The Letter is addressed to an unknown minister, inviting him to be considerate towards brothers who sin and who are a cause of trouble to the whole brotherhood. The inspiration of the Letter is also evangelical, recalling the Lord's command to Peter to forgive always without exception.

Chapter 5 of the *Regula non bullata* is wholly dedicated to the office of the ministers in the context of fraternal correction. Francis insists that the brothers who are superiors are "ministers and servants," that they are to "admonish, instruct and correct humbly and attentively," that they "be careful not to be disturbed or angered at another's sin or evil" and "spiritually help the one who has sinned as best they can," that "all the brothers [should] have no power or control in this instance, especially among themselves," and finally that all brothers should "obey one another voluntarily."<sup>14</sup>

The minister has the duty of visiting the brothers. The *Regula bullata* states: "Let

<sup>12</sup> Mt 20:28: «Sicut Filius hominis non venit ministrari, sed ministrare, et dare animam suam redemptionem pro multis». Lc 22:27: «Ego autem in medio vestrum sum, sicut qui ministrat.» This link with the Gospel passages is evident in the *RegNB* 4 [FAED I, 66]: «Let the ministers and servants remember what the Lord says: *I have not come to be*

*served, but to serve*; and because the care of the brothers's souls has been entrusted to them, if anything is lost on account of their fault or bad example, they will have to render an account before the Lord Jesus Christ on the day of judgment.»

<sup>13</sup> *EpMin* [FAED I, 97-98].

<sup>14</sup> *RegNB* 5 [FAED I, 67-68].

the brothers who are the ministers and servants of the others visit and admonish their brothers and humbly and charitably correct them, not commanding them anything that is against their soul or our rule.”<sup>15</sup> The name *ministri et servi* is typical of Francis, and it sounds as if he is insisting on one meaning for synonyms in order to drive the nail through for all the brothers to understand that the *ministerium fratrum* is, basically, a service to the brothers. At the same time, the minister has the duty not only of visiting the brothers but also of correcting their faults humbly and charitably. The fact that he is a servant does not take away anything from his authoritative duty in the fraternity.

In the *Regula non bullata* Francis speaks about the office of ministers and preachers: “Let no brother preach contrary to the rule and practice of the Church or without the permission of his minister. Let the minister be careful of granting it without discernment to anyone. Let all the brothers, however, preach by their deeds. No minister or preacher may make a ministry of the brothers or the office of preaching his own, but, when he is told, let him set it aside without objection.”<sup>16</sup> Besides the link between preaching and obedience to the minister, what is of interest to us here is the insistence upon being able to renounce to the office of *ministerium fratrum* if the fraternity demands it for a valid reason. The same principle is found in the *Regula bullata*, which gives the faculty to the provincial ministers and custodians to remove a general minister from office if he is no longer qualified for the service to the

brotherhood. We shall return to this theme when speaking about the general minister and the provincial ministers.

Francis also regards the minister as the one who has authority over the brothers. In the *Letter to the Order* he addresses his words “to Brother A., the General Minister of the Order of Friars Minor, its lord.”<sup>17</sup> Francis regarded the minister general as *domino suo*, his lord, and thus underlines the respect due to the minister and servant of the entire fraternity.

### ***Minister generalis / Minister provincialis***

Although we cannot speak of the existence of a minister general while Francis was still alive, it is interesting that Francis refers to the office of *minister generalis* in his writings, referring it obviously to the *vicarius* of the Order who was called to govern the fraternity after Francis relinquished the office of government during the Chapter of St. Michael of 29 September 1220.<sup>18</sup> Thus, he is specifically referring either to Pietro Cattani (who died shortly afterwards, on 10 March 1221) or to Elias of Cortona, who remained in office until after the death of the founder. Therefore, as long as Francis was alive, the references to the *minister generalis* are to be understood as applying to the *vicarius*.<sup>19</sup> In any case, the authority invested in this brother was equal to that of the leader of the Order, and Francis is clear about this in his writings.

The figure of the minister general shows that the Order of friars minor was born as a centralised fraternity of brothers, in which

<sup>15</sup> *RegB* 10 [FAED I, 105]. Latin text in PAOLAZZI, *Scritti*, 334: «Fratres qui sunt ministri et servi aliorum fratrum, visitent et moneant fratres suos et humiliter et caritative corrigant eos, non precipientes eis aliquid quod sit contra animam suam et Regulam nostram.»

<sup>16</sup> *RegNB* 17 [FAED I, 75].

<sup>17</sup> *EpOrd* 2 [FAED I, 116].

<sup>18</sup> 2C 143 [FAED II, 340]; AC 39 [FAED II, 142]. Although the Sources state that Francis renounced the office of government of the Order “a few years after his conversion,” we know that, in fact, this

occurred in 1220, when Francis had returned from the East. The Sources also insist that Francis renounced the office “in order to preserve the virtue of holy humility.” However, the reasons for such a decision must have been much more complicated.

<sup>19</sup> C. SCHMITT, *I vicari dell'ordine francescano da Pietro Cattani a frate Elia*, in *Francesco d'Assisi e francescanesimo dal 1216 al 1226*, Atti del IV Congresso della Società Internazionale di Studi Francescani, (Assisi, 15-17 ottobre 1976), Assisi 1977, 235-263.

all of them referred directly to the minister general who had authority to send them wherever the call of obedience was necessary.

In the *Regula non bullata* Francis promises obedience to the Pope together with “whoever is head of this religion.”<sup>20</sup> This is to be understood to refer to the minister who was acting as vicar of the saint, since by 1221 Francis had already renounced the government of the Order, while still remaining its founder and spiritual leader. The election and duties of the minister general are explained in chapter 8 of the *Regula bullata*:

“Let all the brothers always be bound to have one of the brothers of this Order as general minister and servant of the whole fraternity and let them be strictly bound to obey him. When he dies, let the election of his successor be made by the provincial ministers and custodians in the Chapter of Pentecost, at which all the provincial ministers are bound to assemble in whatever place the general minister may have designated. Let them do this once in every three years, or at other longer or shorter intervals, as determined by the aforesaid minister. If, at any time, it appears to the body of the provincial ministers and custodians that the aforesaid general minister is not qualified for the service and general welfare of the brothers, let the aforesaid brothers, to whom the election is committed, be bound to elect another as custodian in the name of the Lord.”<sup>21</sup>

This chapter speaks about the election of the general minister, but it also states many things regarding the *ministerium fratrum* in the Order. For one thing, it mentions the provincial ministers and custodians, thus indicating that by 1223 the hierarchy of the Order was well established. It also indicates that the general chapter of Pentecost was established as the supreme governing body of the Order, with the power to elect the

general minister and even to consider changing him with another brother should he no longer be deemed fit for his ministry. This last detail obviously creates problems for interpretation, since it is not easy to understand exactly what the Rule means when it states: *et si aliquot tempore appareret universitati ministrorum provincialium et custodum, praedictum ministrum non esse sufficientem ad servitium et comunem utilitatem fratrum*. What is at stake is the common good of the brotherhood. This seems to be the only valid reason for judging whether a minister is still corresponding to this common good or not. In the case of a lack of commitment on his part the brother ministers are duty bound to remove him, for the good of the entire fraternity of the Order.<sup>22</sup> What applies to the case of the general minister obviously also applies to the lower ranks of hierarchy, namely the provincial minister and custodian.

