

*Virtus, Vita, Votum:*  
**Early Minorite Conceptions of Obedience**  
**from Francis to Bonaventure**

Dissertation  
zur Erlangung des Grades eines Doktors der Philosophie  
an der  
Philosophischen Fakultät  
der  
Technischen Universität Dresden

vorgelegt von  
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geb. am 11.04.1983 in Muncie, IN (USA)

verteidigt am 28.01.2015

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## Abbreviations

<i>AnBoll</i>	<i>Analecta Bollandiana</i>
<i>AF</i>	<i>Analecta Francescana</i>
<i>AnCist</i>	<i>Analecta sacri ordinis Cisterciensis</i>
<i>AnTOR</i>	<i>Analecta TOR</i>
<i>ALKG</i>	<i>Archiv für Literatur- und Kirchengeschichte des Mittelalters</i>
<i>AFH</i>	<i>Archivum Franciscanum Historicum</i>
<i>BFr</i>	<i>Bullarium Francescanum</i>
<i>CistStud</i>	<i>Cistercian Studies</i>
<i>CollFran</i>	<i>Collectanea Francescana</i>
<i>DSp</i>	<i>Dictionnaire de Spiritualité Ascétique et Mystique, Doctrine et Histoire, Paris 1982</i>
<i>EFG</i>	<i>Early Franciscan Government</i>
<i>FrancStud</i>	<i>Franciscan Studies</i>
<i>FranzStud</i>	<i>Franziskanische Studien</i>
<i>GreyRev</i>	<i>Greyfriars Review</i>
<i>ItFran</i>	<i>L'Italia Francescana</i>
<i>Laur</i>	<i>Laurentianum</i>
<i>LexMA</i>	<i>Lexikon des Mittelalters</i>
<i>MF</i>	<i>Miscellanea Francescana</i>
PL (Migne)	Patrologiae cursus completus, series latina, ed. J. P. Migne, 221 vols, Paris 1844-64.
<i>Rech. theol. anc. med.</i>	<i>Recherches de Théologie Ancienne et Médiévale</i>
<i>RQAK</i>	<i>Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte</i>
<i>WW</i>	<i>Wissenschaft und Weisheit</i>
<i>StudiFran</i>	<i>Studi francescani</i>

## Obedience as a Human Phenomenon

Together with its counterpart disobedience, obedience is a phenomenon observable across all cultures and in all periods of recorded history.<sup>1</sup> It is thus unsurprising that an intellectual such as G. W. F. HEGEL in his assessment of societies diagnosed the principal problem of human nature as the intrinsic propensity toward a relationship of lordship and bondage.<sup>2</sup> If obedience is perceivable at all times in history and in all places, it has also received a varied treatment and has been evoked in diverse settings. In modern times, scholars have contemplated the question in a variety of disciplines within a multitude of hermeneutical frameworks, the most notable of which are thinkers such as Max WEBER, who elect to view the matter of obedience in sociological terms as an extension of various topics relating to power, authority, and lordship.<sup>3</sup>

The current section endeavours to sketch out main areas of inquiry and debate concerning the matter of obedience in the humanities disciplines. As shall become clear, obedience is not only a phenomenon but also a concept, either underlying or explicated in sundry religious, social, academic, and political contexts, which has been upheld, struggled with, and theorised with immodest frequency. In some contexts the treatment of obedience results from abstract, theoretical casuistry, in others it is so intrinsic to a way of life that it is likely not considered a concept at all, rather simply the proper way of undertaking life. It is undoubtedly the polyvalent, variform, and varifocal nature of obedience as a phenomenon that gives way to a measure of inconsistency in the vast array of treatment allotted by modern scholarship. *En route* to the principal exposition concerning obedience as an early Minorite question the current section outlines with broad strokes the endeavour in the humanities disciplines to conceptualise obedience both in terms of its nature and the conditions and ramifications of its actual manifestation as a social phenomenon (descriptive-analytical) and as an issue of ethical-philosophical significance (prescriptive-normative). Next, the study turns to the issue of

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<sup>1</sup> Among numerous broad cultural studies, see: Sherry B. Ortner, *Anthropology and Social Theory: Culture, Power, and the Acting Subject* (John Hope Franklin Center, 2006) and Nicholas B. Dirks, Geoff Eley, Sherry B. Ortner (eds.), *Culture / Power / History: A Reader in Contemporary Social Theory* (Princeton University Press, 1993).

<sup>2</sup> For his thoughts on the master-slave dynamic in the arising of self-consciousness in beings, see: *Phenomenology of Spirit*, trans. A. V. Miller with analysis of the text and foreword by J. N. Findlay (Oxford: Clarendon Press, 1977). Cf. T. E. Wartenberg, *The Forms of Power: From Domination to Transformation* (Philadelphia: Temple University Press, 1990), 121-8.

<sup>3</sup> See for instance: Max Weber, *Wirtschaft und Gesellschaft: Grundriß der verstehenden Soziologie*, 5th ed., Johannes Winckelmann (ed.) (Tübingen: J.C.B. Mohr, Paul Siebeck, 1980), 122-124 as well as *Denkweisen und Grundbegriffe der Soziologie: Eine Einführung* (AG Soziologie, Campus Verlag, 1992), 161-79.

obedience as a religious phenomenon. Finally, a section outlining the phenomenon of obedience as an early Minorite concept shall introduce and map out the wider project at hand.

Without pretence to an exhaustive study, that is without delving too deeply into each disciplines' specialised areas of inquiry, the current section presents a broad overview of the major questions which thinkers both ancient and modern have addressed as regards obedience. The general distinction between descriptive and prescriptive material shall provide a helpful dividing line for the logical presentation of relevant information. A brief survey of concepts and theories concerning obedience shall ground the research in cultural, mentality, and intellectual history and shall aid in facilitating a phenomenological approach to the sources.

### *Descriptive-Analytical Approach*

The etymological origins of obedience lay in the classical Latin substantive *oboedientia* (*ob-auditio*), or *oboedio*, *-ire* (*ob-audio*, *-ire*) in verbal form, the antiquated version of which indicates an auditory component. Even its less common alternative in the verb *pareo*, *parere* reflects a similar semantic spectrum, meaning to obey, comply, pay attention to, or attend to. In obeying, one listens to another (*aurem dare*) and interiorises such words, thereby submitting oneself to a human or superhuman authority.<sup>4</sup> The Latin root associates a ready ear with compliant action. The ancient Greek ὑπακούω, ἦ, albeit of rare usage until its common adaptation in the Septuagint rendering of שָׁמַע' (*šām'a*, Hb. to listen), and related grammatical variants signify a comparable semantic field.<sup>5</sup> The composite verb ὑπακούω is itself an intensification of the simple verb ακούω, to listen. K. S. FRANK has written a series of articles comparing Hellenistic and Judeo-Christian notions of obedience, which should prove useful for the present study. A more elaborate contrast with Judeo-Christian concepts follows in the present section, which treats religious obedience.

Characteristic of the Judeo-Christian tradition is a particularly relational theological and anthropological conception of obedience. Conversely, the Hellenistic world had no concept of obedience as an ethical act of submitting one's will to an authority, regardless of a demand's insightful, alethic value (Gk. ἀλήθεια, *-ας*, ἦ: truth) nor of ordering the entirety of human behaviour according to divine wish.<sup>6</sup> Despite the pantheon of gods, the Hellenistic mind, most especially its philosophical torrent, viewed divinity rather as absolute reason, last

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<sup>4</sup> Karl Suso Frank OFM, 'Griechischer und christlicher Gehorsam,' in: *Trierer Theologische Zeitschrift* 79 (1970): 129-143, here 129.

<sup>5</sup> Ibid. & Frank, 'Gehorsam,' *Reallexikon für Antike und Christentum*, Vol. 9 (Stuttgart 1974), 390-430, here 391.

<sup>6</sup> Frank, 'Gehorsam,' 398.

principle of being, order, or nature.<sup>7</sup> Seventh-century B.C.E. author Hesiod evinces the Greek semantic distinction between λόγος, exact, scientific, intellectual argumentation and μῦθος, ambiguous, imagery-rich, and therefore demanding of interpretation. Whereas the pantheonic myths belonged to the latter category,<sup>8</sup> the classical Greek verbal form πείθω conveys an obedience of another sort, to λόγος, which is of a freer, intellectual character: that of being convinced or persuaded.<sup>9</sup> While Greek citizens owed obedience to the *polis*, Plato was the first to link νοῦς with νόμος, reason with the laws, not of the state, but of nature.<sup>10</sup> Both Stoics and Epicureans lived out their obedience in pursuit of reason, each in their own way, the former in accordance with nature, the latter in concession and opposition to nature.<sup>11</sup> Without giving way to excessive reductionism, one can therefore assert that Stoic-Platonic obedience consisted in the unity of thought and life. In brief, the Hellenistic philosophical vision of obedience thus consisted in a relationship with the truth more so than it did a moral value.<sup>12</sup>

While the Roman practice of performative obedience to the Emperor bears repeating, by and large a nonvoluntaristic intellectualism with λόγος as its goal drove the Hellenistic mind vis-à-vis obedience, rather than one concerned with the will or divinity as such. A Ciceronian quote epitomises the alethic link in Hellenism between obedience, λόγος, and nature. “Whoever does not obey this (λόγος), flees from himself and denigrates human nature.”<sup>13</sup>

Semantics may demonstrate the linguistic and cultural origins of concepts, but obedience has also received varied treatment in a wide array of modern academic disciplines ranging from sociology to anthropology, from psychology to political science. Barring remote exceptions, the handling of obedience in the humanities disciplines implies with necessity the relation to a human authority or norm upheld by an authority, for intrinsic in its theoretical undergirding is compliance to an authority. This is not without reason. The distinction between obedience and conformity evinces the decisive role of authority for obedience in its manifold expressions. Obedience denotes compliance to the command, request, or insistence of an authority, whereas conformity subsists in compliance to group norms, habits, or customs brought about by factors of social pressure. Conformity occurs by social pressure to comply with group standards or norms, that is by fitting-in; obedience denotes wilful compliance to an

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<sup>7</sup> Frank, „Griechischer und christlicher Gehorsam,“ 135; *Gehorsam*, 398.

<sup>8</sup> Oswald Neuberger, *Führen und führen lassen: Ansätze, Ergebnisse und Kritik der Führungsforschung* (UTB, 2002), 100-1.

<sup>9</sup> Frank, „Griechische und christlicher Gehorsam,“ 129.

<sup>10</sup> Frank, „Griechische und christlicher Gehorsam,“ 132.

<sup>11</sup> Frank, „Gehorsam,“ 395-396.

<sup>12</sup> On the theories of Michel Foucault, Hellenist technologies of self, and Christian obedience as a relationship to the truth, see: Alexandre Macmillan, ‘Michel Foucault’s Techniques of the Self and the Christian Politics of Obedience,’ *Theory, Culture & Society* 28, 3 (2011): 3-25.

<sup>13</sup> Cicero, publ. IV 33. Cited in Frank, „Griechischer und christlicher Gehorsam,“ 134. Translation my own.

authority or a norm upheld by authority. For such a reason, in terms of modern academic fields of research obedience concerns the relation or disposition of a subordinate agent (whether individual or collective) to authority. As a consequence, such disciplines operate in their basic understanding of obedience as grounded in a marked reciprocal interdependence between obedience and authority.

It should not, however, go without mention that the attention granted to the topic of authority overshadows that of obedience, so much so that even the most extensive reference works may contain no entry or key word for obedience, compliance, or conformity at all. Instead, it is frequently the case that the often lengthy entry for authority may or may not make brief mention of obedience but only as a minor component of authority relations. For a concept so essential to the understanding of power relations and more broadly of the Western mind, there is a surprising lack of explicit attention given to obedience. There is also an inconsistency vis-à-vis terminology due to a lack of standardisation with regard to usage and meaning, which tends to frustrate, if not obfuscate, even the most eager research. It is yet another example indicative that the humanities have yet to establish a fixed canon of terms and concepts. The dearth of resources on the theories of obedience is perhaps parallel to that of power in the humanities disciplines.<sup>14</sup> In fact, Niklas LUHMANN famously bemoans the difficulty to determine an enduring, global conception of the problematic notion of power.<sup>15</sup>

The terse outline of obedience here shall present a basic, workable system, which without ignoring the variety of terms and meanings in secondary literature, shall operate under a core set of principles identifiable by an understanding of the terms as occasionally exchangeable signifiers. That is to say, the signified phenomena ought to be defined with precision, rather than laying excessive focus upon terminology.

For the sake of the current research, therefore, let us determine some operative definitions and distinctions. In a general sense obedience is a form of compliance to authority or to a norm upheld by authority, but one that must be distinguished from other forms of compliance to authority. Three decisive criteria assist in distinguishing obedience from other forms of compliance to authority, that is to say the wilfulness, mindfulness, and consciousness of the choice to comply. Obedience, as discussed here, is the state or act of wilful compliance to an

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<sup>14</sup> Cf. James V. Schall, S.L., ‘On the Most Mysterious of the Virtues: The Political and Philosophical Meaning of Obedience in St. Thomas, Rousseau, and Yves Simon,’ *Gregorianum* 79, 4 (1998): 743-58.

<sup>15</sup> “Es gibt zahlreiche, widerspruchreiche Versuche, das Phänomen der Macht auf einen theoretisch und empirisch erfolgreich Begriff zu bringen. Angesichts dieser Lage kann eine Theorie der Macht sich nicht mit einer beschreibenden Deutung, mit einer Wesensanalyse begnügen, die mehr oder weniger voraussetzt, was sie als Resultat herausholt. Auch Versuche, den Begriff an sich selbst zu analysieren und in seine verschiedenen Bedeutungen auseinanderzulegen, führen nicht weiter – es sei denn zu Vorsicht und schließlich zu Resignation.” Niklas Luhmann, *Macht*, 4th ed. (Stuttgart: Enke, 2012), 7.

authority or to a norm upheld by authority. There do exist, however, other forms of compliance to authority, which involve the mindfulness of the subordinate subject either to a lesser extent or not at all. Obsequiousness is the state or act of unreasoning or purely habituated compliance to an authority or to norms. Perhaps a useful parallel with the vacant servitude in E. HUXLEY's *Brave New World* shall serve as an illustration of such habitual compliance. Also, alignment with the demands of command or norm by mere coincidence does not constitute obedience. The choice to obey must be a conscious one. One must therefore infer that obsequiousness entails a more passive, unnoticed state or act of compliance to authority when compared to obedience.

Furthermore, subjection subsists in the state or act of coerced compliance, whether enacted by force, fear, or intimidation, to an authority or to a norm, although one must also avoid a strict conceptual dichotomy between will and force.<sup>16</sup> Compulsory subjection is therefore distinct from obedience.<sup>17</sup> Thus, without wilfulness, the choice to comply with authority is coerced and therefore subjected; without mindfulness, it is unreasoning, unnoticed and therefore obsequious. Formulated in a generalised affirmative statement, obedience entails voluntary and conscious compliance. Nevertheless, studies whereby the emphasis lay upon the behaviour of obedience for the purposes of moral or political discourse may use motive-neutral concepts akin to law-abidingness or compliance, whereas other studies might concern themselves with conditions of the psyche or of social environment which correlate to obedience or dissent. Facile subscription to each author's terms shall be avoided. The attempt to standardise terms and concepts here shall inevitably be met with the temptation to oversimplify. In order to avoid such a temptation controlling the result, finer distinctions shall receive ample, individual treatment when appropriate.

Moreover, any discourse regarding obedience demands a basic, complimentary approach to authority. Just as there are different articulations of power, there are also various articulations of obedience, especially when considered within a field theory of power in contrast to a purely interventionist model. The field theory of power expounded by philosopher Thomas WARTENBERG in his seminal 1990 book *The Forms of Power: From Domination to Transformation* provides a useful theoretical basis for a broad phenomenological view regarding articulations of power, authority, and obedience. Authority is itself an articulation of pow-

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<sup>16</sup> W. Macmahon Ball, B.A., 'The Basis of Political Obedience,' *The Australasian Journal of Psychology and Philosophy* 10 (1932): 173-187, esp. 178-187.

<sup>17</sup> For treatments on the phenomenon of slavery, see: Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Harvard University Press, 1985), Milton Meltzer, *Slavery: A World History* (Da Capo Press, 1993), and Mohammed Ennaji, *Slavery, the State, and Islam* (Cambridge University Press, 2013).



er, but one that is legitimate, non-coercive, and is wilfully obeyed. Under Wartenberg's field theory model, articulations of power are not limited to the exercise of power.<sup>18</sup> He proposes rather a model that views power within power relations in a temporal process and which allots for the examination of power beyond the realm of interventionist theories.<sup>19</sup> In other words, articulations of power are not limited to what one "does" or "does not do." The same holds true for obedience. The present study views compliance and in particular obedience within the framework of a web of power relations and, therefore, considers obedience as a phenomenon in its entirety, as it is not limited to exact moment of action undertaken by a subordinate agent. Of particular theological importance, obedience can thus also designate a wide range of articulations such as a state of allegiance or an inner disposition.

Wartenberg's theory of structural power distinguishes between three main articulations of power, which comprise force, coercion, and influence,<sup>20</sup> of which influence serves as a useful operative conception for the present study. The model proposed in his volume provides a theoretical matrix with which to discuss the power-structural conditioning of subordinate agents in terms of dominant, coercive, paternalist, and maternalist or transformative articulations.<sup>21</sup> That is to say, structures of obedience are an articulation of power relations and influence. Authority, that is, legitimate and excepted power as influence, more often than not determines structures of obedience and therefore the conditions in which all obedience-related phenomena occur. Wartenberg's field theory allows him to differentiate forms of power distinct from interventionist models, thereby allotting space for more subtle articulations of power. Wartenberg characterises forms of power by their effect on relational fields in a given instance and over time.<sup>22</sup>

As dominant and coercive models enter little into discussion, archetypical models of paternalist and maternalist forms of power come to the fore. The exertion of influence in a paternalist manner, the 'power over,' constitutes the dominant agent's issuing of commands and the institution of punishment and discipline for disobedience to such commands. Part and parcel to the mind-set of paternalism is the notion that, like a good parent, the dominant agent wants what is best for the subordinate agent but has perpetual doubt that the subordinate agent shall be able to achieve that goal without the dominant agent's constant influence. Maternalist or transformative articulations of power, the 'power to,' constitutes encouragement, advance-

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<sup>18</sup> T. E. Wartenberg, *The Forms of Power: From Domination to Transformation* (Philadelphia: Temple University Press, 1990), 71-89.

<sup>19</sup> He distinguishes his structural model from that of interventionists in *Forms of Power*, 142-6.

<sup>20</sup> *Forms of Power*, 91-93.

<sup>21</sup> *Forms of Power*, 115-39, 96-104, 192-3 & 183-222, respectively.

<sup>22</sup> On the relationships of process and temporality with power, see: *Forms of Power*, 164-9.

ment of interior cultivation, and the delivery of personal counsel. Intrinsic to the exertion of maternalist power is the self-transcending nature of the power relation, inasmuch as the influence of the relation is geared in such a fashion that it will one day end and the subordinate agent will be independent. Whereas the first form attempts to exert power, the second aims to elicit power, to empower. Application of the field theory to obedience structures in religious life provides an additional insight into ideal power relations as solidified, endorsed, and enshrined in foundational and influential religious texts, as such texts project, determine, and demand not only spiritual and theological content, but also models of relationality.

*Why Do People Obey?: Analyses of the Reasons behind Obedience*

Not only do people tend to conform to social norms, but they also tend to obey authority figures. Perhaps the most relevant question for the humanities, beyond that regarding the nature of obedience, asserts itself in the following form: ‘Why do people obey?’ Academic and intellectual integrity demands an immediate qualification by way of a disclaimer. The studies and approaches to the issue of obedience presented below constitute in an overarching sense descriptive – and precisely not explanatory – analysis, which is to say the studies do not purport to have discovered the direct cause of obedience in subordinate agents. Rather, they put forth description and specification of the correlatives and factors associated with the phenomenon in its possible conditions. The study shall now examine phenomena in their micro-level and macro-level dimensions, bearing in mind that the two are distinct categories, but not separate. Thus, if there is a fair amount of thematic overlap operative between the two sections, it is because the phenomena are so closely related.