Another duty of the general minister is that of visiting the brothers and assigning them to the provinces. The *Regula non bullata* states: “Let all the brothers who have been designated the ministers and servants of the other brothers assign their brothers in the provinces and places where they may be, and let them frequently visit, admonish and encourage them spiritually. Let all my other brothers diligently obey them in those matters concerning the well-being of their soul and which are not contrary to our life.”<sup>23</sup>

The duty of the ministers, first among whom is the general minister, is that of keeping in touch with the brothers and assigning them to their evangelising ministry as a fraternity living the *apostolica vivendi forma*. Although by 1221 the establishment of provinces in the Order was a standard practice, and had been at least since the general chapter of 1217, we cannot think of provinces in the juridical

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<sup>20</sup> *RegNB* Prol. 3 [FAED I, 63].

<sup>21</sup> *RegB* 8 [FAED I, 104].

<sup>22</sup> This was evidently the case in the deposition of brother Elias from general minister in 1239. Cfr.

R.B. BROOKE, *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959, 137-177.

<sup>23</sup> *RegNB* 5,2-4 [FAED I, 66].



way we known them today as territorial entities. Indeed, the structuring of the Order into provinces was aimed not at placing the brothers in a specific territory in a kind of *stabilitas loci* that is reminiscent of the monastic orders, but rather of making them go wherever they are needed for their apostolic ministry among the brothers and among the people. In the early decades of the history of the Order brothers could easily pass from one territory to another in an itinerant spirit according to the needs of the entire fraternity.<sup>24</sup>

The role of the ministers, whether they are the general minister or the provincial ministers, is seen by Francis as reflecting the real needs of the Order and answering to the challenges of the times. On the one hand the centralised structure of the Order permits the general minister to be in touch with all the brothers in a direct manner, while at the same time the confederated nature of provincial presences, governed by provincial ministers, was the guarantee for a true sharing of the office of *ministerium fratrum* under the authority of the general chapter and responding to the concrete common good of the brotherhood.

### *Custos*

The figure of *custos* or custodian is also very present in the writings of St. Francis. In the *Regula bullata* they are mentioned together with the ministers provincial as the ones who take part in the chapter of Pentecost.<sup>25</sup> At the end of the *Letter to the Order*, the custodians are mentioned together with the Guardians.<sup>26</sup> Francis

addresses a *Letter to the Custodians*, of which there are two versions.<sup>27</sup>

The figure of the *custos* has gone through a process of development in the history of the Order. We are more accustomed to the figure of the *Guardianus*, which, however, does not recur as often as that of the *custos* in the writings of St. Francis. One can take the two terms as interchangeable, given that their meaning is basically the same, referring to the role of protecting and overseeing the brothers. However, given that they are often mentioned together with the ministers, particularly in the case of their participation in the general chapters, they must necessarily have been distinct from the Guardians. One theory is that the custodians must have been Guardians of important fraternities which made up a kind of sub-division of the provincial entities of the Order. That is why they accompanied the ministers provincial to the general chapter. In the very beginning of the Order, however, they could very well have been just the local superiors of fraternities of itinerant brothers.

Francis sometimes mentions the custodian who visits the brothers together with the provincial minister. This is the case in the *Rule for Hermitages*, where we find this expression: “And those ‘sons’ may not talk with anyone except with their ‘mothers’ and with the minister and his custodian when it pleases them to visit with the Lord’s blessing.”<sup>28</sup>

In the Bulla *Cum secundum consilium* of 22 September 1220, Pope Honorius III addresses himself as: “Honorius, Bishop, Servant of the servants of God, to our beloved sons, the priors and custodians of

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<sup>24</sup> A contemporary way of living this experience of an itinerant fraternity of brothers who can be available to the various needs of the Order is explained by our Minister General, Br. Massimo FUSARELLI, in his recent *Letter Brothers and Minors Today. The State of the Order in These Times*, Rome (8 December 2024): «We need concrete international projects, such as the Chapter called us to. Though rare now, historically our experiences of mission have been too dependent on the autonomy of one particular Province. It seems to me that we

have reached the time to reflect together and make decisions as an international, interprovincial Fraternity, beginning with the period of initial formation where candidates would benefit from being called beyond the confines of their Province to experience the world.»

<sup>25</sup> *RegB* 8,2 [FAED I, 104].

<sup>26</sup> *EpOrd* 47 [FAED I, 120].

<sup>27</sup> *EpCust I* [FAED I, 56-57]; *EpCust II* (FAED I, 60).

<sup>28</sup> *RegEr* 9 [FAED I, 62].

the Friars Minor.<sup>29</sup> Kajetan Esser explains the use of this term in order to shed light on the nature and mission of the *custos* in the Franciscan fraternity:

“In the documents of the Roman Curia itself – and that well into the reign of Gregory IX – can be detected a certain perplexity in regard to this office [of minister]; as, for example, where a title of office is used for the first time in 1220: ‘To the beloved sons, the priors and custodies of the Friars Minor’ (*dilectis filiis prioribus seu custodibus minorum fratrum*). The term ‘custos’ had not been used hitherto for the superiors of the Friars Minor, since its use in the Order can be traced only to a later date. It appears here, therefore, for the first time. The term does not seem to have been used at first in a proper sense only, inasmuch as the Final Rule prescribes that, in place of an incompetent minister general, the friars are to ‘elect for themselves another as custos in the name of the Lord.’ Thus, the term could apply even to the highest superior of the Order. In the same chapter we read: ‘At his death, the election of a successor must be made *by the provincial ministers and custodes* at the Chapter of Pentecost, in which the *provincial ministers* are always bound to convene...’ As only the provincial ministers come to the Chapter, the term ‘custos’ cannot refer here either to any specific office; ‘minister et custos’ is, in all probability, originally a repetition similar to ‘minister et servus.’ Accordingly we may interpret the address of the papal letter just mentioned to mean that ‘custos’ at first, like ‘minister,’ was a general designation of office in the Order. Yet by the time St. Francis wrote his *Testament* the word had certainly come to mean a clearly defined

office. The provinces by that time were, obviously, subdivided into smaller administrative units, headed by the ‘custos.’ When used then in 1230, it was certainly the title given the friar who was to govern a smaller administrative unit of a province.”<sup>30</sup>

Esser’s explanation of the role of the custodian shows that the office, as distinct from that of minister provincial, entered late in the Order, and therefore the interpretation of the Rule which states that the ministers and custodians participate in the chapter can be taken, as Esser explains, as meaning *minister et custos*, referring to the same person, and not to two distinct categories of friars. It is not easy to come to a clear-cut presentation of what the expression means, however. One can opt for one or the other of the interpretations.<sup>31</sup>

### *Guardianus*

The office of Guardian in the writings of St. Francis is mentioned particularly in the *Testament*. In this case, however, Francis is speaking about a brother who becomes his personal superior, and not the superior of the entire fraternity: “And I firmly wish to obey the general minister of this fraternity and the other Guardian whom it pleases him to give me. And I so wish to be a captive in his hands that I cannot go anywhere or do anything beyond obedience and his will, for he is my master.”<sup>32</sup>

The reference to this personal Guardian seems to be rather strange, but the Sources are very clear about this particular request of Francis, after he resigned from the office of government of the Order, to have a personal Guardian in order to live in obedience in the most direct of ways

<sup>29</sup> HONORIUS III, Bulla *Cum secundum consilium* (22 September 1220) [FAED I, 560-561].

<sup>30</sup> K. ESSER, *Origins of the Franciscan Order*, 67-68.

<sup>31</sup> For example, the Italian translation of the *Fonti Francescane*, states: “**dai** ministri **e dai** custodi.” This would imply two distinct categories of brothers

in the general chapter, and not just the ministers provincial.

<sup>32</sup> *Test* 27-28. Latin text in PAOLAZZI, *Scritti*, 400: «Et firmiter volo obedire ministro generali huius fraternitatis et alio Guardiano quem sibi placuerit michi dare, et ita volo esse captus in manibus suis, ut non possim ire vel facere ultra obedientiam et voluntatem suam, quia dominus meus est.»

possible, since it was not possible for the minister general to be always present, but in the case of the personal Guardian Francis could never escape from his authority. Let us see what the Sources say about this.

In the *Memoriale in desiderio animæ*, Celano writes: “[Francis] not only resigned the office of general, but also, for the greater good of obedience, he asked for a special Guardian to honour as his personal prelate. And so he said to Brother Peter of Catanio, to whom he had earlier promised obedience: ‘I beg you for God’s sake to entrust me to one of my companions, to take your place in my regard and I will obey him as devoutly as you. I know the fruit of obedience, and that no time passes without profit for one who bends his neck to the yoke of another.’ His request was granted, and until death he remained a subject wherever he was, always submitting to his own Guardian with reverence.”<sup>33</sup>

The *Legenda trium sociorum*, after speaking about Francis’ reverence to prelates and priests, continues: “Although he was more elevated than all the brothers, he still appointed one of the brothers staying with him as his Guardian and master. He humbly and eagerly obeyed him, in order to avoid any occasion of pride.”<sup>34</sup>

One immediately notices the difference between what Celano states, in conformity with the *Testament*, namely that Francis requested his *vicarius* to appoint one of the brothers as his personal Guardian, and what the Three Companions state when they say that it was Francis himself who chose this companion to whom he promised obedience. Maybe both are correct, in the sense that Pietro Cattani is often seen as being very respectful to the wishes of Francis, as was the case when a brother came to Damietta to inform Francis that the two vicars he appointed during his absence

had instituted a total abstinence from meat. Since on that day Francis and Pietro Cattani had acquired meat as their food, Francis made recourse to his companion and Pietro simply asked him: “My lord Francis, [we will do] whatever pleases you, for you have the authority.”<sup>35</sup>

What is also important is to note that Francis speaks of obedience to his personal Guardian as an act of captivity. It is as if he felt that the figure of the brother would be for him the rule of his conscience in whatever he wished to do. In this sense, the meaning of the Latin name *Guardianus* takes its full significance, in that it implies a brother who is guarding his other brother by protecting him from all those things which can harm his full obligation to obey the will of the Lord.

In other texts of his writings Francis speaks about Guardians of the brothers. We have already seen how he often joins the terms together, namely speaking about ministers, custodies and Guardians. Although the distinction of the role of Guardian and *custos* was not clearly defined, as is evident in many texts, there are instances where Francis shows that the Guardians were dependent upon the ministers in communicating decisions to the brothers, and that therefore there were fraternities who had a Guardian as their brother superior. One of the examples is found in the *Letter to a Minister* where Francis states: “And you may announce this to the Guardians, when you can, that, for your part, you are resolved to act in this way.”<sup>36</sup> Francis refers to his words regarding the acceptance and forgiveness of brothers who are troublesome.

The Franciscan Sources also speak about Francis choosing one of the brothers to be the Guardian of the itinerant fraternity, or whenever he retreated to some hermitage. This shows that, in the beginning of the

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<sup>33</sup> 2C 151 [FAED II, 344]. Also AP 37 [FAED II, 52].

<sup>34</sup> L3C 57 [FAED II, 101].

<sup>35</sup> JORDAN OF GIANO, *Chronicle*, 12, in *XIIIth Century Chronicles*. Jordan of Giano. Thomas of

*Eccleston. Salimbene degli Adami*. Translated from the Latin by P. Hermann, Franciscan Herald Press, Chicago 1961, 27.

<sup>36</sup> *EpMin* 12 [FAED I, 98].

Order, the role of Guardian was not simply that which we nowadays call a local superior, but rather it was the office of a brother who would lead the itinerant brothers in their journeys and provide material and spiritual care of them. We can indicate some examples from the Sources. In the *First Consideration on the Sacred Stigmata*, forming a kind of appendix to the *Fioretti*, we read that Francis appoints brother Masseo to be the Guardian of the brothers and himself who were journeying to go up to Mount La Verna.

“And as they were leaving, St. Francis called one of his three companions – Brother Masseo – and said to him: ‘Brother Masseo, you are to be our Guardian and our superior on this journey. And while travelling and stopping together, we will follow our custom: either we will say the office or we will talk about God or we will keep silence. And we will not take any thought about eating or sleeping, but when the time for overnight rest comes we will beg for a little bread, and we will stop and rest in the place which God will prepare for us.’”<sup>37</sup>

In the *Fioretti* we read how Francis appointed brother Angelo as Guardian in Monte Casale, and made him go to give alms to a group of bandits who he had driven away from the friars’ hermitage.<sup>38</sup> In this case we assist at the appointment of a newly-arrived brother as Guardian in a hermitage fraternity. We also notice the sense of responsibility that Francis gives to Angelo, commanding him to humbly go to find the bandits and ask their forgiveness while giving them the food they had come to beg for in the hermitage.

In another account in the *Assisi Compilation*, Francis sends his personal Guardian in Rieti to give a cloak to a poor woman as alms.<sup>39</sup> Francis was also advised by his personal Guardian to wear a cloak of fur in order not to suffer cold during his illness.<sup>40</sup> This episode goes to show one of the roles of the Guardian, namely that of taking care of the physical well-being of the brothers by providing whatever is necessary to them, always within the dictates of the vow of poverty.

The most widely-known episode of brotherly care on the part of a personal Guardian of Francis is the one related to the habit with which Francis chose to die. We find this episode in the *Memoriale* by Tommaso da Celano: “Meanwhile, as their sobs somewhat subsided, his Guardian, who by divine inspiration better understood the saint’s wish, quickly got up, took the tunic, underwear and sackcloth hood, and said to the father: ‘I command you under holy obedience to acknowledge that I am lending you this tunic, underwear and hood. And so that you know that they in no way belong to you, I take away all your authority to give them to anyone.’ The saint rejoiced, and his heart leaped for joy seeing that he had kept faith until the end with Lady Poverty.”<sup>41</sup>

We notice how the *Guardianus* “by divine inspiration better understood the saint’s wish.” This goes to show the importance of the role of the Guardian in his personal relationship with Francis, and therefore also in his dealings with each and every brother of the fraternity.

<sup>37</sup> *Fioretti. First Consideration on the Holy Stigmata*, in ST. FRANCIS OF ASSISI, *Omnibus of Sources*, Edited by M. Habig, Franciscan Herald Press, Chicago, Illinois, 1983<sup>3</sup>, 1432

<sup>38</sup> *Fioretti* 26 [FAED III, 609].

<sup>39</sup> *Compilatio Assisiensis* 89 [FAED II, 193]: «When blessed Francis heard this, moved by pity for her, he called one of the companions, who was his Guardian, and said to him: ‘Brother Guardian, we have to give back what belongs to someone else.’»

<sup>40</sup> AC 81 [FAED II, 183]: «Thus one time in winter, one of the companions, who was his Guardian, acquired a piece of fox fur because of the illness of the spleen and the cold of his stomach. He asked him to permit him to have it sewn under his tunic next to his stomach and spleen, especially because it was then extremely cold. But from the moment he began to serve Christ until the day of his death, in any weather, he did not want to wear or have anything but a single patched tunic.»

<sup>41</sup> 2C 215 [FAED II, 386].