Micro-level

Micro-level analysis primarily regards the phenomenon of obedience to a person in particular situations. Four major avenues of investigation include arguments for perceived legitimacy, situational factors, institutional involvement, and evolutionary inheritance. One line of reasoning toward the ‘why’ of obedience argues that at the micro-level people may possess a sense of duty to obey because they *view an authority figure as legitimate*. It is in fact a necessary condition of legitimate authority that it be obeyed in a wilful fashion, as the influential theories of Max WEBER argue.<sup>23</sup> Renowned social psychologist Stanley MIL-

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<sup>23</sup> Max Weber, *Wirtschaft und Gesellschaft: Grundriß der verstehenden Soziologie*, 5th ed., Johannes Winckelmann (ed.) (Tübingen: J.C.B. Mohr, Paul Siebeck, 1980), 122-124. See also: *Denkweisen und Grundbegriffe der Soziologie: Eine Einführung* (AG Soziologie, Campus Verlag, 1992), 161-79, esp. 175.

GRAM's shocking and disputed<sup>24</sup> obedience experiments<sup>25</sup> represent one of the most compelling studies on obedience to date. In response to the 'Are Germans different?' question prevalent in post-Holocaust times, MILGRAM conducted a series of finely engineered social experiments to determine how ordinary people would react to an extraordinary call to obedience. Participants were ordered, under the pretence of science, to administer an electric shock to a stranger. Due to the presence of a perceived legitimate authority, subjects more often than not did in fact obey the authority's commands under particular conditions. Factors such as the perception of prestige, scientific rigour, uniform, and social etiquette contributing to the perception of legitimacy have been shown in MILGRAM's and other studies to affect degrees of obedience. An additional explanation introduced by MILGRAM himself argues for the phenomenon of an 'agentic state,' during which subjects under certain conditions in the presence of a previously unacquainted authority figure exhibit "a heightened attention to authority, a focused drive to fulfil instructions competently, and a shift of personal responsibility to the authority."<sup>26</sup>

Social psychologists, using insights from MILGRAM's research and similar studies as a platform for inference, have since made far-reaching claims concerning the nature of obedience.<sup>27</sup> Scholars such as Philip ZIMBARDO have taken another angle of approach and argued that people obey with a high degree of frequency even in extreme cases because the *power or impact of the situation* overcomes their personal disposition.<sup>28</sup> In a certain situation, under specific social conditions people have been shown to commit immoral acts in obedience, which in other circumstances they would consider against their greater judgment and their value system. For instance, ZIMBARDO in his controversial Stanford Prison Experiment discovered that the influence of social-environmental factors, that is, of the situation associated

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<sup>24</sup> See also: Diana Baumrind, 'Some Thoughts on Ethics of Research: After Reading Milgram's "Behavioral Study of Obedience",' *American Psychologist* Vol. 19, N. 6 (1964): 421–423; Gina Perry, *Behind the Shock Machine: the untold story of the notorious Milgram psychology experiments* (Scribe Publications, 2012); and Neil Lutsky, 'When is 'Obedience' Obedience?: Conceptual and Historical Commentary,' *Journal of Social Issues* Vol. 51, n. 3 (1995): 55-65.

<sup>25</sup> He presented his initial findings in the articles S. Milgram, 'Behavioral Study of Obedience,' *Journal of Abnormal and Social Psychology* Vol. 67, N. 4 (1963): 371–8 and 'Some Conditions of Obedience and Disobedience to Authority,' *Human Relations* Vol. 18, 1 (1965): 57–76, after which he published the volume S. Milgram, *Obedience to Authority: An Experimental View* (London: Tavistock Publications, 1974). His exercises in social dynamics were not technically experiments as they involved no control group and conditional factors changed from study to study and were not assigned randomly.

<sup>26</sup> Lutsky, 'When is 'Obedience' Obedience?,' 58.

<sup>27</sup> Thomas Blass, 'Understanding Behavior in the Milgram Obedience Experiment: The Role of Personality, Situations, and Their Interactions,' *Journal of Personality and Social Psychology*, vol. 60, n. 3 (1991): 398–413. Admittedly certain tendencies of Blass' research are already present in Milgram's articles in the form of suggestive inference. Indeed, the meta-analysis subsequently conducted produced nearly identical findings. See: T. Blass, 'The Milgram paradigm after 35 years: Some things we now know about obedience to authority,' *Journal of Applied Social Psychology* Vol. 29, N. 5 (1999): 955–978.

<sup>28</sup> P. Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (Random House Trade, 2008)

with conformity can effect obedience reactions in a subordinate agent or a group of subordinate agents. The social pressure to conform to roles and expectations can condition and form the ways in which we approach authority. Such theories may provide a challenge to moral questions with regard to obedience, as they introduce new elements of relativisation vis-à-vis preconceived notions of wilful and conscious action. A degree of responsibility might thereby be shifted onto the creators of the conditions in question. In fact, both Milgram's and Zimbardo's studies have each had repercussions in the analysis of real world events.<sup>29</sup> Correlatives associated with the phenomenon of obedience comprise graduated commitment and personality or dispositional factors.<sup>30</sup>

An institutional line of thought argues from a functional perspective that people in groups obey for pragmatic, rational reasons. At the micro-level, people tend to obey for rational motives because, as a *part of an institution*, they have been instilled with the notion that the institution represents their greater interests, they identify with a collective cause, and are willing to uphold that cause by obeying the orders of the institution's authority figures.<sup>31</sup> The very fabric of society depends upon it from the family unit to every kind of institution up to the government and beyond. Dissent may result as a consequence of the inverse case in which superimposed, oppressive institutions with which the individual does not identify are viewed as foreign imposters. Along with conformity, obedience permits the institution to function from the top down in an orderly fashion. Within an institution, obedience is a pedagogical form of communication, which functions as a means of transmitting identity-forming content, values, and norms and thereby promotes patterns of behaviour. Obedience occurs in such cases because viewed as a promotion of order and a common identity.

Another line of thought on the matter of obedience regards human nature as a product of evolution. Evolutionary psychology suggests that as a primate species, we indeed bear the indelible stamp of our lowly origin as Charles Darwin once put it and not simply in our body, but also in our habits.<sup>32</sup> The Neo-Darwinian theory of evolution offers reasonable answers to

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<sup>29</sup> Milgram's studies have sparked new debate in Holocaust studies and Zimbardo's theories contributed to being called to serve as an expert witness in the trial of a night-shift prison guard, Sgt. Chip Fredrick, at the US Army's Abu Ghraib prison in Iraq. Neither is an attempt to exculpate the victimizers, rather to explain the situation.

<sup>30</sup> Scholars have argued that the subjects in Milgram's studies were more inclined to continue obeying as they were gradually exposed to increasing levels of obedience before being asked to give a seemingly lethal shock to their fellow participants. Such a line of reasoning indicates that the conditions of the study eased its subjects step by step into more demanding degrees of obedience. Another argument suggests that passivity is a character trait and the person of such a disposition is thereby more prone to follow orders.

<sup>31</sup> On Weber's various motives for obedience, see: Peter Baumann, 'Die Motive des Gehorsams bei Max Weber: eine Rekonstruktion,' *Zeitschrift der Soziologie*, Vol. 22, N. 5 (Oct 1993): 355-70.

<sup>32</sup> The thoughts of evolutionary psychologist David M. Buss certainly pertain to this line of argument. See his *The Evolution of Desire*, revised edition (New York: Basic Books, 2003).

questions of the function and necessity of obedience in human interaction and society with particular regard for parent-child relations. What may be called a meta-obedience is thus operational in the natural order. More specifically, within our species there are ‘alpha’ individuals who exhibit leadership traits, whether learned or natural, and tend to assume authority roles and to assert more influence in the community. In the ancestral environment that conditioned our evolution, ‘alpha males’ would exert their influence, as males were the leaders of all tribal relations. Those with tight links to such alphas would of course have precedence in the tribe, as well. There are, in turn, also ‘beta’ individuals who tend to be submissive to alpha individuals and assume obedient, supportive roles. Alphas are more prone to give orders and rally the group, while betas tend to obey the alpha’s injunctions. One can observe such phenomena at work in a modern-day setting, as well.<sup>33</sup>

#### Macro-level

At the macro-level, the masses tend to obey power structures for various reasons and individuals tend to be formed in such a way as to obey because of wider, deep-rooted cultural factors. The very fabric of many societies depends upon the obedience of subjects to authorities ranging from the family unit to every kind of institution up to the government and beyond. People may obey authority because they have a *sense of obligation* to do so. Obedience as the duty of allegiance to the state is a topic common to philosophers and political thinkers such as W. A. MERRYLEES, who discusses political obedience as an extension of the general will to maintain the existence of the State.<sup>34</sup> As early as as Plato and Aristotle, thinkers have discussed the citizen’s obligation to the state in obedience to laws.

M. WEBER argued in his classic *Herrschaftstheorie* that the four ideal-types (*Idealtypen*) of legitimate authority are such that they involve a logic intrinsic to the recognition of an authority’s claim to legitimacy. Chief among the ideal-types of authority for our purposes, the legal-rational claim to legitimacy corresponds to a logic based upon “a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands.”<sup>35</sup> Of such an ideal-type, WEBER writes, “obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority of office under

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<sup>33</sup> Oswald Neuberger, *Führen und führen lassen: Ansätze, Ergebnisse und Kritik der Führungsforschung* (UTB, 2002).

<sup>34</sup> W. A. Merrylees, ‘What is the basis of political obedience?’, *Australasian Journal of Psychology and Philosophy* Vol. 10, N. 4 (1932): 268-289, here 288. “...[P]eople genuinely will the existence of the State,” and in so doing they “necessarily will whatever is essential to its maintenance. Subject to one proviso, that includes obedience to all its laws.”

<sup>35</sup> Max Weber. *Wirtschaft und Gesellschaft: Grundriß der verstehenden Soziologie*. 5<sup>th</sup> revised edition, edited by Johannes Winckelmann. Tübingen: J.C.B. Mohr (Paul Siebeck), 1980, 124. Translation my own.

it by virtue of the formal legality of their commands and is limited by the scope of authority of that office.”<sup>36</sup> As a consequence, people feel a sense of duty to obey the State and its laws and authority figures as an extension of the legitimate state. An extreme instance of obedience to the State is that due in military contexts. Such contexts constitute a more radical degree of obedience by introducing the routinisation of obedience, which conduces prototypic roles and intensifies a sense of obligation to authority,<sup>37</sup> a concrete illustration of gradual commitment.

Another approach to the question of obedience attempts to explain the phenomenon in terms of *identity formation within a system*. The thoughts of ZIMBARDO again apply to macro-level analysis. He claims that systemic factors, that is, broad political, economic, and legal influences are able to transform human character.<sup>38</sup> In her reflections on Nazi Germany and the atrocities committed by and under the Third Reich, philosopher Hannah ARENDT argues that it is precisely the isolation and devaluation of human life under a totalitarian regime that conditioned the obedience of both work-a-day German soldiers turned wilful, compliant exterminators and their victims who at times idly submitted to slaughter.<sup>39</sup> It is totalitarianism, she states, which constitutes the most radical “breakdown of the whole structure of morality.”<sup>40</sup> The atomising effects of totalitarian rule render the individual fully obedient, because the individual learns to derive their sense of identity above all from membership in the regime.<sup>41</sup>

It bears mention that sociologists and psychologists have associated a level of mass compliance to coercive power structures with collective neurosis and a certain identification with the aggressor. People allow a tyrant to impose his will by whatever means and not only do not consider resisting, but they also identify with the dictator in a self-defeatist attempt driven by survival impulse. The pathology described has been designated as a sort of collec-

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<sup>36</sup> Ibid. Translation my own.

<sup>37</sup> Lutsky, ‘When is ‘Obedience’ Obedience?’, 59.

<sup>38</sup> P. Zimbardo, *The Lucifer Effect*.

<sup>39</sup> Arendt develops her thoughts in that regard especially in three works. See: Hannah Arendt, *The Origins of Totalitarianism*, 1<sup>st</sup> ed. (Harcourt, Brace and Company, 1951), Idem. ‘On the Nature of Totalitarianism: An Essay in Understanding,’ in *Essays in Understanding* (New York: Schocken Books, 1994), 328-60, and Idem. *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Classics, 2006). On Arendt’s thoughts regarding the case of Rudolf Eichmann, his thoughtlessness in executing orders, and the role of conscience, see: George Kateb, *Hannah Arendt: Politics, Conscience, Evil* (New Jersey: Rowman & Allanheld, 1983).

<sup>40</sup> ‘On the Nature of Totalitarianism,’ 328.

<sup>41</sup> ‘On the Nature of Totalitarianism,’ 349. She writes, “Human beings caught or thrown into the process of Nature or History for the sake of accelerating its movement, can only become the executioners or the victims of its inherent law. (...) What totalitarian rule needs is a means to prepare individuals equally well for the role of the executioner and the role of the victim. [That means] is ideology.”

tive neurosis.<sup>42</sup> Given that it is a difficult concept to deal with in purely sociological terms, psychoanalysis enters inevitably into discussion.<sup>43</sup> Supporting examples abound. On a more broad global scale, Feminist thought and activism has done much to evince the facets of intersexual relations that are bound by the principle that men are subject to women and thus obliged to a sort of widespread, structural obedience.<sup>44</sup>

Another line of investigation purports that people obey because it is ingrained in them by their *cultural upbringing*.<sup>45</sup> Characteristic mechanisms of culture such as exalted and instilled virtues and child rearing have been inferred to affect attitudes toward authority. For instance, in cultures with a militaristic mentality or history of war-proneness, passive, unquestioning obedience tends to be considered a virtue while a general sense of submissiveness toward authority figures esteemed. É. DURKHEIM argues that in the social realm instilled attitudes and beliefs toward obedience to rules denotes the very foundation of morality.<sup>46</sup> He states that morality “consists of a system of rules of action that predetermine conduct. They state how one must act in a given situation, and to behave properly is to obey conscientiously.”<sup>47</sup> In such a view, rules have (and their societal cultivations serve) a utilitarian function, whereby compliance is not due merely on account of authority, rather – he offers the example of a doctor’s orders to his patient – is also for usefulness in successfully navigating through life.<sup>48</sup> Socio-cultural contexts of especially paternalist character tend to underscore the absolute, inviolable value of top-down structures from the familial realm to that of greater society. Parallels have been drawn for instance between Chinese and other East Asian societal norms and the principle of filial piety (*xiào*) in Confucian philosophy.<sup>49</sup> Other studies have shown that pastoral

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<sup>42</sup> The interdisciplinary study of Tony Wright, *Left in the Dark*, considers the possibility that such collective pathology stems from a limiting of consciousness due to our dietary customs shifting so radically from that of our evolutionary antecedents.

<sup>43</sup> Hans Paul Bhardt (ed.), *Schlüsselbegriffe der Soziologie: Eine Einführung* (Beck, 1990), 172.

<sup>44</sup> For an apt summary of Feminism in its the various waves and their distinct philosophical contentions, see: Ellen Klein, *Undressing Feminism* (Paragon House, 2002). Ulrike Gleixner considers monotheistic stances toward the question of gender as a potential avenue for comparative study. See: ‘Religion, Geschlecht und Unterordnung. Möglichkeiten einer *connected history* zwischen Christentum, Judentum und Islam,’ in *Historische Anthropologie. Kulture, Gesellschaft, Alltag*, Jahrgang 15, Heft 2. Thema: Gehorsam (Koeln, Weimar, Wien: Boehlau Verlag, 2007), 244-58.

<sup>45</sup> For interdisciplinary, cross-cultural studies on obedience, see the articles in: *Historische Anthropologie. Kulture, Gesellschaft, Alltag*, Jahrgang 15, Heft 2. Thema: Gehorsam (Koeln, Weimar, Wien: Boehlau Verlag, 2007).

<sup>46</sup> On Durkheim’s approach to law and morality, see: Roger B. M. Cotterrell, *Émile Durkheim: Law in a Moral Domain* (Stanford University Press, 1999).

<sup>47</sup> É. Durkheim, *Moral Education* (New York: The Free Press, 1961), 24.

<sup>48</sup> *Moral Education*, 30.

<sup>49</sup> Vanessa L. Fong, *Psychological Anthropology: A Reader on Self in Culture*, ed. Robert A. LeVine, 223; Charlotte Ikels, *Filial piety: Practice and discourse in contemporary East Asia*. Stanford: Stanford University Press, 2004; Wonsuk Chang; Leah Kalmanson (eds.), *Confucianism in Context: Classic Philosophy and Contemporary Issues, East Asia and Beyond*. SUNY Press, 2010; and Kenneth L. Traylor, *Chinese Filial Piety*. Bloomington: Eastern Press, 1988.

and agricultural societies emphasise conformity and obedience-orientated child rearing, whereas hunter-gatherer societies tend to reward independence and individual ambition in children.<sup>50</sup>

As regards the phenomenon of obedience in a *historical context*, attitudes and actions pertaining to obedience in relation to authority are likely to have shifted over time. A main stream of thought on societal approaches to authority is the identification of a sovereign with the divine, which begets an absolute demand of obedience. In the view of É. DURKHEIM, for whom the sacred constitutes an irreducible form of societal self-representation,<sup>51</sup> in the world of ancient empires, the earth was a mirror of the heavens with the ruler playing the role of divine stand-in. In Egyptian and Hellenistic societies, the ruler enjoyed a god-like status and in fact was a variety of lesser divinity. A similar trope of sacral kingship traceable back to the Assyrians is represented in the image of the sovereign as the “shadow of God on earth.”<sup>52</sup> Indeed, as A. AL-AZMEH asserts, “sacral kingship was a constant motif in all royalist and imperial arrangements that spanned the entire oecumenical [*sic*] expanse of Eurasia from the very dawn of recorded history until modern times....”<sup>53</sup> Historical developments in approaches to authority have been traced with specificity in the West. Even during the tumultuous period of a fading Western Roman Empire and the concomitant power vacuum, G. AGAMBEN argues convincingly that during the *interregnum* periods the prevailing conception of a ruler transformed him into a sort of living law above all other law in which the justification for an absolute notion of authority in the form of *iustitium* was the maintenance of order.<sup>54</sup> The emperor rules absolutely in order to prevent rebellion and resultant chaos. Indeed, the identification of the divine with absolute authority figures subsisted in some form even after the fall of the Western Roman Empire and into the modern age, whereby imperial or royal authority was granted by divine sanction.<sup>55</sup> The Church’s hegemonic hold on Latin Christendom in the peri-

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<sup>50</sup> Charles Donald Spielberger (ed.), *Encyclopedia of Applied Psychology: A-E*, Volume 1 (Academic Press, 2004), 458-60.

<sup>51</sup> É. Durkheim, *The Elementary Forms of the Religious Life*, trans. Joseph Ward Swain (London: G. Allen & Unwin, 1915), 423-4.

<sup>52</sup> Aziz Al-Azmeh, ‘Monotheistic Kingship,’ in Aziz Al-Azmeh and János M. Bak (eds.), *Monotheistic Kingship: The Medieval Variants* (Budapest: Central European University, 2004), 9-30.

<sup>53</sup> ‘Monotheistic Kingship,’ 10.

<sup>54</sup> G. Agamben, *State of Exception* (University of Chicago Press, 2008), ch. 5, paragraph 3.