## Authority and Service in the fraternity

After having examined briefly the various aspects of Francis' vision of authority and service to the brothers, vested in the roles of the minister (general or provincial), custodian or Guardian, we can now try to contextualise this vision in contemporary Franciscan life and see how these roles are truly important and necessary for the good of the brothers. We shall do so by taking a look at various styles of authority and service present in the Order, none of which is complete in itself, but all of which are important to acquire as gifts in the art of ministering to the brothers.

Each and every brother is called to be a minister and servant of his brothers. Our Order has also acquired a particular recognition of this aspect on the part of the Church, which gives all brothers permission to be chosen as major superiors, namely as provincial ministers, irrespective of whether they are clerical or lay brothers.<sup>42</sup> This has come as welcome news to our Order, which has also published a Handbook for Guardians, indicating those qualities that a Guardian should try to acquire in order to function as a true minister of his fraternity.<sup>43</sup> We shall try to present some particular cases referring to the authority invested in the office of *ministerium fratrum*, both on a provincial level, but especially on the local level, the one which touches upon the role of the Guardian. Since the brothers have direct contact with the Guardian of their fraternity, before any other reference to the *custos* or *minister* provincial or general, the role of the Guardian has to be understood in such a way as to become a true service to the brothers.

It goes without saying that no Guardian can acquire the perfect art of authority and service in the fraternity, and that every

person has a different style of ministering to the brothers. Given that we all remain basically very limited in our achievements, it is nevertheless important to understand the ideal of living out one's vocation as minister to the brothers in order to be able to function as efficiently as possible.

## The specific role of the Guardian

The *Handbook for Guardians* states: "The Guardian's role does not have a single and unequivocal meaning – it is a complex role, involving a variety of issues and it requires competence in a number of areas."<sup>44</sup>

The Guardian is called to develop his skills in seven areas of fraternal life, namely in spiritual matters, in juridical matters, in fraternal matters, in animation and formation matters, in financial matters, in administrative matters and in evangelisation matters. This goes to show that the role of ministering to the brothers is rather complicated and cannot be concerned with just one or the other of these spheres of activity. We shall try to examine them one by one, seeing how no one is complete by itself, and how the optimum would be to integrate these various aspects in a balanced practice of the use of authority in the ministry to the brothers.

The end product of this striving to animate a fraternity along these lines is a guarantee for a truly fraternal way of serving the brothers in a position of authority and being a *minister et servus* in the way Francis wanted his brothers to act:

"Thus, the acceptance of this commitment is an act of humble obedience to the Lord, assuring that each brother under his care, even the brothers who present a challenge, must all receive the same kind of care, guidance, and affection. All these must be given with compassion, understanding, encouragement, fraternal correction as

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<sup>42</sup> CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE, *Rescriptum* «Ex Audientia SS.mi». *De derogatione can. 588 § 2 CIC*, in *Acta Apostolicae Sedis*, An. et vol. CXIV (3 Iunii 2022) N. 6, 789-790.

<sup>43</sup> OFM GENERAL SECRETARIAT FOR FORMATION AND STUDIES, *Handbook for Guardians*, OFM General Curia, Rome 2019.

<sup>44</sup> *Handbook for Guardians* 1, p. 5.

needed, and above all by means of example – as reflected in the Guardian’s daily living out of his own Franciscan vocation.”<sup>45</sup>

### *The “spiritual” Guardian*

In a positive sense, “each Guardian is a Friar Minor first and foremost and, just like any other Friar Minor, he has a spiritual life that he must nourish and take care for. This takes place in the context of the Franciscan spirituality [...] One of the fundamental traits of Franciscan spirituality is that of being a fraternal spirituality.”<sup>46</sup>

This means that the Guardian strives to live a mature Christian and Franciscan life by being an example to the brothers entrusted to his care. Maybe one might think that the best way to achieve this is to look outwardly as a “spiritual” or “holy” person, and to give a good example of being a man of prayer. This is certainly important, but given that Franciscan life is all about fraternity, the first duty of a Guardian is that of living out his spiritual life in the care of the brothers, with a humble spirit of service. True holiness is not just a question of spending hours in prayer, but of being physically present to the brothers in whom one sees the image of Christ who came into the world not to be served but to serve and offer His life for them.

Thus, a “spiritual” Guardian who insists on spiritual matters alone and does not take good care of the human aspect of Franciscan life can become a person who demands respect and admiration, but will never be able to bring spiritual cohesion in the fraternity. It is certainly not a good thing for a Guardian to be nearly eternally absent from fraternal prayer, since he should be the first one to give good example. At the same time, a Guardian who is always present for

divine office or community Mass or meditation, who is fixated on liturgical norms and melodious singing, who concentrates all his attention on liturgical vestments and the care of the “conventual” church, who always insists on his role as “rector” of the friary church, but who leaves his brothers alone during times of problems and does not provide for their material needs, is not truly “spiritual”, and will never build a spiritual environment in the fraternity.

On the other hand, if a Guardian is careless about his spiritual life, he also tends to stand aloof from the spiritual life of the fraternity of which he is responsible. He would often be absent from moments of fraternal prayer, will not animate these moments but will just guarantee that they happen around the clock and in a dull and uneventful fraternal setting; he will probably forget all about the importance of daily meditation, of the monthly day of recollection, of the need to preserve an environment of dignified silence in which the brothers can find time and space for prayer. Unfortunately this attitude is a sign of a lack of enthusiasm to live one’s own vocation and to “belong” to a fraternity of brothers.<sup>47</sup>

A truly “spiritual” Guardian is a mature brother in Franciscan spirituality in the sense that he understands how to live it personally in the fraternity and tries to enkindle in the brothers some enthusiasm to find new ways to search for God in their daily lives. The way to do this is to be faithful to one’s own vocation and to the duty of being present among the brothers during moments of prayer, and to find ways how to improve the quality of prayer life within the needs of the specific fraternity.

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<sup>45</sup> *Handbook for Guardians*, 10, pp. 38-39.

<sup>46</sup> *Handbook for Guardians*, 3.1, p. 8.

<sup>47</sup> G. BINI, *Ritorno alla intuizione evangelica francescana*, Edizioni Biblioteca Francescana, Milano 2010, 74-75: «Ho visto molte Province che, nei momenti difficili, fanno retromarcia, e si occupano e preoccupano solo delle forme; ricordo la

celebrazione delle Lodi mattutine in una piccolissima comunità, durata forse dieci minuti: non importava se in cappella o in qualunque altra stanza della comunità l’importante era recitare le Lodi, per poi andare tranquilli alla colazione. Questa non è la via dell’inedito, ma della semplice ripetizione.»

## *The “authoritarian” and “legalistic” Guardian*

The juridical aspect is another quality that touches upon the role of Guardian. The office of Guardian is part and parcel of the *officium regiminis*, the office of governing, the brothers. He should be well prepared in knowing the Church’s legislation, particularly the section of Canon Law dealing with institutes of consecrated life, as well as the General Constitutions and Statutes of the Order.