<sup>55</sup> Glenn Burgess, “The Divine Right of Kings Reconsidered”. *The English Historical Review* 107, 425 (1992): 837–861; Georg Flor: *Gottesgnadentum und Herrschernade. Über menschliche Herrschaft und göttliche Vollmacht* (= *Bundesanzeiger*. Beilage 43, Nr. 119a). *Bundesanzeiger*, Köln 1991; Fritz Kern, *Gottesgnadentum und Widerstandsrecht im früheren Mittelalter. Zur Entwicklungsgeschichte der Monarchie*. Wissenschaftliche Buchgesellschaft, 7. Auflage, unveränderter Nachdruck der 2. Auflage von 1954. Darmstadt 1980; Walter Ullmann, *Principios de Gobierno y Política en la Edad Media*, Madrid, Revista de Occidente, 1971. Traducción de Graciela Soriano. Depósito legal: M. 5.727 – 1971; & Javad



od known as the papal monarchy found conceptual roots in the revival of the Roman *plenitudo potestatis*. Comparative studies have somewhat greyed the dividing line between monotheistic kingship and papal monarchy, subsuming them both under the meta-category of sacral kingship and further evincing the link between rule by divine sanction and claims to absolute authority.<sup>56</sup> Certain authors have even taken to the idea that such views impact modern times and our postmodern world still today.<sup>57</sup>

C. CAPELLE has pointed out in her perspicuous study that the feudal structure of society itself, which so came to dominate the manner of proper relations in the medieval West in particular vis-à-vis authority, was itself conceived in religious terms.<sup>58</sup> As such, the hierarchical organisation of the whole of society bore religious significance. The submission of every inferior to his superior, which was framed as a sort of religious obligation, was the fundamental principle of Western civilisation in the medieval period. The feudal model of obedience and authority would in turn also have its effect upon religious life. In fact, a vow similar to that of a serf to his lord would come to dictate much of the history of the religious vow in Western monasticism and the ever more pronounced Benedictine paradigm.<sup>59</sup> Such a theological view of Church and society is concisely typified in a twelfth-century treatise of the Cistercian Alain de Lille (d. 1202), who states, *Potestates ergo tam ecclesiasticae quam saeculares ordinatae sunt a Deo, ut superiores inferiores rogant, et ut subditi laudem habeant ex illis si bene agant; vel, si male, puniantur*.<sup>60</sup> Authoritarian understandings of the relationship between the subordinate and their superior were frequently characterised by the divinely ordained power of authority figures, total identification of the ruler's will with that of the divine, and the absoluteness of a ruling office. The concept of the divine right of kings was equally as

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Javid, *Droit naturel et droit divin* - thèse sous la dir. de Henry Roussillon. Université des sciences sociales, Toulouse, 2005.

<sup>56</sup> Aziz Al-Azmeh, 'Monotheistic Kingship,' 9-30 and G. Agamben, *The Kingdom and the Glory*, trans. Lorenzo Chiesa (Stanford University Press, 2011).

<sup>57</sup> Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1993); G. Agamben, *State of Exception*, University of Chicago Press, 2008; and Mohammed Ennaji, *Slavery, the State, and Islam* (Cambridge University Press, 2013).

<sup>58</sup> Catherine Capelle, *Le voeu d'obéissance des origines au XIIIe siècle* (Paris: Librairie Générale de Droit et de Jurisprudence, 1959), 175.

<sup>59</sup> J. Leclercq, 'Gehorsam,' *LexMA*, Vol. 4, col. 1174. However, feudal values were ultimately distinct from a hard-liner royal absolutism as the former was ultimately opposed to the latter and indeed had a hand in dismantling the hold of absolutist royal authority on Western Christendom. See: R. van Caenegem, 'Government, law and society,' in: J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c. 350 - c. 1450* (Cambridge University Press, 1991), 174-210, here 210. Although the oath of personal allegiance sworn by a vassal in relation to his lord was permanent, it was nonetheless conditional, as "resistance was legitimate if fidelity was breached (*diffidatio*) by one of the parties." On this matter, see: D.E. Luscombe, 'Introduction: the formation of political thought in the west,' in: *The Cambridge History of Medieval Political Thought*, 157-173, here 160.

<sup>60</sup> Alain de Insulis, *Contra haereticos, Libri Quatuor* (ed. PL 210), c. IV, 382b

grounded in religious ideas as it was influential in determining attitudes toward governing authority.

However, not surprisingly, each particular manifestation of claims to authority as well as power and obedience in action took on its own nuanced form.<sup>61</sup> For instance, a complete lack of distinction between office and authority figure had marked the patrimonial authority in the Carolingian model of rulership.<sup>62</sup> Such attitudes were then reflected in the emerging monastic paradigm in the West under the guise of the Benedictine model, which envisaged a (nearly) absolute authority or father figure (*abba*) ahead a community of monks. While learned members of Church and society in the West had already begun distinguishing legitimate rulers and means of ruling as early as the 9<sup>th</sup> century,<sup>63</sup> models of authority with an absolute claim to power would continue to reign both in and outside of the monastery. Of course, since the period of the council of Chalcedon (451) the abbots of the *ordines antiqui* and their congregations were subject to the rule of the bishops in whose jurisdiction they were located, which conditioned the claim to truly absolute authority that the *RegBen* and *RegMag* appear to bear forth. Influential in backing Christian arguments regarding the divine origin of all power were the Pauline verse *Non est potestas nisi a Deo* (Rm 13, 1) and the Johannine verse (Jn 19, 11) in which Jesus remarks to Pilot *non haberes potestatem adversum me ullam nisi tibi esset datum desuper*.

### *Prescriptive-Normative Approach*

Noted men and women of history have responded in various ways to the prospect of obedience and disobedience. Famously tried and put to death for mocking the gods and corrupting the youth of Athens, Socrates willingly refused to disobey Athenian law by fleeing prison, even though as recounted in the *Apology* he was falsely accused and believed in the cause of free inquiry. Following in a long line of American civil disobedience ranging from John Locke's *Treatise on Government* to the modern-day 99% movement, civil rights activist Dr. Martin Luther King, Jr., along with countless other non-violent resisters, famously disobeyed U.S. segregation laws on the grounds of moral injustice, the right of which he defends and espouses (not only) in his *Letter from Birmingham Jail* and his *Sermon "But If Not."* Although obedience is often perceived as a dutiful endeavour, in terms of moral qualification an act of obedience or the contrary can and must be judged as either moral or immoral, "either

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<sup>61</sup> For a broad perspective on sacral kingship in a monotheistic context, see: *Monotheistic Kingship: The Medieval Variants* (see above n. 61)

<sup>62</sup> Janet Nelson, 'Kingship and Empire,' in: *The Cambridge History of Medieval Political Thought*, 211-251, here 224.

<sup>63</sup> Nelson discusses the case of Archbishop Hincmar of Rheims. See: 'Kingship and Empire,' 217.

praiseworthy or blameworthy.”<sup>64</sup> Varied interpretations abound. A few salient examples suffice to glean an ample impression of possible responses vis-à-vis the normative foundations of obedience and legitimate dissent.

Philosophers and political theorists have long contemplated a moral question, which regards the matter of obedience in direct fashion. One might formulate the question thus: ‘Is there a duty to obey the law?’ The problem of obedience to the law concerns the nature of state, law, legal system, and moral duty and is one to which history has witnessed an array of responses, both intellectual and reactionary. The problem is indeed a complex and decisive one, which perhaps explains its varied treatment by the great minds of the Western tradition. The question as to the nature of the state is far too extensive to cover in a general overview of obedience. Thus the issue at hand remains the one above-stated, or more particularly, ‘Is there a prima facie duty to obey domestic law?’<sup>65</sup> The general consensus of philosophical and political theorists is a qualified ‘yes.’ The way in which they arrive at that answer is, however, another matter entirely. Fundamental questions arise from the debate, such as ‘Are laws ethical because the state establishes them or ethical because laws appeal to and seek to uphold a broader moral standard?’ It bears noting that a concerted theoretical distinction between legitimacy, legality, and morality operates in the discussion of obedience, moral standards, laws, and the state.

Without fixating on the painstaking detail of each thinker’s argument, a brief representation of the arguments divided into three categories shall instead create a flowchart-like overview of possible models. The threefold categorisation of author A. John SIMMONS shall provide a helpful point of distinction in order to facilitate the presentation. Simmons discusses the theories in three families based at least in part upon Socrates’ respective diatribes in the *Crito*<sup>66</sup>; namely, Associative, Transactional, and Natural Duty theories.<sup>67</sup> Each grounds the duty to obey in a different manner. Associative theories ground our duty to obey in roles we assume (who we are), Transactional ground it in our moral interaction with state or citizen (what we have done or enjoyed), and Natural Duty in either the advancing of a greater moral good or the duty owed by all to all as moral equals.<sup>68</sup> As established above, the moral validity

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<sup>64</sup> T. Blass (ed.), *Obedience to authority: Current perspectives on the Milgram paradigm* (Mahwah, NJ: Lawrence Erlbaum Associates, (2000), 162.

<sup>65</sup> *Prima facie* entails the possibility of being overridden in case of intolerable injustice. A. John Simmons, ‘The Duty to Obey and Our Natural Moral Duties,’ (hereafter referenced as ‘The Duty to Obey’) in: Christopher Wellman & A. John Simmons, *Is there a Duty to Obey the Law?* (Cambridge University Press, 2005), 93-195, here 95-96.

<sup>66</sup> *Plato: Complete Works*, John M. Cooper (ed.) (Indiana: Hackett Publishing Company, 1997), 37-48

<sup>67</sup> ‘The Duty to Obey,’ 102-11.

<sup>68</sup> ‘The Duty to Obey,’ 102-3.

of an obedient act depends upon a conscious decision to comply with an authority or authority's norm, and in a legal context does not comprise the coincidental aligning of behaviour with the normative prescription of the law.

Associative accounts of the duty to obey, which include those of prominent theorists such as Aristotle, Burke, Hegel, and Wittgenstein and work inspired by them, explain the duty to obey by way of a special moral requirement on nonvoluntary terms. Such theories ground the duty to obey in the special roles and relationships in which we find ourselves. Such roles and relationships, Associativists argue, imply moral duty. Within this category, Simmons distinguishes three types of theories: *nonvoluntarist contract theories*, for which societies by nature create networks which imply binding contracts, *identity theories*, which assert recognition of natural duty-bound roles and the incoherence of rejecting those roles, and *normative independence theories*, which above all affirm the normative authority of local practices.<sup>69</sup>

Transactional accounts, espoused most notably by Socrates (via Plato) and Locke, focus upon the special, voluntary moral requirements that bind us in particular by promise, consent, or free acceptance of benefits resultant of collaboration.<sup>70</sup> Transactionalists assert the voluntary and nearly universal acceptance of legal genuineness as justification of the moral duty to obey.<sup>71</sup> Two main branches of Transactional theories have emerged, *consent theories* and *reciprocation theories*. The former, consent theory, argues for the duty to obey as an implication of communal acts such as agreements, whether actual/personal, nonactual, or hypothetical in nature; the latter, reciprocation theory, argues for the locution of such a duty in our responsibility one toward another for benefits received by the goodness of either state or citizen, whether on grounds of fairness or gratitude.<sup>72</sup>

Theories of Natural Duty, as already established, ground the duty to obey in either the advancing of a greater moral good or the duty owed by all persons to all others as moral equals, and comprises theories from among others the likes of Kant, Mill, and Rawls. Thus the general, nonvoluntary moral requirement asserted by Natural Duty accounts identifies the duty to obey laws with all other moral duties that humans have by nature. Simmons views all Natural Duty theories essentially as either the *consequentialist* argument for the duty of promotion and maximisation of good property or state of affairs, such as happiness, moral perfection, or justice, or the *Kantian/neo-Kantian* argument that considers the duty to obey law as one among many duties in the moral realm of duties owed by all persons one toward another,

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<sup>69</sup> 'The Duty to Obey,' 112-115.

<sup>70</sup> 'The Duty to Obey,' 109 & 116.

<sup>71</sup> 'The Duty to Obey,' 115.

<sup>72</sup> 'The Duty to Obey,' 116-119.

for instance the duty to avoid violence and deception.<sup>73</sup> Arguments for *necessity* as a basis for the duty to obey lay exclusive focus upon the apparent need of government expressed by consequentialism, which argues from necessity that law-abidingness upholds necessary order and is therefore a moral good. Therefore, a duty falls upon those called to fulfil a need; namely, the citizens.<sup>74</sup>

The vast majority of theorists argue that people ought to obey the law *prima facie* because they have a legitimate moral obligation to do so. Yet *prima facie* duty to obey the law has its limits; it entails the possibility of being overridden in cases of intolerable injustice. The question of the moral nature of a law or of the state comes into play. A particular area of inquiry and debate, that of civil disobedience, considers the questions, ‘If a law or the state is unethical or illegitimate, does one have the right to disobey?’ ‘Ought one to disobey in such cases?’

The recent and authoritative *Sharp’s Dictionary of Power and Struggle* has done a magnificent job of defining concepts and terms useful in the present study and in a wider political context.<sup>75</sup> Though little consensus is to be found both as regards that which precisely constitutes an unjust law and the moral character of various forms of civil disobedience, a set of distinctions serves to frame the question. According to *Sharp’s Dictionary*, civil disobedience denotes the following:

A deliberate peaceful violation of particular laws, decrees, regulations, ordinances, military or policy commands, or other orders. These are usually laws that are regarded as inherently immoral, unjust, or tyrannical. Sometimes however, laws of a largely regulatory or morally "neutral" character may be disobeyed as a symbol of opposition to wider policies of the government.<sup>76</sup>

People might disobey on an individual or group scale<sup>77</sup> and for different aims. Goals in disobeying may include acting out of a sense of conviction with no wish to debunk the *status quo* (purificatory civil disobedience), wishing to change an immoral law or policy (reformatory), expressing a more radical attempt to undermine or destroy and replace oppressive systems (revolutionary), or acting out against a new, illegitimate system in hopes of restoring the previous one (perhaps restorative).<sup>78</sup> Moral justification of symbolic disobedience to neutral laws for a wider political purpose is also discussed. Differing interpretations as to the justifiability

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<sup>73</sup> ‘The Duty to Obey,’ 121.

<sup>74</sup> ‘The Duty to Obey,’ 127-142.

<sup>75</sup> Gene Sharp, *Sharp’s Dictionary of Power and Struggle: Language of Civil Resistance in Conflicts* (Oxford University Press, 2011).

<sup>76</sup> *Sharp’s Dictionary*, 81.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Sharp’s Dictionary*, 81-82.

of disobeying the law do exist. While certain forms of civil disobedience may be justified, it is dubious that all instances are justifiable. Scholars such as Rawls argue that principally just institutions may be served by disobedience to unjust laws, whereby disobedience may assist a near-just institution to become more just.<sup>79</sup> In a more extreme case, Locke even asserts the right to revolution.<sup>80</sup>

A possible theoretical limit for morally justifiable disobedience to the law appears to be physical violence. Nevertheless, those involved in the performance of obedience or disobedience in its many forms presumably take action due to myriad factors, be they emotional, sentimental, or convictional and not only due to philosophical argumentation. As H. J. LASKI argues, “The answer to the problem of obedience is, of course, that all theories which strive to explain it in purely rational terms are beside the mark, for no man is a purely rational animal. The State, as it was and is, finds the roots of allegiance in all the complex facts of human nature....”<sup>81</sup>

### **Obedience as a Religious Phenomenon**

The significance of obedience in religiosity, as in political and other steadfastly human contexts, could hardly be overstated; the significance of the problem is superseded perhaps only by its complexity. Although each religion of the world approaches obedience in a different manner dependent upon context, the vast majority of religious traditions would be inconceivable without some form of basic tenant or teaching with regard to obedience. All religions subsist in relationship obedience, even if it is in reaction against an obedience-oriented framework. Take Buddhism, for instance, perhaps the least prone of all religions to the accusation of retaining beliefs concerning obedience, provided that one considers it a religion and

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<sup>79</sup> ‘The Duty to Obey,’ 168.

<sup>80</sup> John Locke, Second Treatise, Ch. 3, *The Right of Revolution*, §222. “...whenever the Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience...”

<sup>81</sup> Harold J. Laski, *A Grammar of Politics* (Yale University Press, 1925), 22. Discussing the nature of the State and the purpose of social organisation, Laski writes, “What, as a matter of history, can alone be predicted of the State is that it has always presented the striking phenomenon of a vast multitude owing allegiance to a comparatively small number of men. Thinkers since the time of Socrates have sought to explain that curiosity. To some it has seemed that men obey their masters because, at least ultimately, the will of the few is sufficiently the will of the many to secure obedience. Consent, it is said, is the basis of the State. But if by consent be meant anything more than an inert acceptance of orders obeyed without scrutiny, it is clear that there has not yet been an epoch in the history of the State in which this is true. Nor can we accept as obvious the view of Hobbes that men obey the State through fear. Something of this, indeed, may colour the attitude of men to particular laws. I may refrain from murder upon a nice balance of consequences. But I send my children to school from motives far more complex than that of self-interest built upon fear. It is far nearer the truth to urge, as Sir Henry Maine would have us admit, that the State is built upon habit; but this still leaves unexplored the dispositions which enter into habit, and the point at which their infraction, as in the France of the Revolution, becomes possible.” *A Grammar of Politics*, 21-22.

not purely philosophy. It was born in part out of the rejection of the elitism and hierarchical posturing of Hinduism.<sup>82</sup> To an extent, all religions speak the language of obedience. Each religion represents a sort of language group, as the religion may contain various sects, which in their turn represent the dialects and colloquial forms of expression. Some speak the spiritual language of obedience, others speak the functional language of obedience, while others still. Perhaps the religions with the most overt relationship to obedience are the monotheistic religions, the name of one of which (Islam) literally translates as surrender and its founder's name means legislator.<sup>83</sup> The monotheistic relationship to obedience subsists in what philosophical and theological discourse refers to as divine command theory, a branch of moral ontology that grounds moral values and duties in the existence of a divine and intervening presence. In addition, words and phrases frequently have an etymology. In much the same vein, a religion's conception of obedience is often not entirely original, but rather it is determined by an etymological antecedent some are acute and discerning speakers, out to master the language they speak, others hardly give thought at all to learning to speak their language well. Analogously, religions have both acute and discerning observers as well as obtuse and undiscerning observers.

The *Encyclopedia of Religion* entry purports that religious obedience “is accordingly due to an all-embracing law or to the divine will. But even in these cases, where there is clearly a single and absolute source of authority, the obligation of obedience may be expressed on a variety of levels.”<sup>84</sup> Fidelity to God is fundamental to the very fabric of theistic, in particular monotheistic, religions. Nevertheless, as we shall see, definitional characterizations of religious obedience tend to oversimplify and in doing so tend to address the topic with an exclusivist Western bias. Though perhaps inevitable to a degree, it is at once beneficial to acknowledge inclination, prejudice, and misconception. In what follows, the present study shall sketch various articulations of obedience as it regards organized religion. Privileged at-

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<sup>82</sup> As a parenthesis, there exist atheistic sects of Buddhism in which remnants of obedience exist, such as the demonstration of honour to elders in bowing. Filial piety is also an essential value to cultures in which Buddhism thrives today. There is a connection, however trivial it may seem. Meanwhile, the theistic sect of Christian Science founded by Mary Baker Eddy, which is marked by an absolute negation of human authority, is absent clergy. All faithful are equal. Still they all bow to a single transcendent authority in God. And its observers conduct themselves in the manner accorded by their tradition and in particular their sacred book *Science and Health*, thus the direct, authoritative instruction of Mary Baker Eddy herself. Also, Christian Science was developed in reaction to what they viewed as the oppressive belief in scientism and scientific determinism, which they viewed as an excessive reliance on the authority of human reasoning as opposed to faith in God. Members are thus called to surrender to the illusion of material reality.

<sup>83</sup> For insight into the language employed in Islam, see: Bernard Lewis, *The Political Language of Islam* (The University of Chicago Press, 1991).

<sup>84</sup> ‘Obedience’ from *Encyclopedia of Religion*, New York 2001-2006.

tention shall be granted to the Judeo-Christian Scriptures and tradition and especially regular religious life in the Middle Ages as it is most pertinent to the aims of the research at hand.

### *World Religions*

Fixed characterisations of religious obedience prove illusive, as the religious phenomenon is more complex than in other contexts. The exigencies of a religion can have consequences in all realms of human life, from the familial to the political, from the social to the cosmic. Even Atheistic religions feature an obedience component. As in other contexts, religiously reinforced structures enable the maintenance of order, pedagogical communication, and the transmission of identity-forming content. Brief mention has already been made as to the Confucian insistence upon societal obedience and predefined structures with regard to state and familial roles. Indeed, world religions tend to uphold and perpetuate a patriarchal social and familial order. Performative obedience suggests a patriarchy, as many forms of Buddhism (both atheistic and theistic) emphasise patriarchal structures, whereby even the most advanced female cleric must bow to male monks.