The *Handbook for Guardians* speaks in detail regarding the juridical role of the Guardian. However, it also insists upon the spirit with which it should be exercised:

“We can therefore say that the Guardian should assume this role as a service, in obedience above all to the will of God; he should promote responsible obedience among the friars; he must be watchful in maintaining a truly religious lifestyle; he should guide the activities of the fraternity; and above all he must take care of the individual friars, safeguarding them as children of God.”<sup>48</sup>

This goes to show that the attitude to be taken in the office of governance of the fraternity is one of humble service and individual attention to the brothers. Sometimes it might happen that a Guardian behaves in such a way as to become a burden to the brothers. This is the case when a Guardian is too authoritarian, namely he does not understand the difference between the spirit of authority in leadership and the imposition of authority without consultation. Too often this happens when a Guardian is only keen to stick to the legal norms, thinking that these alone are sufficient to keep a fraternity in place and foster a spirit of peace among the brothers. The knowledge of legal norms is certainly important and necessary. The

application of the legal norms to the concrete situation of each brother and each fraternity calls for the art of knowing how to be an authoritative leader without being a dictator. The best way to achieve this is to have the humility to consult the brothers, particularly during the local chapter. Some Guardians believe that by informing the brothers of their plans they are consulting them. This is not enough. The organ of consultation should be the house chapter, which should be celebrated regularly.<sup>49</sup>

Personal consultation is important in matters pertaining to certain competences that individual brothers might possess. But, at the end, it is the entire fraternity that should express itself before the final decisions that are rightly taken by the Guardian. This practice is a way to show how reciprocal obedience works among the brothers in the spirit of what Francis states: “Through the charity of the Spirit, let them serve and obey one another voluntarily. This is the true and holy obedience of our Lord Jesus Christ.”<sup>50</sup>

Reciprocal obedience means that all the brothers believe that they are living in obedience to the will of God manifested in the actions and attitudes of each member of the fraternity, when these are in line with the spirit of the Gospel and the Rule. Reciprocal obedience in no way diminishes the authority of the Guardian. There are instances in which the Guardian is obliged to “put his foot down” on certain situations that call for a drastic decision to be taken, particularly in the case of abuse of personal freedom to the detriment of the common good of the fraternity.

The balance between the application of just norms and the attention to the good of the individual or fraternity forms the basis of the art of governance in a true spirit of service which avoids authoritarianism and legalism.

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<sup>48</sup> *Handbook for Guardians*, 4.5, p. 12.

<sup>49</sup> At least once every two months, and whenever an emergency calls for a house chapter.

<sup>50</sup> *RegNB* 5,14-15 [FAED I, 67-68]. Latin text in PAOLAZZI, *Scritti*, 250: «Per caritatem spiritus

volontarie serviant et obediant invicem. Et hec est vera et sancta obedientia Domini nostri Jesu Christi.»

### *The “motherly” Guardian*

Since the Guardian has to be the superior of a group of brothers, it follows that fraternal issues lie at the basis of his duty. The *Handbook for Guardians* speaks of fraternal life and shows that it also overlaps with the issues of animation and formation in the fraternity. That is why a Guardian is not only a fraternal brother, but he is also the first formator of his fraternity. The Guardian is directly responsible for the ongoing formation of the brothers.

One of the important means to build fraternity on the part of the Guardian is that of organising the brothers according to a *Project of Fraternal Life*, which “is prepared in the local Chapter, under the direction of the Guardian.”<sup>51</sup> This project is not primarily a drawing up of a daily timetable for the fraternity. It is much more than this. It should be a holistic project involving the particular characteristics and identity of the fraternity and adapting these to an organised life of prayer, evangelisation, manual and academic work, domestic chores in a spirit of poverty, moments of verification and renewal, common recreation, all in a spirit of mutual sharing and in the creation of an atmosphere in which communication is at the forefront.<sup>52</sup>

Since domestic life is part and parcel of fraternity, the Guardian is also, in a certain way, the mother of the brothers. After all, it is St. Francis himself who states: “Let each one confidently make known his needs to the other, for if a mother loves and cares for her son according to the flesh, how much more diligently must someone love and care for his brother according to the Spirit!”<sup>53</sup>

The “motherly” aspect of the Guardian’s role has to be understood in its proper perspective. Francis is not envisaging a kind of fraternity in which the brothers look at the Guardian as a kind of motherly figure who is always ready to provide for their needs, but to whom they owe no sense of obedience. It might happen that, in order to appease some brothers, particularly in the case of brothers who are psychologically immature, the Guardian opts for a kind of motherly behaviour which keeps them at bay from becoming irritable and uncooperative. Obviously, this kind of attitude is not conducive to personal growth.

In some instances, the Guardian also assumes the role of economo or bursar of the house. We shall speak about this later on. Besides being a situation which concentrates all power in the hands of one man, this can lead to the brothers looking at the Guardian only as the provider of the needs of the fraternity, and even make them demanding in their attitude towards him. The sharing of responsibilities is always positive, since it helps in co-responsibility and accountability. The Guardian cannot take care of everything in the fraternity. He needs to learn to delegate roles and to have trust in the brothers, even in the issue of handling of money, as long as it remains a steadfast rule that the Guardian is the one who takes ultimate decisions for the good of the same brothers.

It is within this context of sharing of responsibilities that the *Handbook for Guardians* also speaks about the relationship that should be established between the Guardian and the Vicar and between the Guardian and the Bursar:

“In the area of fraternity, the relationship between the Guardian and his Vicar needs

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<sup>51</sup> *Handbook for Guardians*, 5.4, p. 17.

<sup>52</sup> *Handbook for Guardians*, 5.9, p. 18: «Communication is an essential prerequisite for fraternal communion and therefore the Guardian must give attention to facilitating communication in order to avoid a situation where friars of the same

fraternity ignore important notices regarding themselves or concerning the other friars.»

<sup>53</sup> *RegB* 6,8 [FAED I, 103]. Latin text in PAOLAZZI, *Scritti*, 330: «Et secure manifestet unus alteri necessitatem suam, quia si mater nutrit et diligit filium suum carnalem, quanto diligentius debet quis diligere et nutrire fratrem suum spirituale?»



to be considered. Apart from the juridical aspects of the role of Vicar [...] fraternal cooperation between Guardian and Vicar is important.” The *Handbook* continues to suggest that the Guardian consult the Vicar in drawing up the agenda for the house chapter and before implementing important decisions. Regarding the relationship with the Bursar the same *Handbook* states: “What has been said thus far about the relationship with the Vicar must also be kept in mind as regards the relationship between the Guardian and the Bursar of the fraternity. It is important to cultivate a constant dialogue and transparent communication, while respecting their different responsibilities.”<sup>54</sup>

### *The “intellectual” Guardian*

One of the main duties of the Guardian is to oversee the ongoing formation of his fraternity. By ongoing formation, we do not only mean the activities organised by the Moderator for Ongoing Formation, such as retreats, seminars, study days, conferences, etc. The *Handbook for Guardians* has this to say regarding the Guardian’s role in ongoing formation:

“The duty of making sure that the ordinary life of the fraternity promotes formative action belongs to each friar and, above all, to the Guardian. This means that Ongoing Formation is done in ordinary life rather than through extraordinary activities. Taking care of the quality of everyday life is the true goal of Ongoing Formation and as the GGCC say, this is primarily the task of the Guardian who has oversight of the everyday life of the fraternity.”<sup>55</sup>

Within this context of ongoing formation, the Guardian is the one who accompanies each individual friar and the whole fraternity to better their quality of life, while at the same time understanding the limitations of each brother and valuing personal gifts and talents.

Another important duty is that of ensuring that the brothers truly live a life imbued with Franciscan Spirituality. This involves a committed care for reading together and meditating the Rule and Testament of St. Francis and organising weekly moments of fraternity that can be made up of *lectio divina*, a house chapter, a chapter of renewal, a monthly moment of recollection, a moment of recreation.