Nevertheless, the problem of religious obedience comes to a head when certain obedience-demands conflict. Again, the simplicity of definitional characterisation apropos religious obedience undergoes a challenge upon examination of competing principles and values. The instance of Hinduism shall suffice to illustrate the elasticity and therefore intrinsically problematic nature of defining obedience in an academic context and regarding discernment in a religion. The Hindu religion enjoins all people to the *Laws of Manu* and demands obedience to its injunctions. Yet individual obedience to a guru or corporate obedience to the rules of a sect, religious establishment, or maṭha may override the *Laws of Manu* in terms of importance.<sup>85</sup> Some have appealed to change over time in order to relegate seemingly conflicting values within the Hindu system, such that “The *dharma* appropriate to one age ... may not be appropriate to another.”<sup>86</sup> In a general sense, phenomena commonly associated with obedience in religion include, but are not limited to, the areas of tension between master and disciple, ritual and leisure, order and flexibility, community and individual, ‘spirit’ and ‘law’ or rigorist and laxist interpretations, and spiritual surrender and individual discernment.<sup>87</sup>

With the monotheistic religions obedience finds a unique expression, whereby the monotheisms are rooted perennially and universally in the obedience to the supreme authority of God and call their followers to the immanent, daily, and at times scrupulous fulfilment of

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<sup>85</sup> ‘Obedience,’ *Encyclopedia of Religion*

<sup>86</sup> ‘Obedience,’ *Encyclopedia of Religion*

<sup>87</sup> ‘Obedience,’ *Encyclopedia of Religion*



the divine will. Monotheistic belief has influenced human history in ways unique and irreversible, likely due to the characteristic dialectics operational between transcendence and immanence. God's will is at stake in monotheistic structures of obedience, in that, as is less often the case in political obedience, mediation of the divine will legitimises obedience to human authorities or normative structures. Formative is the Old Testament insistence upon obedience to certain humans as mediators of the will of JHWH. The potent cultural impact of the three monotheisms is due at least in part to both the incomparable notions of revelation and prophecy, which at times beget extremism, and the insistence upon immanent, institutional presence, which governs and ensures equilibrium in terms of mediating passion and maintaining order.

Overestimation of monotheistic influence is difficult. In fact, it is from the human obedience to supernatural forces that Atheistic philosophies such as Marxism seek emancipation. Judaism, Christianity, and Islam, the three great monotheistic religions, which are incidentally also Abrahamic religions, each ground and sustain their tenets and faith in the notion that created entities must obey the Creator God. The religion of Islam,<sup>88</sup> for instance, though divided into present-day sects, calls its followers to complete submission or "surrender" to the will of God, a surrender channelled into the waxing and waning of daily activity and involved in prayer, work, dress, dining, charity, and praise.<sup>89</sup> The Islamic view of obedience is one, which embraces the view of God as final, transcendent end and extends it into the quotidian life of those who belong to its tradition.<sup>90</sup>

### *Judeo-Christian Scriptures and Tradition*

The ancestry of Western views of obedience, comprising that of Islam, lay not only in the reflections of Hellenism, but also and perhaps primarily in the Judeo-Christian tradition. As mentioned above, the Hellenistic concept of obedience was of a more alethic character by way of a direct link to intellect, truth, and ultimate nature. That of the great monotheisms, without excluding their alethic dimension, prefers rather a more auricular concept (Lt. *auris*, ear), which results from an intimate, relational theology and anthropology. Such is particular-

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<sup>88</sup> Pertinent verses for an Islamic understanding of obedience are found in Qur'an 4/59, 8/46, etc. For an introduction to the principles of the Islamic religion, see: Muhammad Hamidullah, *Introduction to Islam* (Centre Culturel Islamique, 1979) & Fethullah Gulen, *Essentials of The Islamic Faith* (Tughra Books, 2001). For a Sufi mystical reading of obedience in Islamic perspective, see: Shaykh Muhammad Hisham Kabbani, *The Heavenly Power of Divine Obedience and Gratitude*, 2 Vols. (Islamic Supreme Council of America, 2012 & 2013).

<sup>89</sup> On the matter, see: Seyyed Hossein Nasr, *Traditional Islam in the Modern World* (K. Paul International, 1990).

<sup>90</sup> Obedience from *Encyclopedia of Religion*. 2001-2006 by Macmillan Reference USA. For more on the day-to-day realities of living out obedience according to the Qur'an, see: Johannes Twardella, 'Autonomie, Gehorsam und Bewahrung im Koran. Ein soziologischer Beitrag zum Religionsvergleich (Hildesheim 1999)', *Theologische Literaturzeitung* 125 (2000), 998-1000.

ly the case in the traditions of sacred scripture. The previously discussed etymological stems made brief mention of the Hebrew שמע or *šām'a*, to listen, of typical usage in Jewish scripture. Nevertheless, the polyvalent modes of semantic expression employed in the Jewish scriptures and especially the Pentateuch give way to a broad field of terminology to describe Israel's relationship with JHWH, in spirit and in act. Israel was instructed to and not infrequently did listen to the voice and to the words of JHWH,<sup>91</sup> answer Him,<sup>92</sup> keep His words<sup>93</sup> and do His will.<sup>94</sup>

The initial principles of Jewish obedience derive from the Decalogue, but legalistic adherence and rigor do not constitute a comprehensive view of Jewish obedience. The Jewish conception of obedience – at least in sources of Palestinian origin – and in particular that of Second Temple Judaism, rests upon what modern scholars have deemed covenantal nomism,<sup>95</sup> a personal call-and-response type of relationality between Israel and their God comprised of an intrinsic link between the accomplishment of God's commandments and the love both of and for God.<sup>96</sup> In such an interpretive lens, obedience to the Torah is understood as a response to God's initiative in the covenant and precisely not a merit-based theology. That is to say, Jewish theology has shown itself less one of merit conferred by formal, legal obedience than of loving alignment with the will of JHWH.<sup>97</sup> The self-abasement toward their God also took on a ceremonial dimension in centred on spatial praxis at the holy site of the temple.<sup>98</sup> Likely the most well-known and at once the most enigmatic story of obedience in the OT is that of Abraham and his son Isaac, the quizzical meaning of which scholars of all backgrounds and perspectives continue to debate in modern-day settings.<sup>99</sup>

<sup>91</sup> Cf. Gen. 22,18; Ex. 5,2 & 23,22; Lev. 26,14; Deut. 26,14

<sup>92</sup> Cf. Ex. 10,3

<sup>93</sup> Cf. Deut. 6,3

<sup>94</sup> Cf. Ps. 40,9

<sup>95</sup> For E. P. Sanders's groundbreaking study, see: *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Fortress Press, 1977). An apt summation of the New Perspective on Paul and Second Temple Judaism, which Sanders' study sparked, see: M. B. Thompson, *The New Perspective on Paul*, Grove Biblical Series (Cambridge: Grove Books, 2002). Sanders' thesis finds acclaim and clarification in: J. D. G. Dunn, 'Romans,' in *Word Biblical Commentary* 38 a, b. 2 vols. (Dallas: Word, 1988), 1.lxv; Idem. *The Theology of Paul the Apostle* (Grand Rapids: Eerdmans, 1998), 335-40; and Wright, *What Saint Paul Really Said: Was Paul of Tarsus the Real Founder of Christianity?* (Grand Rapids: Eerdmans, 1997), 18-19. For critical responses to Sanders, see the articles in: D. A. Carson, Peter T. O'Brien, and Mark A. Seifrid, eds., *Justification and Variegated Nomism*. Vol. I. *The Complexities of Second Temple Judaism*. Grand Rapids: Baker, 2001.

<sup>96</sup> M. Theobald, 'Gehorsam, I. Biblisch-theologisch,' in: Walter Kasper, Konrad Baumgartner, Horst Bürkle (et al.) *Lexikon für Theologie und Kirche*, 358. Cf. Deut. 6,4 ff.

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<sup>98</sup> On Second Temple Judaism and rituals of self-abasement, see: 'Der Festkalender des 2. Tempels,' in Max Küchler, Christoph Uehlinger, and Othmar Keel (eds.), *Orte und Landschaften der Bibel. Ein Handbuch und Studienreiseführer zur Heiligen Stadt*, 1045-6.

<sup>99</sup> Minorite authors struggle with the matter in the *Summa Minorum*. See ch. 3 of this dissertation. A particularly interesting interpretation of the Abraham and Isaac account is developed in Søren Kierkegaard's

As mentioned above, the ancient Greek ὑπακούω, ὑπακοή (in contrast to the more common πείθω of classical Greek) was a frequent Septuagint rendering of עָמַשׁ. As such, it came to bear influence upon koine Greek usage in the New Testament, for as good Jews, with the exception of Luke, who was a gentile, the authors of the NT were familiar with the Jewish scriptures. In addition, scholars have suggested that covenantal nomism was of palpable influence in the life and works of first-century Palestinian Jew Saul of Tarsus, later Paul the Apostle, whose writings are among the earliest surviving texts in the Christian canon. Both are fitting, as Christianity claims legitimate continuity with the Jewish tradition. Whereas the Pauline sense of faith is perhaps slightly more comprehensive and denotes total trust in God,<sup>100</sup> in the traditional Hebrew sense, faith centres on obedience to God's law, which is taken up in the *Regula Benedicti's* couplet *fide et observantia bonorum actuum*.<sup>101</sup> Not surprisingly, the letters of Paul present a predominantly Christo-centric vision of obedience, which asserts the salvific value of Christ's voluntary slavery to God the Father in submission to the Cross.<sup>102</sup> For Paul, the journey of following Christ begins and is sustained in obedience. Faith itself takes on structure in the obedience to, that is the hearing or receiving of, Jesus Christ, the Gospel, the Word of God.<sup>103</sup> In response to Christ, all in turn are called to make a sacrifice of themselves unto the glory of God and to be slaves of God,<sup>104</sup> whereby Paul establishes a fundamental dilemma in the drama of salvation. He presents a dichotomy between obedience to two couplets: law-sin and grace-righteousness. The former path leads to death, the latter to life. Formative in the Western monastic tradition was Paul's avowal that fathers be obeyed without condition, for from their mouths comes the word of God. Parallel to OT notions, the Gospels characterise obedience as listening, heeding, and doing the will of God in general and the words and deeds of Jesus in particular.<sup>105</sup> Not unimportant for the present study, the Gospels also emphasise obedience of demons and the cosmic elements to the will of Jesus.<sup>106</sup>

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(1813–1855) *Fear and Trembling* wherein he claims that Abraham's decision to follow-through with the divine order was justified based upon a teleological suspension of the ethical, that is, a suspension of moral norms in view of a higher end, which is to say obedience to the direct command of God. See: *Fear and Trembling in Kierkegaard's Writings*, vol. 6, trans. and ed. Howard V. Hong and Edna H. Hong (New Jersey: Princeton University Press, 1983), 1-124.

<sup>100</sup> On Paul's conception of obedience in relation to faith, see: Don Garlington, 'The Obedience of Faith': A Pauline Phrase in Historical Context, *Wissenschaftliche Untersuchungen zum Neuen Testament 2/38* (Tuebingen: Mohr-Siebeck, 1991).

<sup>101</sup> Terrence G. Kardong, *Benedict's Rule: A Translation and Commentary* (Liturgical Press, 1996), 15.

<sup>102</sup> ,Gehorsam, I. Biblisch-theologisch, ' 359. Cf. Phil. 2,7ff.; Heb. 5,8; Rom. 5,19.

<sup>103</sup> ,Gehorsam, I. Biblisch-theologisch, ' 359. Cf. Rom. 1,5 & 10,14 & 16,26; 2 Cor. 7,15 & 10,5 ff.; 2 Thess. 1,8; Heb. 11,8

<sup>104</sup> Cf. Rom 6,16ff.

<sup>105</sup> ,Gehorsam, I. Biblisch-theologisch, ' 358. Cf. Mt. 7,24; Mt. 23,2ff.; Mk 4,3 & 9,7; Lk. 11,28

<sup>106</sup> ,Gehorsam, I. Biblisch-theologisch, ' 358.

Verses in the first epistle of Peter evocative of mutual obedience also had considerable echo in early monasticism.<sup>107</sup>

From late antiquity up into the medieval and early modern periods, proponents of the monotheistic religions proposed theological reflections and advanced deeper, more elaborate conceptions of obedience in their respective traditions. Some enhanced the philosophical, alethic dimension of obedience by the production of intellectual culture and doctrinal reflection, while others preferred to approach the question as a pragmatic matter. A few brief examples from the Christian tradition, which would otherwise not have appeared in the study and without which the tradition would be unthinkable, are noteworthy. Five notable figures offered thoughtful reflections with regard to Christian obedience, which elaborated upon the scriptural tradition and often did so in innovative ways. Justin Martyr envisioned a philosophical stance in which the λόγος of Hellenism was in actuality the Word of God, Jesus Christ, whom Christians have a duty to obey not only in an auricular sense but also with their intellect in obedience to the eternal Truth of Christ. In his letter to the Romans (Rm 2), Paul had briefly underscored obedience to the truth of the Gospel, but Justin brought a newfound emphasis to bear on the alethic dimension of obedience. Philosophy, Justin argued, is not at all antithetical to Christian faith; rather, it is an integral part thereof. Augustine of Hippo understood obedience as fundamental to proper Christian life and to the garnering of human spiritual nature. By grounding obedience in human nature and the submission of the will to God, he proposed obedience as the “mother and guardian of all virtues.”<sup>108</sup> Thomas Aquinas’ contribution to the obedience debate was a synthetic treatment, which analysed the issue from a number of perspectives. In a monastic context, he postulated that obedience was one of the essentials for the perfection of religious life.<sup>109</sup> While Aquinas also insisted upon the alethic, doctrinal dimension of obedience, he considered the virtue of obedience in a more general sense to be a subset of the cardinal virtue of justice, which in the Thomistic-Dominican system favours proper behaviour and the promotion of order in the world over the protection and cultivation of spiritual

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<sup>107</sup> Cf. 1 Pt 1, 14-15 & 1, 22. S. On the Biblical matter, see: G. Bruni, *La comunità primitiva nella prima lettera di Pietro*, *Servitium* 7 (1973): 278-286. B. Schwank, *Prima lettera di Pietro* (Roma: Città Nuova, 1974) & C. Frederick, *The Theme of Obedience in the First Epistle of Peter*, unpublished dissertation, Duke University, 1975. On its monastic echo, see among the many available resources: M. Galloni, ‘Obbedienza e libertà nei primordi del Monachesimo,’ *Oriente Cristiano* 19 (1979): ns. 1-2, 8-39; n. 3, 32-55 & S. Frank, ‘Gehorsam und Freiheit in frühen Mönchtum,’ *RQAK* 64 (1969): 234-245.

<sup>108</sup> “By the precept He gave, God commended obedience, which is, in a sort, the mother and guardian of all the virtues in the rational creature, which was so created that submission is advantageous to it, while the fulfillment of its own will in preference to the Creator’s is destruction” (*City of God*, XIV, 12).

<sup>109</sup> Thomas Aquinas, *Summa theologiae*, 2-2, q. 186, art. 5. *Imperio autem et alterius instructioni subicitur homo per obedientiam. Et ideo obedientia requiritur ad religionis perfectionem*. Regarding the question of whether disobedience belonged among the mortal sins and the distinction of formal and material disobedience, see: *Summa theol.* II-II, 105

virtues. The Dominican approach to obedience was of a comparatively rational, pragmatic nature,<sup>110</sup> and Aquinas' thought reflects such a reality.

Two radically contrasting views appeared from the morphing collective consciousness and resultant turmoil of the early modern era. Martin Luther argued with diligence and vehemence in works such as *Themata de votis* and *De votis monasticis iudicium* (1521) that the vows proper to religious life are dangerous as they have the potential to hinder the freedom of Gospel living. Vows were to be broken under pain of sin if not inspired in full by genuine faith. God-less vows, he asserted, must be broken out of obedience to God.<sup>111</sup> On the other end of the spectrum, Ignatius of Loyola, Catholic saint and founder of the Society of Jesus, espoused and institutionalised a unique, almost ultra-Catholic concept, which shall appear again further on in the study, which is to say, cadaver obedience. Along with the supplementary fourth vow of papal obedience enshrined in the Jesuit *Constitutions*, Ignatius' notion implied that the obedience of the true follower of Christ was one of complete and utter surrender, that the individual subject might resign his will in limitless deference to superiors.<sup>112</sup>

### *Medieval Religious Life in the West*

Obedience was of fundamental value for nearly all forms of regular religious life in the Middle Ages. As a fundamental Christian duty, obedience is ultimately due to God, at both an individual and collective level. As laid out above, the experience of revelation and divine mandate in the scriptures constitutes the foundational *locus* of such obedience. However, in the Catholic as in many religious traditions, there are mediators of God's will, be they personal or impersonal, which deign reverence and beseech deference. Religious life requires an even more exceptional vocation to obedience, one which is conceptualised neither directly by biblical texts nor simply by the example of Jesus Christ. It is rather housed within a specific

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<sup>110</sup> G. Melville, 'Die Rechtsordnung der Dominikaner in der Spanne von constituciones und admoniciones,' in: R. H. Helmholz, P. Mikat, J. Müller, M. Stolleis, (eds.), *Grundlagen des Rechts. Festschrift für Peter Landau zum 65. Geburtstag*. Paderborn, et al.: 2000, 579 – 604; Idem., 'Gehorsam und Ungehorsam als Verhaltensformen,' in: S. Barret, G. Melville (eds.), *Oboedientia. Zu Formen und Grenzen von Macht und Unterordnung im mittelalterlichen Religiosentum*. Münster, Westf.: 2005, 181-204; & Idem., 'Systemrationalität und der dominikanische Erfolg im Mittelalter,' in: A. Hahn, G. Melville, W. Röcke, (eds.), *Norm und Krise von Kommunikation - Inszenierungen literarischer und sozialer Interaktion im Mittelalter*. Berlin: 2006, 157-171.

<sup>111</sup> Bernhard Lohse, *Luthers Theologie in Ihrer historischen Entwicklung und in Ihrem Systematischen Zusammenhang* (Goettingen: Vandenhoeck & Ruprecht, 1995), 157-160. For Luther's polemical works on the vows, see: D. Martin Luthers Werke: Kritische Gesamtausgabe. Weimar: Herman Böhlau 1889, vol. 8. *Themata de votis*: 313-35 and *De votis monasticis iudicium*: 564-669.

<sup>112</sup> On the Ignatian conception of obedience, see: Mirjam Kovac, *L'orizzonte dell'obbedienza religiosa. Ricerca teologico-canonica*, Tesi gregoriana. Serie Diritto Canonico 5, Roma, 1996, 25-30; T. O'Gormann, *Jesuit Obedience from Life to Law: The Development of the ignatian Idea of Obedience in the Jesuit Constitutions 1539-1556* (Manila, 1971); K. Rahner, 'Eine ignatianische Grundhaltung. Marginalien über den Gehorsam,' *Stimmen der Zeit* 158 (1956): 253-267; & the contributions in *Jesuiten* 2008/3.

theological framework, often contained in the form of a written rule, which dictates norms of obedience, or authorities, and the subject's ideal relationship to those authorities. Obedience thus is the key to unlocking religious ethos as it determines the social, theological, and spiritual matrix in monastery, order, church, and world.

Many factors, both external and internal, conditioned and formed obedience in regular religious life. Chief among such factors were the monastic self-identification in relation to secular rule, the church at large, and eremitism. Additionally, the 11<sup>th</sup> and 12<sup>th</sup> centuries witnessed the oft-mentioned evangelical renewal and crisis of Western monasticism and constituted major paradigm shifts. John MILBANK offers a compelling insight that links the rise of Western monasticism to rule in the Christian and secular minds of the period.<sup>113</sup> The rising movement of Western monasticism emerged with the driving wish to obtain salvation by renunciation of the world, *fuga mundi*.