The Guardian, therefore, should be a friar who has sufficient intellectual formation to animate the formative life of his fraternity. This does not mean that he has to be intellectually gifted with higher studies or a doctorate. Indeed, there is sometimes a temptation to look at a Guardian’s role as that of a person who knows it all. This “intellectual” attitude cannot help the brothers, since in this case the Guardian appears to dominate the fraternity with his personal knowledge or academic preparation, but is not in touch with the concrete formative needs of the brothers. One should remember that St. Francis speaks about this danger of intellectual domination in his *Admonitions*:

“Those people are put to death by the letter who only wish to know the words alone, that they might be esteemed wiser than others and be able to acquire great riches to give to their relatives and friends. And those religious are put to death by the letter who are not willing to follow the spirit of the divine letter but, instead, wish only to know the words and to interpret them for others.”<sup>56</sup>

Above all, what really matters is not just personal knowledge, but one’s commitment to give good example by a life of faithfulness to the Gospel in the spirit of the values that Francis underlines in his short *Letter to Anthony of Padua*: “I am pleased that you teach sacred theology to the brothers, providing that, as is contained in the Rule, you ‘do not extinguish the Spirit

<sup>54</sup> *Handbook for Guardians*, 5.14, 5.15, p. 20.

<sup>55</sup> *Handbook for Guardians*, 6.4, p. 24.

<sup>56</sup> *Adm 7* [FAED I, 132].

of prayer and devotion' during study of this kind."<sup>57</sup>

### *The "managerial" Guardian*

The role of the Guardian also has to do with the use of money and the handling of the economy of the fraternity and house. The Order's legislation is clear regarding the fact that, in the use of money, all brothers are directly dependent upon their Guardians and Ministers. Therefore, the Guardian cannot renounce to his role as overseer of the economy of his fraternity.

The *Handbook for Guardians* provides some insights on how this duty is carried out. First of all, it mentions the need to dedicate time during the house chapter for a revision of the economy of the fraternity. This means that the Guardian, with the collaboration of the Bursar, is duty bound to present the accounts of the fraternity to the examination of the brothers. Possibly this should be done at every house chapter, that is, at least once every two months. It is not enough to present figures and accounts verbally and to speak about projects and costs without actually showing all this in black on white. Moreover, the brothers should also know that they have to render an account of how they spend money to the Guardian. Whenever this is money given to them by the Guardian through the Bursar for use for particular situations, and whenever the friars acquire money income from their apostolate or from a work they perform, this also has to be registered in the friary's accounts and be presented to the fraternity.

One of the thorniest problems in this field regards the relation between the Guardian and Bursar of the house. The *Handbook for Guardians* states:

"Only the Minister and the Guardian, by virtue of their office of governance of which we have already spoken, have the authority to allow the use of money. The

Bursar's office is not one of governance, and therefore the Bursar cannot give permission for the use of money. Basically, the Bursar can physically manage the money – he can deliver it to the friars, administers their credit cards, etc. – but it must be clear to everyone that permission is not granted by the Bursar (who is an administrator) but by the Guardian who has the authority to do so."<sup>58</sup>

This calls for an effective collaboration between Guardian and Bursar. Unfortunately, there are various situations in some entities, where because of past disagreements between Guardians and Bursars, the easy way out is chosen, placing all responsibility for financial administration in the hands of the Guardian alone, without appointing a local Bursar. This results in great disadvantage for the fraternity. First of all, in these cases, the Guardian becomes, in effect, a Bursar who has to manage finances. He is left with hardly any time for his effective role as spiritual animator and ongoing formator of his fraternity. Secondly, the brothers tend to look at the Guardian simply as a provider for the needs of the fraternity or for their personal needs, and will not be made conscious of his formative role and of their personal responsibility for their own formation.

The *Handbook for Guardians* is very clear on the role of the Bursar when it quotes the *General Constitutions* 246 §1, which states that "the Bursar is to administer goods under the direction of, and in dependence on, the respective Minister or Guardian." It goes on to say: "It is equally important for the Bursar to account to the Guardian for his own personal expenses, just like any other friar – the fact that the Bursar administers money does not mean that he does not have to account for his personal expenses, like any other friar."<sup>59</sup>

The Guardian himself, although having the full autonomy and responsibility for the

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<sup>57</sup> *EpAnt* [FAED I, 106].

<sup>58</sup> *Handbook for Guardians*, 7.2, p. 29.

<sup>59</sup> *Handbook for Guardians* 7.2, p. 29.

handling of money of the fraternity, is encouraged to give an account of his way of spending money just like the other friars, except in reserved cases when he has to handle money for certain personal cases involving brothers or their relatives in need. That is why the collaboration between the Guardian and Bursar is important. It can be the object of a sincere discussion in the house chapter, assigning to the Bursar his particular duties under the direction of the Guardian, so that the brothers may have a clear idea of how they are dealt with these respective roles.

The solution of placing all financial administrative responsibility in the hands of the Guardian is not healthy or conducive to fraternal life. It might be the easy way out, but it goes against the Franciscan attitude towards poverty and the use of money.

A Guardian who concentrates all financial power and administration in his own hands becomes, in effect, an efficient manager, but certainly not an animator of his fraternity. The “managerial” dimension is important and necessary, but it does not necessarily have to be concentrated wholly in the hands of the Guardian. Many brothers remain immature on an administrative level because they are not involved in decision-making regarding the use of money. Their attitude is one of passive acceptance of whatever takes place, and at the same time they develop a kind of dependence which is not healthy. True dependence is a formative tool to help the brother contribute to the common good of his fraternity while receiving his needs from it and being informed on how the economy of the house is functioning. Immature dependence generates apathy and a sense of just demanding one’s personal needs without a sense of personal initiative to help the fraternity in all ways, not only by contributing to it with one’s personal acquisitions, but also by lending a helping hand in matters of ordinary maintenance of the house, cleanliness of the environment, ecological sense of how to dispose of things, etc.

Last, but not least, every Guardian should bear in mind that there are brothers who have managerial skills and to whom he can delegate certain responsibilities, or at least ask for their feedback. It remains clear that the Guardian is the one who has ultimate responsibility, and who is the one who has to decide at the end, but this does not mean that he can dispense himself from asking for feedback from the brothers, especially during house chapters. Maybe here it is also important to point out that, in the case of smaller fraternities, which today are the norm and not the exception, it is not enough to keep one’s mind at rest by a fraternal discussion on matters of administration during informal moments. The house chapter remains the official place where such discussions should take place. There might be a tendency to fill the friars with information and good communication, but without letting them think over how to react and present their views, thus concluding any projects or plans without a thorough preparation of the fraternity, no matter how efficient these projects might be.

The Franciscan fraternity is not a business institution, but a brotherhood in which the members share their whole life together in a spirit of true charity. This involves also the sharing of responsibility regarding financial administration.

#### *The “permissive” and “indulgent” Guardian*

One of the problems that various fraternities face, both on the local as well as on the provincial or custodial level, is that the persons who are entrusted with the office of *ministerium fratrum* are prone to succumb to the burden of their ministry which is, often, taken for granted by the brothers. It might happen that a Minister or Guardian dedicates most of his quality time to apostolic work and evangelisation, which is, in itself a good thing, but then abandons the primary role that he is asked to shoulder, namely the ministry for the brothers. No wonder, since most of the time

this ministry is carried out without any sense of gratitude from those who benefit from it. However, true dedication in ministry is not a question of being popular with others or earning their gratitude, but rather a question of serving them humbly and charitably, and being able to face the buffets and blows of criticism and ingratitude, even when it is unjust. For this reason, it is normally not wise to place a friar who is still very young and inexperienced in the position of a Guardian, and especially in that of a Minister. The temptation, in many cases, is that of letting go of one's responsibilities towards the brothers and, more dangerously, of being often absent in one's physical presence in the fraternity. With the excuse of apostolate and ministry towards the people of God, we tend to "flee" from the problems of fraternal life and find solace in our "spiritual" achievements. This results in a fractured and directionless fraternity, which often lives, day in day out, in a monotonous and boring, albeit seemingly "peaceful" style of life.