The action of leaving the world entailed renouncing the ways of the world, chief among which were the immanent powers of worldly rule. In such a vision, the oft-cited Gospel injunction to despise father and mother, wife and child signifies the rejection of worldly structures, and the considerable monastic embracing of obedience correlates to such renunciation. Indeed, the drama of power and authority in the Church at large often affected Christian views of obedience. It was no different in the emergence of monasticism. As a way to counteract the growing confusion between coercive imperial rule and an ideal ecclesial rule 'exercised without power,' pious groups elected to establish self-sufficient Christian societies in order that they might impel in the name of Christ rather than compel in favour of worldly influence.<sup>114</sup> Thus in the post-Constantine Church, the monastic movement resulted, at least in part, from the impetus to forge a separation between *ecclesia* and *imperium*, to encourage a Christian practice of rule. Numerous Christian authors of late Antiquity, such as Basil the Great, viewed the exercise of political power as a sinful, worldly endeavour.<sup>115</sup> A reject of worldly exercise of power therefore accompanies monastic conceptions of obedience, which exclude any form of force or coercive means of persuasion. Thus, in terms of WARTENBERG's analysis, the monastic conception of obedience is largely paternalist and maternalist in stark contrast to that of secular rulers whose notions primarily allotted for domination and coercion.

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<sup>113</sup> J. Milbank, *Theology and Social Theory: Beyond Secular Reason* (Blackwell Publishing Ltd, 2003), 400-407.

<sup>114</sup> On monastic models of the proper exercise of authority and obedience, see: J.-M. R. Tillard, 'Obéissance,' *DSP XI* (Paris: Beauchesne, 1982), 535-563 and G. Melville, 'Les fondements spirituels et juridiques de l'autorité en la vita religiosa médiévale: approche comparative,' in: *Les personnes d'autorité en milieu régulier. Des origines de la vie régulière au XVIIIe siècle*, 7e Colloque international du CERCOR (Strasbourg, 18-20 juin 2009), Saint-Étienne 2012, 13-25.

<sup>115</sup> *Theology and Social Theory*, 400.

The two-sided parental paradigm of authority in monasticism is epitomised in the resounding consensus of the monastic tradition that a superior ought to love like a mother and correct like a father.<sup>116</sup>

Augustine appears to have understood the sin-laden establishment of slavery post-Eden, and the institution of political power, as virtually one and the same event.<sup>117</sup> Nevertheless, gradually Papal logic and policy began to subordinate the temporal to the spiritual, a practical consequence of which was the legitimation of forcible means of power at the service of spiritual needs. One therefore executed legitimate Christian rule so long as one had the governance of souls in mind. Despite clear semblance to political power structures, leaders could, under the guise of a Christian empire, exert coercive action in the name of loving discipline, of *regimen animarum*, which only served to blur the lines of a truly Christian practice of rulership.<sup>118</sup> Indeed, the changes in monastic mentalities reflect the flux with regard to ecclesial governance and authority in both theory and praxis, whereby one senses that a noted (ab)use of power likely influenced views regarding both the conditions of its legitimacy and perhaps its very theological underpinnings.

While a watershed of obedience concepts arises from the sources, there was also a diversity of expressions and resulting implications. Notable investigations of obedience as a religious vow and a medieval juridical category offer broad panoramas of the myriad approaches to the matter in its various idioms and contribute to the overall contextualisation of the present study.<sup>119</sup> Although obedience in religious life often entailed the freely chosen binding of oneself to a form of life by professing a religious rule in a canonically recognised order in the church, the phenomenon eludes hard and fast definition. Indeed, the interpretation of obedience in all its complexity has a long history. From a strictly juridical-legislative per-

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<sup>116</sup> Of the manifold studies on the matter, see: B Baroffio, 'La paternità spirituale,' in *Benedictina* 28 (1981): 531-543; A. De Vogüé, 'La paternité du Christ dans la Règle de saint Benoît et le Règle du Maître,' *La Vie Spirituelle* 110 (1964): 55-67; & Carolyn Walker Bynum, *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (University of California Press, 1982).

<sup>117</sup> *Theology and Social Theory*, 406.

<sup>118</sup> *Theology and Social Theory*, 407. See also: Peter Brown, *The Rise of Western Christendom: Triumph and Diversity, A.D. 200-1000* (John Wiley & Sons, 2012), 190-215; Yves Congar, *L'ecclésiologie du haut Moyen Âge. De Saint Grégoire le Grand à la désunion entre Byzance et Rome* (Paris, 1968); & Idem., *Études d'ecclésiologie médiévale* (London, 1983).

<sup>119</sup> Indispensable in this regard are the following studies: Catherine Capelle, *Le voeu d'obéissance des origines au XIIIe siècle* (Paris: Librairie Générale de Droit et de Jurisprudence, 1959); Mirjam Kovac, *L'orizzonte dell'obbedienza religiosa. Ricerca teologico-canonica, Tesi gregoriana. Serie Diritto Canonico 5*, Roma, 1996; & Maria Sole Testuzza, *Tra cielo e terra. I congegni dell'obbedienza medievale*, Università di Catania, Nuova Serie 242 (Turin: G. Giappichelli Editore, 2011).

spective, especially post-Gregorian reform,<sup>120</sup> obedience was an ecclesiological question as the religious order is an *ecclesia minor* subordinated to the *ecclesia maior*, the Apostolic See in Rome. In addition, whereas rules, restrictions, and strictly delineated hierarchies tended to increase in all facets of life during that period in church history, the Canonist tradition also assimilated the etymology of the term *obedientia* with emphasis upon its auditory component. The canonists stressed the moral relationality of *obedire* and the spiritual interiority, which brought about its externalisation in act. As Maria Sole TESTUZZA astutely notes, the relation they envisioned was not solely based upon “una dipendenza *statica (famulatus et subiectio)*, prestabilita dall’ordine sociale, difficilmente modificabile perché cristallizzata in forme permanenti e istituzionali, ma su uno scambio garantito dalla ‘libertà’ delle parti coinvolte più che dalla loro mera soggezione.”<sup>121</sup>

Not unlike other traditions, the essence of the religious virtue of obedience in the Christian tradition is the renunciation of self, the denial of one’s own will, and adherence to the will of God. Obedience to God and superior surfaced as the keystone of religious life. Nonetheless, the multitudinous forms of *vita religiosa*, which emerged over the religious landscape of late Ancient and Medieval Christianity each generated their own articulation of obedience. In an endeavour to specify the obedience intrinsic to each idiom of religious life, a brief survey of convergences and divergences between eremitism and coenobitism shall help to identify primary typifying characteristics with reference to obedience and its structures. Eremitism, the primordial form of Christian *vita religiosa*, originated as a movement in the 3<sup>rd</sup> and 4<sup>th</sup> centuries C.E. Consisting often in a remote settlement of celled off, isolated individuals, eremitical religious life demanded preeminent obedience to the Spirit of God. Contrary to common misconceptions, however, many eremitical communities were not without a master-disciple relationship. Beginner hermits were bound to obey a superior, but the superior had a decisive role as authority only for the liminal period of initiation. Posterior to the initial period of assimilation into the life of the group, the hermit was deemed suitable to discern and live out the will of God on their own.

As such, the structures of obedience characteristic of eremitical life was of a comparatively maternalist character, by WARTENBERG’s theory, in that the master-disciple relationship empowered the subordinate agent to relative independence of conscience and was thereby self-transcending. In addition, under such a model, obedience carried not only a didactic

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<sup>120</sup> Prior to the Gregorian reform, religious orders were more or less self-subsistent entities in the form of congregations or *ecclesiae*. The Council of Chalcedon decreed that monasteries and their abbots were under the jurisdiction of the presiding bishop.

<sup>121</sup> Testuzza, *Tra cielo e terra*, 16.



value, but also a highly ascetic value, whereby the act of obeying was in itself sufficient for the renunciation of will and was thus salvific in nature. Of perhaps secondary importance, hermits were also often held to mutual responsibility and obedience, one to another. According to the eremitical model, the superior's command was to be obeyed even if illogical and regardless of content as the ascetic value of submitting the will was of utmost importance. The sayings of the Desert Fathers recount the famous anecdote of Poemen, who commanded a religious postulant to throw his child into the river.<sup>122</sup> At his command, the novice obeyed and went to carry out the order, and the master then demanded intercession of the act. The motif harkens to Abraham's radical gesture of faith in agreeing to sacrifice his son as God had ordered. In the primitive forms of monastic life, which were usually anchoritic or semi-anchoritic, the role of the superior was thus absolute with regard to demand, but temporary with regard to jurisdiction.

Conversely, coenobitism and in particular Western monasticism (*RegMag*, *RegBen*) exhibited a largely more paternalist, abbot-centric structure of obedience, whereby the superior, often deemed master or prior, played a decisive role as an authority not only for an initial period, but also during the entire life of the monk. The superior's was thus a permanent and therefore paternalist presence in the life of the monk (indeed Abbot derives from *Abba*, or father). The coenobitic model also viewed obedience as an instrument of salvation, but one that necessitated the perennial role of the superior. In addition to *Abba*, a symbol commonly evoked for the superior was *vicarius Christi*,<sup>123</sup> confirming the divine origin of the superior's authority. While rules of early monasticism were of vastly pragmatic, organisational value (Cassianus, Pachomius), other coenobitic rules (Augustine, Basilian) espoused a comparatively horizontal, fraternal model of monastic obedience, which exhibited commonalities with communal eremitical life.<sup>124</sup> While the influence of Eastern monastic rules upon *Regula Benedicti* is evident and has been analysed with precision, from the 8<sup>th</sup> and 9<sup>th</sup> centuries up until the reform movements the absolute obedience due to the abbot typical of the Benedictine model dominated the Western monastic paradigm. It may perhaps be that total obedience to

<sup>122</sup> Luciana Mortari (ed.), *Vita e detti dei Padri del deserto* (Città Nuova, 1999), 449. Cf. F. Felten, 'Herrschaft des Abtes.'

<sup>123</sup> For studies on the concept and its development, see: H. Bacht, 'Der Abt als Stellvertreter Christi. Die Stellung des Abtes im christlichen Altertum im Lichte neuerer Forschung,' in: *Scholastik* 39 (1964), 402-407; A. De Vogüé, 'L'abbé, vicaire du Christ, chez saint Benoît et chez le Maître,' in: *Collectanea Cisterciensia* 44 (1982), pp 89-100; & G.M. Colombas, 'El Abad, Vicario de Cristo. Commentario critico de RB 2, 2-3,' *Hacia una relectura de la Regla de san Benito. XVII semana de Estudios Monasticos = Studia Silensia* 6, Silos 1980, 89-104. For a study of the title, which was employed exclusively for the Roman Pontiff in the time of the early Minorites, see: M. Maccarone, '*Vicarius Christi*', *Storia del titolo papale*, Roma 1953. Cf. Felten, 'Herrschaft des Abtes.'

<sup>124</sup> Felten, 'Herrschaft des Abtes,' 172-173.

prior/abbot is a typifying feature of the *ordo antiquus* model, whereas *ordines novi* tended to support institutional measures protecting against improper rule and obedience. Further analysis would take the current state of research to the next stage.

In nearly all occasions, even the *Regula Benedicti*, obedience was linked closely with other virtues, chief among which were *humilitas* and *caritas*. Religious life called monks to consider themselves as lowly (*humus*) and to exercise mutual obedience, assuming responsibility one for the other in a spirit of fraternal love. Nonetheless, the unequivocal vertical, hierarchical dimension of obedience occupies a more pronounced place in Western monasticism, whereby spiritual counsel and theological principle are transmitted through a master-disciple relationship. The etymology discussed above relates that the first definition of the Latin *oboedio*, *-ire* is “to listen or pay attention to;” hence, the etymological root of *oboedio*, *-ire* in *ob-audio*, *-ire*. Only in the second definition do we find “to obey or submit to.” The *Regula Benedicti* therefore epitomises monastic obedience with its opening word “*Absculta*,” listen. The superior thus seeks to cultivate in the disciple an inner disposition of attentiveness and submissiveness to the Spirit of God, which brings about right living.

Both in Church and society, attitudes toward authority were shifting during the course of the 11<sup>th</sup> and 12<sup>th</sup> centuries<sup>125</sup> with an obvious exception in the military orders whose feudalistic conceptions of authority and obedience would remain lively.<sup>126</sup> The shifts in attitude offered both historical precedence and context for the milieu in which the Minorite order had its genesis and early development. A particularly acute instance in which burgeoning ideas on religious life clashed with the prevailing orthodox conceptions and the ecclesiastical order that they upheld occurred in the case of the Waldensians, a charismatic movement with a radical assertion that obedience to divine inspiration and direct interpretation of the Scriptures overrode obedience due to the Church hierarchy.<sup>127</sup> By their conception, it was the goodness of the prelate, rather than the legitimacy of a given order, that most counted in the discern-

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<sup>125</sup> Norman F. Cantor, ‘The Crisis of Western Monasticism, 1050-1130,’ *The American Historical Review* Vol. 66, N. 1 (1960): 47-67; Ernest W. McDonnell, ‘The Vita apostolica: Diversity or Dissent,’ *Church History* 24 (1955): 15-31; Giles Constable, ‘The Authority of Superiors in Religious Communities,’ in: *Monks, hermits and crusaders in Medieval Europe*, Giles Constable (ed.) (London, 1988), 189-210; & Franz Felten, ‘Herrschaft des Abtes,’ in: *Herrschaft und Kirche. Beiträge zur Entstehung und Wirkungsweise episkopaler und monastischer Organisationsformen*, Friedrich Prinz (ed.) (Stuttgart, 1988), 147-296.

<sup>126</sup> Such a principle is exemplified in the instance of the Spanish military orders. See: Enrique Rodríguez-Picavea Matilla, ‘Die spanischen Ritterorden im Mittelalter,’ in: Feliciano Novoa Portela and Carlos de Ayala Martínez (eds.), *Ritterorden im Mittelalter* (Konrad Theiss Verlag, Stuttgart 2006), 109-16.

<sup>127</sup> The movement clashed with the Church on a number of issues, chief among which was the authorisation to preach, a ramification of their view on the matter of obedience. See: *Mansi*, vol. XXII, p. 477 and *EFV*, pp. 46, 59-62, 70-78, 122, and 132.

ment of an order's legitimacy.<sup>128</sup> A slew of anti-heretical literature arose in response to the movement's claims, which bear explicit significance on the issue of the justification and limits of obedience and in particular the case of the early Minorites.

Three main arguments surfaced in reply to the movement and reflect a basic reservoir of orthodox conceptions vis-à-vis obedience at least in the Christian West. Most expectedly, an authoritarian argument found its place in anti-Waldensian literature and held to the contention that the need for obedience arises from the divine sanction backing the authority of the hierarchy.<sup>129</sup> An argument of a more theological character then refuted the Luke-Acts verse which states that God must be obeyed more than man (Acts 5, 29)<sup>130</sup> and claimed on the basis of divine vicarage that in obeying a superior's good order one also obeys God.<sup>131</sup> A slightly more sociological perspective based its argument on a fundamental need at all levels of society for direction under a governing authority.<sup>132</sup>

In the course of the 11<sup>th</sup> and 12<sup>th</sup> centuries, a phenomenon occurred parallel to and in conjunction with the above mentioned shift, which scholars have called the crisis of Western monasticism. Here, a paradigm shift took place vis-à-vis coenobitic conceptions of obedience. While the classical Ambrosian distinction between *praecepta*, regulations for all the faithful, and *concilia*, those suited for religious had long been sustained, reflections upon the core meaning and duties of religious life and the specific call to perfection it entails began to crystallise and produce a novel formulation, which would become widely influential; that of the three Evangelical councils: poverty, chastity, and obedience.<sup>133</sup> The formula would, however,

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<sup>128</sup> A classic example of a contrasting view in reaction to the Waldensians is found in a sermon on obedience by the Spanish Canon Regular Martin of León (ca. 1125-1203). He writes, *Esto obediens malis praelatis in bonis praeceptis, et cave ne obedias bonis in iussionibus malis*. Sermo V, *De obedientia* (ed. PL 209), 106b.

<sup>129</sup> The twelfth-century Premonstratensian abbot Bernard of Fontcaude (d. ca. 1192) offers a representative example in his *Liber contra Waldenses* (ed. PL 204), p. 818c-d. He states: *Deo quippe non obedire ex eo constat, quia non obediunt, quibus Dominus iussit obediri, scilicet qui sedent super cathedra Moysi, id est episcopis et sacerdotibus, qui locum Moysi tenent, dum populo Dei praesunt, regunt et Dei praecepta docent, ac perversos corripunt*.

<sup>130</sup> *respondens autem Petrus et apostoli dixerunt oboedire oportet Deo magis quam hominibus*.

<sup>131</sup> Alani de Insulis, *Contra haereticos, Libri Quatuor* (ed. PL 210), c. IV, p. 381. He writes: *Petrus autem et Joannes, per hoc quod dicunt potius esse obediendum Deo praecipienti quam hominibus, non negant homini esse obediendum, sed potius Deo quam homini. Homini tamen nunquam est obediendum in malis, sed tantum in bonis: et in hoc quod quia obedit homini in bono, obedit Deo*.

<sup>132</sup> Again, Bernard of Fontcaude serves to substantiate the case with his *Liber contra Waldenses* (ed. PL 204), p. 818d-819a. Here he argues: *Ex his certissime apparet, pranominatos haereticos nec Deo, nec apostolis obedire. Quidam vero in reprobum sensum traditi, hominibus perfidis, ut haeresiarchis obediunt, contemptis pastoribus Catholicis. Alii, quasi oves sine pastore, nullius obedientiae subiaceat, quod lex Dei vocat 'filius Belial' (III Reg. XXI), hoc est absque iugo.... Nam et grex sine pastore perit et exercitus sine duce, et urbs sine domino, et regio sine rectore dissipatur, sicut scriptum est: 'Ubi non est gubernator, corruit populos' (Prov. XI)*.

<sup>133</sup> Gert Melville, *Die Welt der mittelalterlichen Klöster: Geschichte und Lebensformen* (München: C.H.Beck 2012), 271-2.

not be institutionalised until the 13th century. In addition, not only monastic circles, but also society at large witnessed the unstifling trend of general dispute or disbelief with regard to the divine origin of all power and, therefore, its absolute value. As such, positions of authority assumed less the quality of a categorical office, and more that of a role, which had to be fulfilled in order to attain some kind of perceived legitimacy. A related tendency observable in monastic literature of the period is that, although the age-old adage *sub regula vel abbate* and the idea of the abbot as the ‘living rule’ survived in some form, the monastic rule had become the principal object component of obedience more so than the abbot.<sup>134</sup>

Since the superior was subject to the rule and the legitimacy of his deeds and words, indeed his term as a whole, were to a certain extent bound to and measured by their content in relation to the rule, the genuine norm of obedience in the community was none other than the rule. Within the parameters of the growing paradigm, the superior’s command was to be obeyed with certain marginal limits dictated by content of the rule, to which even the superior was subject. Western monasticism began to incorporate that which had already been present for instance in the rule of Basil the Great, which is to say, the right to refute a superior’s command if obeying it would cause one to transgress the content of the Gospel or the rule. In effect, the foundation of obedience had become spiritual benefit rather than community rank. A marked shift occurs wherein *minister* and similar titles began to replace more traditional titles, such as superior, prelate, or abbot.<sup>135</sup> Extant abbot profession texts even described the abbot’s responsibility to the community, framing the discourse in the parlance of obedience. In terms of obedience and the Church institution, the Gregorian reform had also generated and spread a construct, which equated faith with faithfulness to the Roman Church, or ecclesial obedience.

Additionally, much of the alteration in views on authority and responsibility were due to an element of the wide-ranging cultural shift, which has been deemed the renaissance or reformation of the twelfth century,<sup>136</sup> namely the rediscovery of the individual, in particular the role of the conscience, as signalled in theological thought, praxis, and mentality. Conscience, in the sense of the Latin *conscientia*, denotes self-reflective capacity in the human

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<sup>134</sup> There was a great deal of ink spilled in the period to set forth the idea that the abbot has limited power and is indeed subject to the rule. Cf. Martin of León (PL 209, 102), Bernard of Clairvaux (PL 182, 871-2), Hugh of Saint –Victor (PL 176, 920), and canon 12 of the Council of Paris (1212) in Johannes D. Mansi, *Sacrorum Conciliorum: Nova et Amplissima Collectio*. Vol 22 (1166-1225). (Venice: Antonium Zatta, 1778), 829.

<sup>135</sup> New religious rules of the twelfth century referred to superiors as ministers, such as those of the Memorial of Penitents (1221-1228) (*Memoriale*, reprinted in G. G. Meersseman, *Ordo Fraternalitatis*, Vol. 1 (Rome: Herder Ed., 1977), 394) and the Trinitarians (PL 214, 445-6).

<sup>136</sup> C. H. Haskins, *The Renaissance of the Twelfth Century*, (Cambridge, 1927) and G. Constable, *The Reformation of the Twelfth Century* (Cambridge, 1996).

subject of a spiritual or moral nature, which is not to be confused with the sort of ontological self-reflective act that one may call consciousness or self-consciousness, though the two historically are intimately linked, one with the other.<sup>137</sup> It must be noted, however, that monastic sources view conscience not as a cognitive capacity but as a faculty of the soul linked with the heart that regards the spiritual and ethical.<sup>138</sup> The growing separation between *forum internum*, the sphere of conscience, and *forum externum*, the juridical sphere, in canon law and ecclesial praxis contributed to the reconstruction of the individual and the recognition of the conscience as an autonomous capacity to be respected. As J. CHIFFOLEAU argues, from the time of the directives of Lateran IV and into the following decades and centuries of the Middle Ages, the Church progressively took control of the *occulta cordis* and constrained the faithful in a relationship of dependence and obedience in a political rapport.<sup>139</sup> As a consequence, the conscience began to be viewed as a legitimate and principal axis of orientation when discerning the will of God, but also as a mechanism to be controlled by the Church.

The dynamics of appeal to conscience converge in and emerge from numerous thoughtful passages from a figure, without whose influence the 12<sup>th</sup> century would have differed unimaginably. Bernard asserted in numerous writings that obedience was owed to the rule – as it was to the rule that the monk promised obedience –,<sup>140</sup> then to the superior as well as the conscience, but above all obedience was due to the laws of God.<sup>141</sup> A discrepant monk must appeal to his conscience as a means of discerning the divine will when placed in perplexing circumstances.<sup>142</sup> The reawakening of subjectivity, the right to dissent, and the growing phenomenon of heresy are among the most relevant associated correlatives of the era. The 12<sup>th</sup> century, especially with Bernard, witnesses the genuine, philosophical rebirth of the reflexive moment, which reissues the right to personal insight and the warrant to consider the individual conscience as an authenticated calibrator vis-à-vis object components of obedience, that is to say, binding authorities. In short, the conscience itself becomes a legitimate authority.

<sup>137</sup> Of the manifold studies on the evolving concept of the conscience, see: M.-D. Chenu, *L' éveil de la conscience dans la civilisation médiévale* (Montréal: Institut d'études médiévales, 1969).

<sup>138</sup> Ermenegilda Bertola, *Il problema della coscienza nella teologia monastica del XII secolo* (Padova: Cedam, 1970): 31-32.

<sup>139</sup> Jacques Chiffolleau, *La Chiesa, il segreto e l'obbedienza. La costruzione del soggetto politico nel medioevo* (Bologna: Il Mulino, 2010).

<sup>140</sup> Bernardo, *Liber de praecepto et dispensatione*, in: J. Leclercq and H.M. Rochais (eds.), *Sancti Bernardi Opera*, Ed. cistercienses, Romae 1974, III, 253-294, here 260.

<sup>141</sup> Such works comprise the already referenced *De praecepto et dispensatione, Sermo 41: De via oboedientiae*, (*S. Bernardi Opera*, VI, 1, 243-354) and *Epistola VII* (*S. Bernardi Opera*, 323-24 G. R. Evans, Bernard of Clairvaux, Oxford 2008, 28-37. See also: L. Leclercq, 'Saint Bernard dans l'histoire de l'obéissance,' in: Idem., *Recueil d'études sur saint Bernard et ses écrits*, vol. 3, Roma 1969, pp 267-303.

<sup>142</sup> Philipe Delhaye, "La conscience morale dans la doctrine de S. Bernard," *AnCist* 9 (1953): 209-22.

The 11<sup>th</sup> and 12<sup>th</sup> century also witnessed another rising phenomenon. Feminist studies have revealed the ways in which inter-gender relations were at issue and had an impact on the power differential in Western Christendom.<sup>143</sup> The tension of a spiritual authority in the women that resulted from female mystical experience and the societal norm that women were subject to men came to a head with the new mysticism and such pious female movements as the beguines.<sup>144</sup> Other novel, dynamic religious movements began to emerge, whereby captivating itinerant preachers drew the attention and loyalty of followers and became charismatic leaders whose words and gestures assumed normative and foundational worth for their growing communities and whose memory was later evoked as a transcendent source of authority. Charismatic authority in religious communities introduced a novel set of conditions, for the predominantly Benedictine model of Western monasticism did not, involve such a devotion to and identification with the order's founder, be it in the course of his lifetime or after. Such charismatic figures included among others Guthier of Niederaltaich, Romuald, Bruno of Cologne, Stephan of Obazin, Norbert of Xanten, Robert of Abrisel, Bernard of Thiron, Vitalis of Savigny, Gilbert of Sempringham, Stephan of Muret, Peter Valdes, and innumerable Humiliati and Cathars forgotten by history. Apparent dissatisfaction with already existing institutional forms of religious life, a critical attitude towards clergy, and an expressed desire for a radical return to the Gospel were fundamental commonalities shared by these pious individuals. Some endeavoured to retire to a state of hermitage, others to go out and undertake penitential preaching, and some a combination of the two.

Voluntary material poverty was at times a marked component of such charismatic communities, which was frequently conceived as a protest against paradoxical clerical luxury and ecclesial power difficult to reconcile with Gospel values. As more recent scholarship has asserted,<sup>145</sup> correlative phenomena linked with the wellspring of charismatic movements were

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<sup>143</sup> Among the numerous studies, see: J. Dalarun, 'Pouvoir et autorité dans l'ordre double de Fontevraud,' in: *Les religieuses dans le cloître et dans le monde des origines à nos jours*. Actes du Deuxième colloque international du CERCOR 1988 (Publications de L'Université de Saint-Étienne, 1994), 335-351; Idem., 'Robert d'Abrissel, fondateur de Fontevraud,' in: Idem., *Erotik und Enthaltsamkeit* (Frankfurt a.M., 1986); P. S. Gold, *The Lady and the Virgin: Image, Attitude, and Experience in Twelfth-Century France*, Chicago 1995; B.J. Golding, 'Hermits, Monks and Women in Twelfth-Century France and England: The Experience of Obazine and Sempringham,' in: J. Loades (ed.), *Monastic Studies: The Continuity of Tradition*, 2 vols, Bangor 1990-1, vol. 1, pp 127-45; Idem. 'Keeping Nuns in order: Enforcement of the Rules in Thirteenth-Century Sempringham,' in: *JEH* 59 (2008), 657-79; J. Leclercq, 'Should Contemplative Nuns Govern Themselves?,' in: *CistStud* 5 (1970), pp 111-30; B. Kerr, *Religious Life for Women c. 1100-c.1350: Fontevraud in England*, Oxford 1999; and F. Lifschitz, 'Is Mother Superior? Towards a history of feminine Amtscharisma,' in: J. C. Parsons / B. Wheeler (eds.), *Medieval Mothering*, New York 1996, pp. 117-38.

<sup>144</sup> Grace Janzten, *Power, Gender and Christian Mysticism* (Cambridge University Press, 1995), 193-216.

<sup>145</sup> Among manifold significant studies, see: J. Dalarun, *Gouverner c'est servir, essai de démocratie médiévale* (Paris: Alma éditeur, 2012) and Katharine Sykes, *Inventing Sempringham: Gilbert of Sempringham and the origins of the role of the Master*, Vita regularis 46 (LIT Verlag Münster, 2011).

the establishment of non-traditional governance and structures of obedience, which one could perhaps characterise as maternalist under Wartenberg's theory, and the spread of perhaps unorthodox notions of non-clerical spiritual mediation. Extreme cases are the double community of Fontevrault founded by Robert of Abrisel where women ruled over men and the Waldensians who believed that devote, unordained laymen could consecrate the sacrament of Eucharist. While many of such communities received initial, provisional approval from Church authorities, a historical backlash asserted itself in the form of ecclesial centralisation and standardisation efforts, whereby nearly all of the above mentioned communities were by suggestion completely institutionalised, fully or partially integrated into existing orders, or declared heterodox and eventually neutralized often by forcible means. No surprisingly, the dividing line between orthodoxy and heterodoxy was obedience to ecclesial structures and directives.

### **Obedience as an Early Minorite Phenomenon**

Obedience was invariably a primary type of rationality in medieval Christianity.<sup>146</sup> The current dissertation purposes a diachronic approach to conceptions of obedience in early Minorite literature in pursuit of developments in the order's theology and self-conception. The time period covered in the study spans from the life of Francis of Assisi (†1226) and the early movement up to that of Bonaventure of Bagnoregio (†1274). The current project treats the depiction in early Minorite sources of the obedient friar and the possible object or objects of his obedience and the ideal condition within wider structures of obedience. The opening survey of obedience as a general, pervasive human and religious dynamic has revealed the variform, varifocal character of the phenomenon and the polyvalence of the concept in numerous contexts. The wide-angled approach to the question shall benefit the study in both scope and method, insofar as it has garnered a privileged perspective of the phenomenon and grounded the importance of such a domain of inquiry in cultural, intellectual, and religious history. The latter motive in particular provides a cultural and theological backdrop for the conception and invocation of obedience in an early Minorite context. The current section shall serve as a preliminary introduction to the research and comprises four interrelated stages: a *status quaestionis* assessing the field of pre-existing research relevant to the topic, a framing of the present question or scope of study, a set of hermeneutical preconditions and deliberations on methodology, and a layout of the project.

#### *Status quaestionis*

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<sup>146</sup> For two sister volumes on a Weberian model of rationalities in medieval thought and praxis, see: D. L. D'Avray, *Rationalities in History: A Weberian Essay in Comparison* (Cambridge: Cambridge U.P., 2010) and Idem. *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: Cambridge U.P., 2010).

Prior research on the issue can be divided into two main camps, one direct, and the other indirect. Direct studies on obedience have either discussed the matter as a Minorite virtue or principal of spiritual progress or have handled obedience as it relates to structures of discipline in the Minorite movement. Other, more indirect studies have handled the topic inadvertently in their attempts to discuss two dynamics in Minorite life. They have studied obedience indirectly by way of its somewhat related social dimensions, such as for instance the renunciation of power or with respect to poverty either as protest against power or as conformity to the lowest societal ranks. A second group of indirect studies has in its most vast sense analysed the matter in the form of the immanentisation of guiding principles (*Leitideen*), that is, as a category for interpreting the fidelity-betrayal dichotomy regarding Francis of Assisi's legacy and the history of the order. In the case of both direct and indirect studies, but especially of indirect, however, the topic of poverty eclipses with unambiguous frequency that of obedience within Franciscan circles and beyond. Preceding research has suffered from the tendency to either socialise obedience as a spirit of activism and not a spiritual principle<sup>147</sup> or to subordinate obedience, rendering it the maidservant (extension or function) of poverty in the portrayal of the Francis event and of the order, which operated in his name. Herbert WORKMAN's thesis concerning the evolution of the monastic ideal typifies modern scholarly views on Minorite life, not least of which the central value of obedience:

In the original conceptions of Monasticism, if a man would serve God he must quit the world. (...) With the military orders, to serve God was to fight the world. St. Francis (...) changed this into the nobler formula: to serve God we must serve the world. In this progress we mark a shifting of the centre of gravity of the three fundamental ideas. In the solitary hermit the central thought is asceticism; celibacy is a corollary, while obedience is impossible. In the monastery, in spite of all the intentions of its founder, poverty becomes a counsel of perfection, and celibacy and obedience the distinctive marks. In the friar, the thought of 'our Lady Poverty' is (...) uppermost, and a rule of life is framed in order to guard her, but on principles very different from any that had yet appeared in Monasticism. But the military orders anticipated the Jesuits by laying the emphasis on obedience. (...) In the great papal orders, therefore—the Cistercian, the military, and the Jesuit—this is the central idea....<sup>148</sup>

WORKMAN's comments are observant and present a comparative perspective, which was rather unique for his time. Yet, despite his somewhat reflective statement on the Minorite vision of the world, his subordination of obedience to poverty brings to expression the assumption fleshed out in much of the scholarly work on the Friars Minor that followed.

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<sup>147</sup> See for instance J. Hoerberichts, *Paradise Restored: The Social Ethics of Francis of Assisi: a Commentary on His "Salutation of the Virtues"* (Franciscan Press, Quincy University, 2004).

<sup>148</sup> H. Workman, *The Evolution of the Monastic Ideal* (London: C.H. Kelly, 1913), 267-8.



Nevertheless, notable preceding studies undertaken with direct focus on Minorite conceptions of obedience contribute insight and assist in facilitating keen awareness of the issue and sharp discernment of operational concepts and modes of approach. Only the studies among the most contributive receive full mention. In addition to the studies already mentioned, a series of astute essays by friar and eminent scholar Kajetan ESSER OFM span several decades, the majority of which expound upon the ‘writings of Francis.’<sup>149</sup> Three unpublished doctoral theses, the exclusion of which would have bereaved the study of precious insight without consultation, merit attention, namely those of Michael J. HART, OFM Cap.<sup>150</sup> and Kazimierz SYNOWCZYK, OFM Cap.<sup>151</sup> (alongside articles derivative of the thesis) on the ‘writings of Francis,’ and that of Bruno MARCUCCI, OFM on the corpus of Bonaventure along with a follow-up article.<sup>152</sup> Likewise, the analytical approach to Bonaventure’s theology of obedience in Bernardo MADARIAGA’s OFM lengthy article<sup>153</sup> was invaluable in the preparation of the project’s final chapter. Minor studies, some perhaps more devotional or apologetic in nature than academic appear in the footnote citations.

Indirect studies are virtually innumerable. A select few studies have proven substantial contributions to the current research. The thoughtful and sadly unpublished dissertation of Michael CUSATO, OFM<sup>154</sup> provided a constant counter-reference with regard to select topics and sources. Jacques DALARUN’s<sup>155</sup> and Andrea BONI’s<sup>156</sup> studies on Francis and the question of power as well as numerous studies by Giovanni MICCOLI<sup>157</sup> and Giovanni Grado MERLO<sup>158</sup>

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<sup>149</sup> ‚Gehorsam und Freiheit‘ (1950), ‚Bindung zur Freiheit. Die Gehorsamsauffassung des hl. Franziskus von Assisi‘ (1952), ‚Gehorsam und Autorität in der frühfranziskanischen Gemeinschaft‘ and ‚Gehorsam und Autorität in Franziskanischer Sicht‘ (both 1971), and ‚La perfecta obediencia. (Admonición 3.<sup>a</sup> de san Francisco)‘ (1983).

<sup>150</sup> Michael J. Hart, OFM Cap., *Dynamics of Franciscan Fraternity: A Study of Spirit, Word, Obedience, and Poverty in the Writings of St. Francis of Assisi*, unpublished dissertation from Antonianum, Rome, 1988.

<sup>151</sup> Kazimierz Synowczyk OFM Cap. *L’obbedienza secondo San Francesco D’Assisi: Alcuni chiavi essenziali di lettura*, unpublished dissertation from Antonianum, Rome, 1987.

<sup>152</sup> F. Bruno Marcucci, *De virtute et voto obedientiae secundum doctrinam S. Bonaventurae: Cum Particulari Respectu ad Perfectionem*, Dissertatio ad Lauream, Antonianum, Romae, 1950. Idem., ‘La virtù dell’obbedienza nella perfezione secondo la dottrina di San Bonaventura,’ *StudiFran* 25 (1953): 3-30.

<sup>153</sup> Bernardo Madriaga OFM, ‘La obediencia según San Buenaventura,’ *Verdad y vida* 91 (1965): 373-436.

<sup>154</sup> M. F. Cusato, *La renonciation au pouvoir chez le Frères Mineurs au 13e siècles*, Paris-Sorbonne, Diss. 1991. For abbreviated version of the dissertation’s initial chapter, see: Idem., ‘The Renunciation of Power as a Fundamental Theme in Early Franciscan History,’ in: Idem. *The Early Franciscan Movement (1205-1239) History, Sources and Hermeneutics* (Spoleto, 2009), 29-47.

<sup>155</sup> J. Dalarun, *François d’Assise ou le pouvoir en question. Principes et modalités du gouvernement dans l’ordre des Frères mineurs* (Bruxelles, 1999). English: *Francis of Assisi and Power* (St Bonaventure: Franciscan Institute Press, 2007).

<sup>156</sup> Andrea Boni, *La questione del potere nell’ordine dei Frati Minori* (Edizioni Porziuncola, 2003).

<sup>157</sup> Among his major studies, see: Giovanni Miccoli, *Francesco d’Assisi. Realtà e memoria di un’esperienza cristiana*, Einaudi, Torino 1991; Idem., ‘Un’esperienza cristiana tra Vangelo e istituzione,’ in: *Dalla "sequela Christi" di Francesco d’Assisi all’apologia della povertà* (Spoleto, 1992), 3-40 ; & Idem., ‘La proposta cristiana di Francesco d’Assisi,’ in: Idem., *Francesco. Il santo di Assisi* (2013), 39-118.

have proven of the utmost insight, to name only a few. It can safely be said of Franciscan studies that, especially when compared to poverty, obedience has been underestimated at best and all but neglected at worst. Given that no study exists in monographic form, which is comparable either in scope or in method, regarding the selected sources and time frame, a challenge emerged from a striking void in scholarship. The current dissertation project attempts to undertake the task of confronting said void.

### *Framing the Question*

Analogous to female saint Therese of Lisieux's famous proclamation that "all is grace,"<sup>159</sup> it has been suggested that in religious life all is obedience. That many aspects of religious life regard obedience is sure. Only one glaring thing is undoubtedly not obedience; namely, disobedience. Affirmative conditions, limits, and nuances in conception thus characterise obedience in the *vita religiosa*. Hence, as a means to forego oversimplification and hyperbole, the parameters of the specific theme addressed in the study at hand requires specification. The thematic focus of the current research is the depiction in early Minorite sources of the obedient friar, the possible object component(s) of his obedience, and the ideal condition of individual and community within wider structures of obedience, whether they regard power relations, normative structures, charismatic paradigms, or any combination thereof. In other words, 'In what do the various Minorite conceptions of obedience as virtue, *vita*, and vow consist?' The initial survey of obedience as a general and pervasive dynamic in all human and religious groups has revealed the non-linear, multi-dimensional character of the phenomenon and the polyvalence and variformity of the concept in a given context. Such a perspective garners a phenomenological approach to the question of obedience and sanctions a broad interpretative framework for the analysis of Minorite conceptions.

The study's approach grants access to a broad spectrum of obedience-related concepts and notions and considers two chief dimensions within which Minorite sources convey such conceptions of obedience. The first dimension of obedience studies the *conditions of possibility of individual obedience* mentioned in the sources, whether explicit or implied, a preliminary determination of which shall soon follow. Here, the investigation seeks to determine in what obedience consists as virtue, *vita*, and vow, that is, the significance of obedience in the

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<sup>158</sup> Grado Giovanni Merlo, *Tra eremo e città: studi su Francesco d'Assisi e sul francescanesimo medievale* (Assisi, 2007); Idem., *Nel nome di san Francesco: storia dei frati Minori e del francescanesimo sino agli inizi del XVI secolo* (Padova, 2003); & Idem., *Francescanesimo passato prossimo* (Padova, 2010).

<sup>159</sup> For Therese's autobiography, see: *The Story of a Soul*, trans. John Clarke, OCD (Washington: Institute of Carmelite Studies, 1975). For a recent biography on Therese, see: Joseph F. Schmidt, *Everything is Grace: the Life and Way of Therese of Lisieux. FSC* (Word Among Us Press, 2007).

dialectic of obligation and surplus value – what Bonaventure refers to as *supererogatio* – in relation to the brothers' evolving *propositum vitae*.