Such an attitude generates permissiveness. Some prefer to let go to the point of not being at the helm any longer, and permitting everything, as long as they are not personally involved. The permissive Guardian tends to be popular, since he is always being indulgent to the brothers. Many a time he might even try to be over-generous to their material needs. In this way he is not overly criticised and the brothers themselves tend to be afraid to speak out in favour of certain values, lest they be deprived of his indulgent support and generosity.

In our permissive society this trend has unfortunately crept in many fraternities. It is sad to notice how situations are created in which friars who are elderly and sick are often alone and feel left out in their own fraternities. They might also enjoy a good life-style regarding their material needs, but they find no sense of direction and support in the physical presence of their Guardians during prayer times, during meals, during

recreation (if it exists at all). One might object that the small number of friars in our fraternities is the reason for this impossibility to stay together, but often this is just an excuse to keep going along these lines of permissiveness and indulgence that outwardly give the impression of a very benevolent leadership, but which, in truth, are a sign of decadence in religious life.

Whenever situations like this arise, the temptation is for each individual brother to create his own life-style in which he feels comfortable. For some it means finding time for activity outside the fraternity, to the point of being absent nearly at all times of the day. For others, normally in the case of elderly brothers, it means closing themselves within their protective shell and ageing with a nostalgia for past experiences of fraternity which are no more.

The tendency for permissiveness and indulgence is sometimes felt during provincial chapters, particularly during canonical elections. Instead of looking at candidates who would be able to be true leaders by their example and personal commitment to Franciscan and religious values, brothers might prefer to choose Ministers and Guardians who are benevolent friends, maybe also highly educated in their manners, or else cunningly diplomatic in their attitudes. The important thing is that they will not disturb the conscience of the brothers and will not exercise their ministry in a truly authoritative spirit. Unfortunately, the end product is a Minister or Guardian, who is either unfit to be a leader, or who becomes a tyrant in his own right but demanding the observance of values and norms which he himself has not practiced before, and which he now demands from the brothers.

Maybe one of the reflections that put order in this existential crisis is given to us by Francis in his *Regula non bullata*: "Wherever the brothers may be and in whatever place they meet, they should respect spiritually and attentively one another, and honour one another without complaining. Let them be careful not to

appear outwardly as sad and gloomy hypocrites but show themselves joyful, cheerful and consistently gracious in the Lord.”<sup>60</sup>

### *The “authoritative” Guardian*

The “authoritative” Guardian is quite different from a Guardian who is “authoritarian.” A Guardian who is “authoritative” is self-confident and trustworthy. He is a person who commands respect not only because of his role or office, but because he is the first one to give good example and offer a clear sense of direction and leadership to his fraternity.

As we have already pointed out, no Guardian can possess all the qualities necessary for his role, as no Guardian possesses all the shortcomings we have considered. However, it is possible to form brothers to become good, reliable Guardians, and to be truly trustworthy in their commitment. Besides the normal human and spiritual qualities necessary for basic maturity and the ability to live with others and interact in a mature way, the Guardian also needs to be formed in those Franciscan values that make up a satisfactory fraternal structure of which he is the safeguarding guarantee.

The *Handbook for Guardians* mentions some good qualities that are necessary for the smooth running of the office of Guardian, which relate to administrative matters, and therefore to an orderly style of life within the fraternity.<sup>61</sup>

The Guardian is the coordinator of all activity in the fraternity. The administrative role of which he is the leader can, in effect, be shared with other members of the fraternity. This is important even in cases of smaller fraternities. We have already spoken about the Vicar and the Bursar as the closest collaborators of the Guardian.

There are other sectors that require his attention, and which can be delegated to competent brothers, if they are to be found in the fraternity. If not, it is the Guardian himself who has to take over these responsibilities.

Each and every fraternity should have a *Project of Fraternal Life*. This is not only concerned with the day to day life in the fraternity, but must also contain a section dealing with the particular identity of the fraternity. This identity is very much linked with the past history of the same fraternity, particularly in cases where one is dealing with a fraternity that has been established for a number of centuries. This kind of fraternity should have particular care for the preservation of its patrimony, which would include the chronicle, archive, the library and the works of art, especially in cases of ancient churches and friaries. That is why in these fraternities there should be a brother chronicler, who can be the Guardian himself or a brother designated by the Minister for this work, in order to record the main activities in the life of the fraternity for future reference. The chronicle is a sign of respect for whatever regards the fraternity, and has great historical significance. That is why it should be compiled faithfully and scrupulously. It is not enough to compile a digital photo chronicle without any explanation and documentation of the various events that are recorded. The traditional form of a documented chronicle in a printed form that can be bound in a volume remains the best way to preserve the historical patrimony of a fraternity. The chronicler can also be the archivist, who supervises the safeguarding of the documentation relating to the history of the same fraternity, and see to it that it is safely archived in a secure environment, and that no one, except persons who receive special

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<sup>60</sup> *RegNB* 7,15-16 [FAED I, 69]. Latin text in PAOLAZZI, *Scritti*, 254: «Et ubicumque sunt fratres et in quocumque loco se invenerint, spiritualiter and diligenter debeant se revidere et honorare ad *invicem sine murmuratione* (1Petr 4,9). Et caveant sibi quod

non se ostendant *tristes* extrinsecus et nubilosos hypocritas (cfr. Mt 6,16), sed ostendunt se *gaudentes in Domino* (cfr. Phil 4,4), hilares et convenienter gratiosos.»

<sup>61</sup> *Handbook for Guardians*, 8, pp. 32-34.

permission for study purposes, should be allowed to browse through documents without the supervision of the brother archivist. The same principle applies to libraries, although certain sections of libraries can, and should, be available for study and reading. Regarding works of art, the Guardian is to ensure that there is no mishandling of these artefacts, and that they are not alienated in any way. The best solution to these issues is to consult the Provincial Archivist and Librarian, and also to institute a committee for the preservation of works of art in the entity in question. Whenever a Guardian is not able to dedicate time and energy, or does not have the competence to take care of works of art, he should find the help needed from the Provincial government. Having a committee made up of brothers who have some competence and especially of lay people who are experts in the field, can be the guarantee for the preservation of artistic patrimony, and guard over any abuse or misuse of the same patrimony.

This kind of institution can also compile an inventory of the artistic and documentary patrimony of an entire entity in its various fraternities. This is also important in order to have a smooth hand-over of responsibilities when there is a change in the office of Guardian.

One of the most important sectors for the exercise of an “authoritative” guardianship is the local chapter. The house chapter is the unique opportunity for a transparent way of discussing issues, making decisions, projecting the way forward, overseeing the finances and the economy of the fraternity, planning evangelisation and pastoral initiatives, as well as receiving professional help in ongoing formation. In order to be truly efficient a house chapter should be recorded faithfully in the minutes by the Secretary. The Guardian has the duty to ask the fraternity to indicate a suitable brother, or better still, he can propose him for election, with the aim of recording all the proceedings of the local chapters for future reference.

Since many fraternities are also based in a conventual church, where the brothers exercise their priestly ministry, it is important to keep the Mass registers in order. The Guardian is directly responsible for this, but he can delegate a brother to keep the registers of Masses in order, distinguishing the Masses offered for benefactors, for dead brothers and parents of brothers, for the spiritual good of the same brothers, and the Masses offered by the faithful with a stipend in order to sustain the life of the fraternity.

One of the best ways to attend to all these issues is to have an organised office for the Guardian. The office should be the place where all documents are deposited for safe-keeping. Archived documents should also be preserved with care, and after a certain number of years (for example, 20-25 years), registers, documents, correspondence, chronicles, etc., should be deposited in the Provincial Archives since they become part and parcel of historical documentation.

It goes without saying that the destruction of relevant documents, chronicles, registers, and the alienation of buildings and works of art, constitutes a crime and is punishable by canon law, even with the removal from the office of Guardian.

### *The “pastoral” Guardian*

The *Handbook for Guardians* mentions the role of the Guardian in the evangelising role of the fraternity. It emphasises the point that evangelisation is part and parcel of the life of the fraternity. If, on the one hand, it is wrong to dedicate all one’s energies for the evangelising ministry to the detriment of fraternal life, it is also wrong to close oneself within the fraternity in a kind of fortress, without any openness to the needs of the people of God and, indeed, to the needs of humankind:

“Cultivating a good fraternal life is not a form of spiritual selfishness that seeks the well-being of a chosen circle of people with whom one can live well; on the contrary, it is the beginning of an opening up to others.

This opening up happens first of all with one's own brothers, but it does not stop there and by its nature is destined to extend to every creature. It flows out progressively and has its source in the 'holy operation' of the Spirit of the Lord. The Spirit of love creates communion among us, communion with every person, and communion with all of creation."<sup>62</sup>

The Guardian's role in the evangelising mission of the fraternity is that of a coordinator and leader. First and foremost, whenever there is a conventual church attached to the friary, the Guardian is the rector of the same church. This implies a direct and full responsibility of the pastoral care of the people, of the liturgical celebrations, of the care of the same church, of the administration of the sacraments and preaching. In this work the Guardian can find the help of a suitable brother who can act as Sacristan, or else avail himself of the service of a committed lay person. The Guardian is always bound to obey the norms of canon law relating to rectors of churches, under the direct leadership of the local bishop. However, the Guardian also needs the help of the brothers in organising a smooth running of pastoral and liturgical activity. The house chapter should discuss such issues and take the necessary decisions, basing them on the shared responsibility of each and every member according to his capabilities and age.

In cases where a fraternity is also in charge of a parish, it is important to establish clear directives regarding the different roles of Guardian and Parish Priest. Here again many difficulties might arise.

Sometimes, the easy way out is chosen by placing the two roles in the hands of the same brother. As in in the case of Guardian

and Bursar, this again is a sign of a lack of ability to cooperate as a fraternity in shared responsibility. Normally it is not possible for a Parish Priest to dedicate time and energy to the office of Guardian, and no Guardian can function properly if he has to shoulder the burden of a parish.<sup>63</sup>

Evangelisation in the fields of education, work among the poor, popular missions, academic institutions, sometimes calls for attention to the individual brother. The *Handbook for Guardians* speaks about this issue:

"It is true that sometimes community discernment involves situations that do not actually depend on the local fraternity, such as in the case of friars who have a Provincial assignment (definitors, formation directors, teachers, etc.) or diocesan assignments (pastors, etc.) or occupations related to specific skills that a friar has been engaged in for a long time. In those cases, the Guardian and the fraternity do not choose or actually decide what the individual friar should do, but simply take not of the friar's responsibilities and how these can be integrated into the life of the fraternity. In those cases, the particular task of the Guardian is once again to create bonds of communion and to ensure that the activities of each friar are integrated into fraternal life."<sup>64</sup>

In any case, however, the individual brother is always duty-bound to act in the name of the fraternity and to be transparent about his pastoral activity. The optimum solution would be to remember that Franciscan evangelisation consists in the Gospel ideal of going out into the world "two by two" and give witness to a true spirit of an evangelising fraternity.

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<sup>62</sup> *Handbook for Guardians*, 9.1, p. 35.

<sup>63</sup> *Handbook for Guardians*, 9.6, p. 37: «This relationship can often be problematic, but the solution does not necessarily have to be that in order to avoid conflict one person holds two positions. The difficulty with this solution is that sometimes the

friar involved can end up being overloaded with two offices that each require full-time dedication and commitment – with the risk that in practice he opts for one or the other of the two commitments.»

<sup>64</sup> *Handbook for Guardians*, 9.4, pp. 36-37.

## Conclusion

These reflections are not exhaustive and need further elaboration on the part of each and every brother. The office of *ministerium fratrum* on different levels, both provincial and local, is a challenge that the Order has to face with courage and with a spirit of hope in the future. In an ever-changing world in which institutions are no longer solid rocks and unchanging structures, we need to adapt, but at the same time not to forget the values that make up fraternal life in a Franciscan spirit. The fact that we all should *generaliter* be called *fratres minores* implies this kind of attitude of openness to the others, or sharing of responsibilities, and of faithfulness to our charisma.

In his Christmas message to the Order, Brother Massimo Fusarelli, Minister General, has indicted three aspects, which express the need for hope, particularly during this Jubilee Year, namely (1) nourishing our desire for hope; (2) opening up paths to peace; (3) taking care of our ‘common home’. These aspects do not simply regard our relationship with the world at large. They should begin from the fraternity. It is the fraternity that needs to nourish hope, to live in peace and to take care of itself and its environment. Francis wants the *ministri et servi fratrum*, the ministers and servants of the brothers, to be the guarantee for these ideals. They have a greater burden to shoulder and to them the Lord will refer when He asks for faithful stewards of the family of minors that His servant Francis founded.

## Latin Abbreviations

### Writings of St. Francis

CantAudPov	Canticle Audite Poverelle
CantSol	Canticum fratris Solis
LaudDei	Laudes Dei Altissimi
BenLeo	Benedictio fratri Leoni data
EpAnt	Epistola ad S. Antonium
EpClerI	Epistola ad Clericos
EpCust	Epistola ad Custodes
EpFid	Epistola ad Fideles
EpLeo	Epistola ad fratrem Leonem
EpMin	Epistola ad Ministrum
EpOrd	Epistola toti Ordini missa
EpRect	Epistola ad rectores
ExhLD	Exhortatio ad Laudem Dei
ExpPat	Expositio in Pater noster
FormViv	Forma vivendi S. Claræ
Fragm	Fragmenta alterius Regulæ
LaudHor	Laudes ad omnes horas
OffPass	Officium Passionis Domini
OrCruc	Oratio ante Crucifixum
RegB	Regula bullata
RegNB	Regula non bullata
RegEr	Regula pro eremotoriis
SalBVM	Salutatio Beatæ Mariæ Virg
SalVirt	Salutatio Virtutum
Test	Testamentum
UltVol	Ultima voluntas S. Claræ

### Sources for the Life of St. Francis

FAED I	Francis of Assisi. Early Documents. Saint
FAED II	Francis of Assisi. Early Documents.
Founder	
FAEDIII	Francis of Assisi. Early Documents.
Prophet	
1C	Celano, Vita beati Francisci
LCh	Celano, Legenda ad usum chori
VB	Celano, Vita brevior S. Francisci
2C	Celano, Memoriale in desiderio animæ
3C	Celano, Tractatus miraculorum
LJS	Julian of Speyer, Vita S. Francisci
OR	Officium Rhythmicum
AP	Anonymus Perusinus (De Inceptione)
L3C	Legenda trium sociorum
CA	Compilatio Assisiensis
LMj	S. Bonaventura, Legenda Maior
LMn	S. Bonaventura, Legenda Minor
SPMaj	Speculum Perfectionis (Sabatier)
SPMin	Speculum Perfectionis (Lemmens)
ABF	Actus beati Francisci et sociorum eius
Fior	Fioretti di San Francesco