The second, broader dimension entails obedience at either the individual or communal level with regard to the *immanentisation of guiding principles and the ultimate direction of the order*. With regard to the first dimension, the research shall analyse in particular the effects of monastic and canonistic mentalities upon the developing theologies of conscience, rule, and order superiors in Minorite structures of obedience. The second dimension explores the area of tension regarding collective subordination to a binding authority, be it charism, Church, or otherwise. Here, the study shall consider the tension between obedience to a God-revealed charism embodied and personified in the living Francis and legitimised by the constructed, exemplified Francis and obedience to the ecclesiastical institution. With regard for the second element, the study gives precedence to process in the literary production of a textual community and in path-dependent institutional development over individual agents and their contributions in effecting institutional change. As a result, the re-assessment of the order's early history proffers a nuanced interpretation of the question relating to community obedience or disobedience at large.

As intimated, obedience subsists in a dialectic between the transcendent and immanent. Obedience structures reveal a rationality and a system by which to render immanent a transcendent reality. In such a dialectic consists the tension between God revealed charism and ecclesiastical institution, a tension which at a micro-level plays out in the form of a dialectic between spiritual authority, perhaps conscience, and codified structures and norms. Of particular interest for the intersection of the two dimensions, where externally-determined latitudes of behaviour tend to increase under the burgeoning institution, do institutional structures also allow for self-determined latitudes of behaviour? Or do they trap those involved, whether minister or subordinate? To what extent do they establish fixed boundaries of thought and action? The present study shall explore the topic of obedience within such a framework.

With any hope, the study's innovative contribution comprises not the diachronic analysis of obedience conceptions from Francis to Bonaventure, but also in the multi-dimensional approach to obedience and the possible mutual influence between such dimensions. As a result, the project thereby combines both a historical-conceptual and a theological approach to the topic. Ulterior aims of the study include not only disproving WORKMAN's and similar theses by testing them for validity by an exacting analysis of the sources, but also proposing a

shift in emphasis in Franciscan studies from that of poverty to that of obedience as conceived here. The study's major theses appear below in greater detail.

### *Methodological and Hermeneutical Deliberations*

The study seeks to elaborate and reiterate a methodological approach so as to better establish the grammar of the argument. Rather than purely combining the two groups of analysis mentioned above into a hybrid methodology or even utilising earlier studies as an interpretive foundation and expanding into uncharted textual and historical terrain, the current study seeks to focalise in a succinct manner upon obedience by the delineation of a heuristic method. A precondition to a rigorous analysis of obedience in any tradition occasions the brief dwelling upon a fundamental distinction. An initial approach necessitates the distinction between a word-history (*Wortgeschichte*), a lexicological investigation meant to locate, identify, and discern the meaning of each occurrence of the Latin *obedientia* in a text, and a concept-history (*Begriffsgeschichte*), a content-oriented study whose scope comprises obedience and related phenomena within a concerted, conceptual framework, which endeavours to reflect and draw out the relevant semantic field intrinsic to the text.

The current research proposes an analytical-phenomenological *Begriffsgeschichte*. In such a manner, the diachronic analysis undertaken aims to conduct an archaeology of ideas regarding obedience. As shown above, even the briefest of surveys with respect to obedience reveals its non-linear, multi-dimensional character, one which exceeds the limits of a *Wortgeschichte*. A wider semantic spectrum of obedience must at the very least include humility, a virtue intrinsically linked to obedience in the desire for self-renunciation and submission, and authority, that to which one obeys. A multitude of endogenic and exogenic factors in the life of a religious order, both at the individual and communal level, serve to provide spiritual orientation and ultimately salvation. One might call the collective whole of such phenomena and its conception a structure of obedience.

In a contribution to a formidable 1978 volume entitled *Autorità e obbedienza nella vita religiosa*, Atanasio MATANAC' propounds a methodological thesis concerning the study of medieval religious obedience. At once recognisant of the limitation and exclusivity of prior research, he claims that there are three principle 'tracks' (*piste*) or lines of investigation along which to conduct such a study. MATANIC' distinguishes those areas which need to be ex-

plored – the normative (rules, statutes, constitutions), the historical-narrative (religious life in practice), and the spiritual (obedience as a theological phenomenon).<sup>160</sup>

Matanic's 'three tracks' thesis represents a listing of possible modes of approach to the issue of obedience. Nevertheless, it is equally as limiting as those from which it seeks to expand, for it depends upon a false trichotomy. Taken simply as a descriptive summation of previous research, however, the thesis proves perhaps a useful, if provisional instrument of calibration. For instance, although the present research submits a methodological adjudication deviant from Matanic's thesis, his description of the sources appropriate for the analysis of obedience appears, nevertheless, suitable and justifiable in a general sense. Nonetheless, contrary to his thesis, the demand to incorporate a phenomenological approach to the question of obedience in religious life is therefore manifest. Consideration of obedience structures in terms of power relations, normative structures, and charismatic paradigms as delineated below shall assist in enhancing a phenomenological approach, which is not in any sense totalising, but which is more holistic, and especially in the case of Minorite obedience, better suits the phenomenon treated. The study affirms together with authors like TESTUZZA that as a multi-faceted dynamic, obedience is at work on several levels: legal-juridical, theological-spiritual, and also relational. Nonetheless, the additional component, which is of essential import to a fuller understanding of Minorite obedience is that to a God revealed charisma. Further explanation and justification of the approach is provided below.

An initial critique of the phenomenological framework might arrive perhaps in its apparent reduction of the phenomenon of obedience to a social code for power relations, that is, for a human relationship of lordship and servitude. It might appear to imply that religious obedience is limited to observable behaviour or to action or non-action in the face of authoritative command or intervention. Obedience in religious life implies a more distinct, albeit not entirely dissimilar, power differential than does obedience in relation to secular rulership. There is a complex mentality which undergirds religious obedience, which is impossible to conceptualise unless in relation to an authority, and vice-versa. The attempt at a holistic approach to religious obedience must undertake the reconstruction of obedience structures in a

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<sup>160</sup> He writes, "...la prima, ed è la più seguita finora, è quella *legislativo-giuridica*, fondata principalmente sulle fonti di diritto ecclesiale, sia generale che particolare, com'è quello dei singoli Ordini religiosi (regole, costituzioni, statuti); la seconda pista è quella *storico-narrativa*, fondata principalmente sulle fonti storiche in quanto certi fatti e certe pratiche, ivi testimoniati, illustrano i principi che vi si nascondano (si pensi alle biografie, quindi alla condotta dei protagonisti); la terza pista è quella *letteraria-spirituale* o della letteratura spirituale, per cui le fonti principali sono costituite dagli scritti di spiritualità appartenenti all'epoca studiata. Le tre piste poi corrispondono alla triplice distinzione dell'obbedienza stessa: canonica, effettiva e teologica." A. Matanac', "Autorità e obbedienza nella vita e nella spiritualità dei religiosi da s. Francesco d'Assisi a s. Ignazio di Loyola," in: *Autorità e obbedienza nella vita religiosa*, here 108. Emphasis is my own.

given expression of religious life. Obedience structure designates simply the reconstruction of concepts or dynamics present in a text or set of texts which regard obedience to an object component. The desire for God and yearning to know and follow his will is at the heart of the theology of obedience in religious life, and one must not discount or discredit this core element. Obedience in a religious context entails the mediation of God's will in non-personal or transpersonal modalities, such as through normative structures, texts, or ideals. For instance, even the Pope is subject to the Gospel, the abbot to the rule, and so on.

In an overarching sense, obedience is at work in a wide range of articulations. One articulation of obedience is the acceptance of a vision of the world and the voluntary assimilation and identification of oneself within a certain worldly order, a matrix of ultimate meaning in both a moral and metaphysical sense proposed by the various and respective mediators of God's will in a given context. Within such a framework, a religious encounters axes of orientation, be they moral, spiritual, or dogmatic. Instances of such are virtues, norms, and ideals. Nor does obedience rule out mere political allegiance, whereby one aligns oneself socially to a greater authority or cause. Allegiance is particularly acute in an era in which the Church was at odds with secular Hohenstaufen rulers. The exclusion of such dynamics would lead to a rather limited and therefore limiting notion of obedience, a far cry from an all-embracing notion.

Furthermore, in cultivating a spirituality of obedience, authors often present either an objectless (in the sense of human object), virtue-based model or a spiritualised model of obedience centred on Christ as the ultimate instrument of God's will. Such ideas are meant to encourage and imbue an inner disposition of humility and submissive docility, often without regard for any specific object beyond God. That is to say, their predominant interest is not justifying an authority's legitimacy claims, etc.; they are subject-centred, rather than object-centred texts. Additionally, a model of obedience portrays an ideal condition, and obedience consists in the pursuit and attainment of such an ideal condition, that is the condition of following God's path. Thus obedience designates, in the broadest sense, both the individual and collective immanentisation of guiding principles (*Leitideen*). It is thus a category of reflection apropos God's will both at a singular and corporate level. Models of obedience therefore reflect a system of values whose structure often reveals a distinguishable priority or hierarchy. Charismatic paradigms also played a role in the overall landscape of obedience phenomena. The sources considered in the present research and the concomitant problems of hermeneutical approach necessitate a flexible, expansive phenomenological analysis. As a consequence, the research endeavours to account not only for the concepts explicated in virtue ethics, but

also for the more implicit ideal individual and collective conditions within wider structures of obedience, whether they regard power relations, normative structures, charismatic paradigms, or any combination thereof.

A directly foreseeable obstacle for an interpretive perspective congeals in the basic observation that obedience is not always defined, rather simply invoked to borrow a distinction employed in a different context by R. HORROX.<sup>161</sup> Even more difficult to decipher are contexts in which obedience is implied, but not mentioned by name. A useful hermeneutical principle shall aid in a first attempt at analysing obedience conceptions in Minorite constructs, both explicit and implied. One might consider obedience from two distinct, but inseparable viewpoints, like two sides of a coin: one *objective*, the other *subjective*. The **objective** dimension corresponds to a set of questions, which address obedience both in terms of its exterior characterization in relation to authority and its socio-anthropological and teleological presuppositions: ‘*obedientia erga quem?*’ and ‘*unde, quomodo, et quo obedientia?*’ Analysis thus ensues not only regarding obedience to a given object component of obedience, e.g. authority or normative structure, and legitimation of such obedience (*erga quem*), but also vis-à-vis obedience in terms of origin and causality (*unde*, efficient cause), forms of exterior performance and symbolisation (*quomodo*), and end or function (*quo*). The **subjective** dimension addresses obedience as a spiritual or ethical matter and in turn corresponds to its own set of questions: ‘*cur obedire (vel non)?*’ and ‘*quomodo imperare?*’ The questions elicited by the subjective dimension consider the role of the conscience and of individual responsibility involved in obedience-authority, the scope of which comprises proper motivation in obeying, personal initiative, the role of dissent in disobeying, and the responsibility of leadership.

### *Project Layout*

*Firstly*, the project shall delineate and clarify the conception of obedience or plurality thereof proposed in the writings of Francis in its complex entirety, all the while evidencing continuity and progression in content. *Subsequently*, a second section shall investigate early images of Francis and of the Franciscan ideal in the literature produced by the generation from Francis’ death to the deposition of Brother Elias of Cortona. A *third*, more source-intensive section shall analyse the vast array of texts relevant to the study of obedience in the years between the depositions of two ministers general, that just mentioned of brother Elias in 1239 and that of John of Parma in 1257. A *final*, equally source-intensive section shall dedicate analysis to the literary corpus of Bonaventure of Bagnoregio with prominent emphasis

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<sup>161</sup> R. Horrox, ‘Service,’ in Rosemary Horrox (ed.), *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England* (New York: Cambridge University Press, 1996), 61-78, here 66.

upon those texts written during his tenure as minister general. A synthesising conclusion shall endeavour to summarise the results of the study and suggest with brevity further possible areas of research opened up by said results.

Within the above sections, a division by literary genre configure the layout of information not only for purposes of presentation, but also as an additional support for the exegetical, historical-conceptual methodology, whereby formal characteristics of texts provide the main dividing line rather than textual content or chronology. A threefold division of source typologies fosters such an approach. Normative texts are distinct from narrative texts, narrative texts from theological, spiritual, and formational. A terse description of the textual categories and of their content and relevance to the present research is in order. The corresponding questions treated in each domain bear introductory reference.

Normative texts comprise the order's *ius particularis*, rules, constitutions, statutes, and rule commentaries, and the *ius generalis* pertinent ecclesial documents. Texts of the normative sort entail the establishment or theoretical reflection regarding structures of obedience chiefly in terms of normative structures and ideal power relations. When examined on an individual basis, singular norms represent axes of orientation in their own right. Normative structures, on the other hand, create a grid of orientation, which bespeaks a hierarchy of values at times determinable by overt emphasis, by differences in severity of tone or language, and by variations in degrees of punishment for disobedience. The power relations envisioned and idealized in a normative text present a model, which occasions the detection of insights regarding obedience in both objective and subjective dimensions. Such content might include anthropological insights, individual conditions of possibility, and representations of authority.

Sources categorised as narrative texts are largely hagiographies with occasional exception. The present study treats hagiographic texts essentially as institutional constructions, which relate and propose models of life for identification and orientation. Narrative texts are of normative value in a broad sense because they too provide axes of orientation in the form of behavioural models, virtues and vices, and ideal power relations. In brief, saints are for emulating.<sup>162</sup> In addition, hagiographic texts indicate charismatic paradigms. Each new hagiography constitutes a reframing of the Minorite charism, whereby the recounted Francis and his personification of guiding principles constructs an exemplified Francis, a model for the friar. In such a way, the exemplified Francis functions as a sort of eternal abbot, a transcendent source of authority, whose memory is of normative significance and depicted by a textual-

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<sup>162</sup> For such an approach to the figure of saints, see: P. Brown, *The Cult of the Saints: Its Rise and Function in Latin Christianity*, Chicago, 1981 and André Vauchez, *Sainthood in the Later Middle Ages* (New York: Cambridge University Press, 1997).



pedagogical incarnation. In the terminology of the Dresden school, hagiographies convey institutions in recounted form (*erzählte Institutionen*).<sup>163</sup> Since the language typical of hagiography is one of gesture and imagery, such texts exercise one's capacity to interpret meaning embedded into enigmatic, suggestive, and allegorical passages.

Sources of the theological, spiritual, and formational sort include a wide array of texts, such as theological treatises, novitiate literature, sermons, and at times also letters. Spiritual-formational texts tend to be subject-centred, while theological works tend to focus on the objective dimension as described above. There is, however, a fair measure of thematic overlap and interpenetration between the two groups of texts, which is the reason for their inclusive categorisation. The present texts expound their content regarding obedience in an often more explicit, positivistic manner comparable to narrative and even some normative texts. The systematisation of method and content so common to literature of instruction and formation frequently ensures the explication of themes concerning obedience and the facilitation of discernment with regard to the significance of related subthemes.

#### *Overview of Chapter Content and Project Thesis*

A brief preview of the each chapter's contents with particular stress on the theoretical approach they proffer as well as an overarching thesis statement is in order. The first chapter on the order's charismatic origins draws together thematic strands in the writings of Francis and the early movement, examined with the aid of B. STOCK as the identity and cultural-literary production of a textual community. A thoroughgoing commitment to obedience characterises the early conception and exhibits various forms of articulation. A crucial set of principles emerge from the charismatic writings, the core of which was their Gospel-inspired statement of purpose, the *Regula non bullata*, and is referred to here as 'self-*minoratio* and obedience to all.' The early Minorite movement proposed an active, vigilant model of obedience that assimilated the monastic tradition of obedience and radicalised it, adding to it a kenotic, service-based notion after the example of Christ. Forms of expression of their obedience spanned the hierarchical realm and bled over into the horizontal, mutual plane and into self-sacrificial service of others. The conception thereby entailed an active disposition toward *vita*, superior, and self, which included a component of legitimate appeal to conscience and principled dissent to superiors. The early conception was, however, not without its problems in practical application, which become most acute in Francis' enigmatic, tension-ridden *Testament*.

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<sup>163</sup> Markus Schürer, *Das Exemplum oder die erzählte Institution: Studien zum Beispielgebrauch bei den Dominikanern und Franziskanern des 13. Jahrhunderts*, Vita regularis 23 (LIT Verlag Münster, 2005).

The second chapter treats the time period here deemed the era of institutional interlude. Difficulties in interpretation regarding the heredity of Francis and the early movement came to head in two principle sources, that is, *Vita beati Francisci* and *Quo elongati*. On the one hand, Thomas of Celano's *VbF* was likely mapped out with the *Test* as a key point of orientation and thus semi-compatible with charismatic meaning. On the other, Gregory IX's 1230 bull *Quo elongati* curtailed the *Test* and began a legal interpretation of the rule, which would result in an initial legal marginalisation. A pattern of resistance met *Quo elongati* and ranged from reticence of minister general Elias of Cortona to accept institutional change and the anonymous *Sacrum commercium*, a recall to charisma with usurping ecclesiological ramifications. Two legends, the *Legenda ad usum chori* and *Legenda umbra* put forth a relatively distant, unattainable liturgical image of Francis, while Julian of Speyer's *Rhythmic Office*, placed an enhanced focus upon the performance vis-à-vis the Francis of the choir and his imitable quality. Julian's second legend (*VJS*) presented a more abstract, theological image of Francis sanctioned a departure from the centrality of obedience with its stress upon the virtue of *perfectio*.

With the hermeneutic lens of A. LEFEVERE on translation as rewriting, the study's third chapter traces conceptual developments in the period of Minorite institutional rewrites. A vast array of literary sources began to translate their proposal and its conceptual underpinnings into a new language. Liberated from the cumbersome obligation of the *Test*, the brothers' vow of obedience centred on the early constitutions redacted shortly after Elias' disposition. Two commentaries written by prominent Minorite brothers assigned the rule various meanings and sought to cope with different lines of interpretation and application. Whereas the *expositio* of 1241/2 treated the rule in a juridical-canonical perspective and circumscribed the rule within the three vows, Hugh of Digne's commentary features genuine struggle with the rule's significance and at once also gives voice to the companions and early movement, allowing him to propose a reserved re-charismatisation of the Minorite institution. Narrative sources offered a nuanced spectrum of conceptions. Considered recalls to the charisma in *AnPer*, *3Soc*, and *CAss* are in concert with official, institutionally-appropriate depictions as seen in *Memoriale*. While the former tended to present Francis as an embodied challenge or a 'living reproach'<sup>164</sup> of the institution, the latter rendered Francis a living exemplification of the rule as it was to be lived in accordance with the prevailing institutional constellation. Even *Memoriale* could not evade issuance of critique, albeit in veiled fashion, of the institutional change that had transpired. Meanwhile, Parisian Minorite theologians (*Summa Minorum*)

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<sup>164</sup> Vauchez, *Francis of Assisi*, 193.

brought forth a chiefly legal approach to obedience and offered a new standard for Minorite views on authority, conscience, and moral sensibilities. Moments of discrepancy (*perplexitas conscientiae*) were a major thematic focus. David of Augsburg's years-long experience overseeing Minorite novices gave way to thoughts and methods of instruction in his composite work *De compositione* and would advance a classical conception of virtue and in particular monastic obedience.

The study's final chapter elaborates a process-centred lens of institutional development in the period marked by institutional revision and layering using the theories of P. PIERSON and thereby propose a revisionist take on the writings and tenure of the minister general long acclaimed as the second founder, Bonaventure of Bagnoregio. The chapter details Bonaventure's vision and defence of a comprehensive reconfiguration of the order's relation to obedience. With that in mind, Bonaventure's tenure in a path-dependent perspective of institutional development was less ground-breaking than resourceful, poignant, and well-articulated. As a result, the study shows how, despite Bonaventure's systematic and resolute balance of the order's organisational arrangement with long neglected charismatic components, a model second institutional foundation best finds its home in the period of institutional rewrites. He therefore reconciled components of the initial period with sustaining power and remaining in the order's collective memory with the prevailing institution. Particular literary contributions comprise his *Legendae* (*LegMin/LegMai*) characterised by a prominence of performativity and imitability and return to the central importance of obedience. His *Sermones* on Francis and in particular *Apologia pauperum* unite the Minorite vow and virtue and define and defend an imitable, attainable image of perfection embodied in the person of Francis. Charismatic principles recuperated comprise the order's model of service came to focus upon the condescending practice of preaching. In terms of legal marginalisation of the rule, he took a traditionalist stance, as he upheld the collective ruling to reject the bull *Ordinem vestrum*, which weakened the rule's standards especially toward poverty. The order also drafted and promulgated a new round of constitutions, comprehensive and binding order-wide, which solidified hierarchical control but prohibition against seeking papal privilege that contravene the rule much in the spirit of the *Test*.

The investigation submits a general thesis, which contends that the concept of obedience underwent a dynamic transvaluation – what VERDERBER might refer to as a “transvaluation of values”<sup>165</sup> – in which emerging concepts constituted an amalgam of greater or lesser

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<sup>165</sup> S. Verderber, *The Medieval Fold: Power, Repression, and the Emergence of the Individual*, Basinstoke 2013, 13.

compatibility with the developing institution with exceptional challenge to the prevailing social order in its various stages of development. As increasingly irreversible institutional changes dominated the discourse, efforts to undermine the prevailing institutional *status quo* based upon a charismatic recall were for naught, as reversal became both progressively more undesirable as well as implausible. Minorite obedience thus remained in a curious place, lodged between virtue, life, and duty. The order's conception of obedience was stuck between the transcendent charism and the immanent institution, the slow boring together of which produced creative and thoughtful syntheses. The ever narrower confinement of their duty forced the charismatic vision – so to speak, their life – to follow suit.

Piecemeal progression of objective standards allotted less and less room for freedom of subjective experience. With the gradual but steady fastening of the institution by normative anchors and institutional hierarchisation, at most one could to instil an attitude for the brothers' consideration as they undertook their pastoral activities within the framework of the institution. The study's process-centred analysis is conducive to putting forth a response to Sabatier-esque assertions regarding the opposition between Church and charism. Rather than hold to a narrative of a linear imposition of the Church upon the charismatic community, the investigation advances the paradigm of the victory of one cultural narrative over another; the triumph of a canonist, theological, hierarchical culture which pervaded in the Church and infiltrated the order over that of early movement. A diachronic synthesis proposes five perceivable trends in the order's conception of obedience. The trends regard conscience, order-specific authority, *sequela Francisci*, legislation, and charism as such.

## Obedience in the Writings of Francis and the Early Movement

In a May 2007 debate against author Sam Harris on the topic of politics and religion, political analyst Chris Hedges submits the following thesis in his opening remarks:

The problem is not religion, but religious orthodoxy [upheld by institutions]. Most moral thinkers from Socrates, to Christ, to Francis of Assisi eschewed the written word because they knew, I suspect, that once things were written down they became, in the wrong hands, codified and used not to promote morality, but conformity, subservience, and repression.<sup>1</sup>

So thoroughly and deeply entrenched in the popular historical consciousness are the widespread untruths that the Saint of Assisi was one, in any way unorthodox, two, strictly averse to the written word, and three, opposed to any form of codification or structured obedience, to the point that one prominent scholar refers to Francis' preferred way of life as an "Anti-Regel."<sup>2</sup>

The image perpetuated by innumerable authors both past and present appears to have been a consequence of three seemingly unrelated yet converging phenomena. The image of Francis has been subject to sentimental, ideological, and romantic notions that expressly inhibit attempts at a rigorous historiographical discourse. Firstly, the wide circulation enjoyed by the vernacular translation of *Actus beati Francisci et sociorum eius*, which is to say the *Fioretti*, has permitted a parallel transmission of popular myth and misconception. The writing and the anecdotal accounts it contains furnish a particularly sentimentalised and above all ahistorical depiction of Francis, which just as the source's date of composition were far removed from the period in which the Umbrian man lived. Secondly, the theories advanced by German Protestant sociologist Max WEBER regarding charismatic leaders coupled with a cynical attitude toward institutions has aided the perpetuation of an ideological conception of Francis, which *de facto* detects a sinister motive in the action of any institution thereby often setting to naught its legitimacy and necessitating a historical narrative of decline.<sup>3</sup> Such theories and those succeeding them have induced not few scholastic endeavours to situate the figure of Francis within a Weberian model. Finally, romanticised notions informing the work of French Protestant scholar Paul SABATIER held sway in depictions of twentieth-century Protestant theology, whereas more recently the 1980 novel by Umberto ECO, *Il nome della*

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<sup>1</sup> The debate is viewable in full on YouTube: <http://www.youtube.com/watch?v=prWFkt9-HT0>

<sup>2</sup> Raoul Manselli, *Franziskus. Der solidarische Bruder* (Zürich, 1984), 215.

<sup>3</sup> For a critique of using Weber's theories to analyse rationality in the Middle Ages, see: Stock, *Listening for the Text*, 127-130.

*rosa*,<sup>4</sup> helped to popularise a conception of the Minorite charism as envisaged by late thirteenth, early fourteenth-century Spiritual factions. Both authors tend to propose a reading of Francis and the charism through the optic of the Spirituals.

Although SABATIER did a great deal in the way of pushing forward historical debates on Francis, his *opus magnum* on Francis, *Vie de San François d'Assise*,<sup>5</sup> came about in part as a consequence of an anti-institutional, proto-Protestant depiction of Francis from substantially later sources and sprung from the romanticised notion of a charismatic attempting to live out the Gospel in opposition to the repressive ecclesial institution.<sup>6</sup> Similarly, ECO's novel, though entertaining as a murder mystery, is set more than a century after Francis' death and thus appeals to a successive period far afield from that of the founder largely represented in the figure of Umbertino of Casale. A distinct trend underlies the three phenomena, that is, an emphasis upon sources not immanent to the time of Francis. It is not an easy task to dispel the popular myth that surrounds Francis, for it looms large. Scholarship has of course roundly rejected such notions in its search for the Francis of history in large part due to the overwhelming turn toward the writings ascribed to him and long thought to be of Francis' own hand. What follows is an investigation into the concept of obedience in said writings.

The primary object of the first chapter is the conceptual-historical content of the writings as it regards obedience within the parameters outlined in the introductory section.<sup>7</sup> The analysis shall treat the writings as a heterogeneous collection of writings, which result, not from the decontextualised mind of Francis of Assisi, but from the nascent ethos and textual community of Francis and the early movement. As a means to substantiate the study's hermeneutical approach, the present section first seeks to establish a solid basis of texts by outlining criteria of authenticity, integrity, and originality. The study then discusses the levels of meaning investigated in the texts in terms of historical context and senses of authorship, which find segue into a retracing of previous scholarship and hermeneutical and methodological deliberations. Given the study's hermeneutical approach to the sources as the cultural expression of a textual community, insights from extra-Franciscan sources then provide the reader with a historical profile useful in reconstructing the world beyond the text. Subsequently, analysis of

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<sup>4</sup> Umberto Eco, *Il nome della rosa* (Bompiani, 2000).

<sup>5</sup> Paul Sabatier, *Vie de saint François d'Assise* (Paris: Fischbacher, 1894).

<sup>6</sup> For background on this "de-catholicised" liberal Protestant approach to Francis, conceived and inspired by Ernest Renan in the wake of the Enlightenment but popularised by his pupil Sabatier, see: André Vauchez, *Francis of Assisi: The Life and Afterlife of a Medieval Saint*, trans. Michael F. Cusato (Yale University Press, 2012), 233-8.

<sup>7</sup> For a broad overview of the concept fostered in the early writings, we profit from Cornelio Del Zotto, 'L'obbedienza in San Francesco d'Assisi,' *Antonianum* 61 (1986): 569-97 & K. Synowczyk, *L'obbedienza secondo San Francesco d'Assisi: Alcuni chiavi essenziali di lettura*, unpublished dissertation, Antonianum, Rome 1987.

textual sources takes place on an individual basis. The central focal points of theoretical analysis are the the conception and implementation of the charismatic notion of self-*minoratio* and obedience to all, which consists in a radical, penitential commitment to obedience that was practicable to a greater or lesser degree in a particular context.

### **The Writings: Text, Context, Meaning**

Proper approach to the writings of Francis and the early movement is an issue of immense complexity.<sup>8</sup> The literature now commonly referred to as the writings, *Opuscula*, or *Scripta* of St. Francis of Assisi comprises a set of texts of varied composition whose origin, authorship, and meaning are the topic of intense study and debate among scholars.<sup>9</sup> Undoubtedly, however, other texts such as hagiographies had until the last century been the main source for discovering the life and vision of Francis and his companions. Due to the predominance of bio-hagiographical sources regarding hermeneutics and historiography in the field of Franciscan scholarly research, the history of ‘reading Francis’ has largely been subject to that of ‘reading about Francis.’ The 20<sup>th</sup> century witnessed a shift in approach to Franciscan sources. A growing incredulity toward hagiographical accounts gave way to favouring other texts, among which the writings have pride of place. The following sections shall address the sources in terms of manuscripts and editions as well as attending to general problems of interpretation with regard to the writings.

#### *From the As. 338 to the Opuscula and beyond: Collections and Editions*

Due to independent attestation verifiable in citations of first and second generation Minorite documents, it is certain that some friars had access to at least a small number of the writings, but the circulation and accessibility of a specific writing at a given point in history is difficult and, at times, seemingly impossible to determine in the current state of research.<sup>10</sup> Since we have original copies of only four texts, the three autographs of Francis and the *Regula bullata* contained in the papal bull *Solet annuere*, the vast majority of the writings have been found in later manuscripts. The long history of the writings and their scattered circula-

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<sup>8</sup> For a thoughtful, informed, and up-to-date introduction to the writings and relevant methodological considerations, see: L. Pellegrini, ‘Francesco e i suoi scritti. Problemi e orientamenti di lettura in alcuni recenti studi,’ in: *Frate Francesco e i suoi agiografi* (Assisi: Edizioni Porziuncula, 2004), 29-50.

<sup>9</sup> For succinct studies on the writings successive to the Esser edition but prior to that of Paolazzi, see: G. Miccoli, *Gli scritti di Francesco. Francesco d'Assisi e il primo secolo di storia francescana* (Turin, 1997), 35-69 & E. Menestò, ‘Gli scritti di Francesco d'Assisi,’ in: *Frate Francesco d'Assisi. Atti del XXI Convegno internazionale. Assisi, 14-16 ottobre 1993* (Spoleto, 1994), 161 -181.

<sup>10</sup> Recent studies have shed light on the issue in various works. See: F. Accrocca ‘Insistenze ed oblii: gli "Opuscula" negli scritti degli Spirituali,’ in: A. Cacciotti (ed.), *Verba Domini mei. Gli Opuscula di Francesco d'Assisi a 25 anni dalla edizione di Kajetan Esser, OFM*. Atti del convegno internazionale, Roma, 10-12 aprile 2002 (Roma: PAA-Antonianum, 2003), pp. 221-240.

tion begins in the mid-thirteenth century. The brothers' first attempted to gather and compile literature regarding Francis and Clare of Assisi and thereby produced the earliest extant manuscript containing a collection of writings attributed to Francis, the Assisi 338 codex in the Sacro Convento library of the Assisian Basilica of Saint Francis.<sup>11</sup> As. 338 is an indispensable source for Franciscan documents in general and for the writings in particular. Later collections would add few texts to those contained in the Sacro Convento manuscript.<sup>12</sup> Four other thirteenth-century manuscripts located in Italy and England survive but contain an incongruent selection of texts with the *Admonitiones* as the lone point of consistency.<sup>13</sup> While fourteenth-century manuscript collections reflect varying levels of precision and transcriber proficiency, the Avignon and Northern Low Countries collections were exemplary, the latter having served as the basis for subsequent collections up until the advent of the printing press.<sup>14</sup> Thus, as L. PELLEGRINI notes, "the texts with which we are dealing were collected together with others of [M]inorite origin, and were inserted successively in codices made available in different libraries of the Order between the fourteenth and fifteenth centuries."<sup>15</sup>

Undertaking an ambitious study of rather indeterminate method, L. WADDING produced a 1623 edition of Francis' *scripta* and *dicta* entitled *Opuscula Beati Patris Francisci Assisiatis*.<sup>16</sup> In his study, WADDING presented a wide-ranging series of texts, which he attributed to Francis of Assisi, including 'sayings' directly from Bonaventure's *Major Legend*. WADDING's would remain the authoritative edition until the three editions published in 1904. Employing more rigorous methods of selection, L. LEMMENS (and Quaracchi editors),<sup>17</sup> H.

<sup>11</sup> Dated to between the later 1240's and early 1260's. Pellegrini argues that Brother Leo was probably responsible for the collection most likely dated between 1244 and 1250/1253. See: L. Pellegrini, 'The Transmission of the Writings of Brother Francis: On the Trail of the Manuscript Tradition,' (Trans. Michael W. Blastic) *Studies in Early Franciscan Sources*, Vol. 1, 28-29. For an in-depth, informative treatment of the Assisi 338 codex, see: L. Pellegrini, *La raccolta dei testi francescani del Codice assisano 338: un manoscritto composito e miscellaneo*, in *Revirescunt chartae codices documenta textus. Miscellanea in honorem fr. Caesaris Cenci ofm*, curantibus A. Cacciotti et P. Sedda (PAA – Edizioni Antonianum, Romae 2002), 289-340. See also: Kajetan Esser, *Die älteste Handschrift der Opuscula des hl. Franziskus* (cod. 338 von Assisi) & Francis Burkitt, "The oldest ms. of S. Francis's writings." *RevBèn* 34 (1922): 199-208.

<sup>12</sup> Pellegrini, 'The Transmission of the Writings,' 25.

<sup>13</sup> 'Introduction,' *FE:ED*, Vol. 1., 36-37.

<sup>14</sup> Intro, 37. For a list of the manuscripts, see: C. Paolazzi, 'Introduzione generale,' *Scripta Francisci Assisiensis*, critica editio Carolus Paolazzi ofm, Editiones Collegii S. Bonaventurae Ad Claras Aquas, Grottaferata (Romae, 2009), 14-18. For a detailed study of the manuscript tradition, see: Pellegrini, 'The Transmission of the Writings,' 21-50. Original Italian version: *La trasmissione degli scritti di Frate Francesco: sulle tracce della tradizione manoscritta*, in *Francesco d'Assisi*, Scritti: testo latino e traduzione italiana (a cura di Aristide Cabassi). EFR – Editrici Francescane, Padova 2002, 39-72.

<sup>15</sup> Pellegrini, 'The Transmission of the Writings,' 24.

<sup>16</sup> *B.P. Francisci Assisiatis Opuscula*, nunc primum collecta, tribus tomis distincta, notis et commentariis asceticis illustrata, per fr. Lucam Waddingum Hibernum, Antverpiae MDCXXIII.

<sup>17</sup> *Opuscula sancti patris Francisci Assisiensis*, sec. Codices mss. Emendata et denuo edita a PP. Collegii S. Bonaventurae, Ad Claras Aquas (Quaracchi) 1904 (II ed., 1941)



BOEHMER,<sup>18</sup> and W. GOETZ<sup>19</sup> published their versions of the *Opuscula*, narrowing their studies to the *scripta*. Dissatisfied with these editions, however, P. SABATIER wrote an exacting article<sup>20</sup> in the same year calling for a critical edition of the *Opuscula*, which aimed to ascertain the authentic text by means of manuscript analysis based upon established criteria in a similar manner as the historical-critical method developing in biblical scholarship at the time.<sup>21</sup>

SABATIER's call for a critical edition would not be put to task<sup>22</sup> until the 1960's when K. ESSER and R. OLIGER undertook the weighty charge of investigating the manuscript tradition (181 in total), spanning greater Europe over the period of more than a decade.<sup>23</sup> ESSER then systematised his own criteria for the critical edition in the next years, publishing his results along the way.<sup>24</sup> His 1976 critical edition<sup>25</sup> received wide acclaim due to extensive manuscript consultation, reasoned explanations concerning text selection, and interpretative introductions.<sup>26</sup> The revised *editio minor* resolved problems of readability<sup>27</sup> and would serve as a valuable tool for scholars and provide the basis for vernacular translations.

C. PAOLAZZI has recently published a new critical edition of the writings, evoking the definitive denomination *Scripta*. In his general introduction, Paolazzi delineates a broad over-

<sup>18</sup> H. Boehmer, *Analekten zur Geschichte des Franziskus von Assisi* (Tübingen & Leipzig, 1904).

<sup>19</sup> W. Goetz, *Die Quellen zur Geschichte des hl. Franz von Assisi. Eine kritische Untersuchung*. Erstausgabe. Friedrich Andreas Perthes Aktiengesellschaft Erste Aufl. (Gotha, 1904).

<sup>20</sup> 'Examen de Quelques Travaux Recents sur les Opuscles de Saint François,' *Opuscles de critiques historique*, Fascicule X, (1904): 117-161.

<sup>21</sup> 'Introduction,' 38.

<sup>22</sup> Studies which contributed to the preparation of the critical edition with either a call to *ressourcement*, description of source collections, or proposal of helpful categories within the writings should not go without mention, such as: A.G. Little, *Un nouveau manuscrit franciscain ancien Philipps 12290 aujourd'hui dans la Bibliothèque A.G. Little* (Opuscles de critique historique, 3) (Paris: Librairie Fischbacher, 1914-1919), 1903; P. Sabatier, 'Compilation franciscaine d'Avignon,' *Revue d'histoire franciscaine* 1 (1924): 425-31 & 'Description du ms. 1/25 du couvent de s. Isidore des Irlandais, as Rome,' in: *Opuscles de critique historique*, 1 (Paris: Librairie Fischbacher, 1903); Bughetti, Benvenuto, 'Una nuova compilazione di testi intorno alla vita di s. Francesco (Dal cod. Universitario di Bologna n. 26997),' *AFH* 20 (1927): 525-34; J. Cambell, 'Les écrits de Saint François de Assise devant la critique,' *FranzStud* 36 (1954): 82-109, 205-64. and *Écrits et paroles de s. François d'après les Opuscles de Wadding*; in: *FranzStud* 48 (1965): 73-104 & S. Clasen, *Legenda antiqua Sancti Francisci. Untersuchungen über die nachbonaventuranischen Franziskusquellen 'Legenda trium sociorum', 'Speculum perfectionis', 'Actus b. Francisci et sociorum eius' und verwandtes Schriftum* (Leiden, 1967).

<sup>23</sup> Esser and Oligier, *La tradition manuscrite des Opuscles de s. François de Assise. Préliminaire de l'édition critique (Subsidia scientifica franciscalia cura Istituti Historici Cappuccini, 3)*. Rome: Istituto Storico Cappuccini, 1972.

<sup>24</sup> *Studien zu den Opuscula des Heiligen Franziskus von Assisi*. Eds. Edmund Kurten and Isidoro da Villapadierna (Rome: Istituto Storico Cappuccini, 1973). The updated bibliography of the 1989 Esser edition contains a complete list of his studies conducted in those years.

<sup>25</sup> K. Esser, *Die Opuscula des hl. Franziskus von Assisi. Neue textkritische Edition*, Editiones Collegii S. Bonaventurae ad Claras Aquas, Grottaferrata (Romae) 1976.

<sup>26</sup> 'Introduction,' 38. It has received greater acclaim than the Boccali edition, in particular due to the number of manuscripts consulted.

<sup>27</sup> *Opuscula sancti patris Francisci Assisiensis*, denuo edidit iuxta codices mss. Caietanus Esser ofm, Editiones Collegii S. Bonaventurae Ad Claras Aquas, Grottaferrata (Romae) 1978.

view of his criteria for the philological re-evaluation of Francis's *Scripta* employed in his edition with particular attention to methods of palaeographic and redactional analysis.<sup>28</sup> While PAOLAZZI esteemed the previously authoritative ESSER edition for its positive qualities, he also raised a problematic limitation of the volume; namely, ESSER did not use the Lachmann method to construct a complete stemma and genealogical tree of manuscript texts, a limitation which PAOLAZZI sought to overcome in his own edition.<sup>29</sup> To date, PAOLAZZI's edition has received affirmative attention and general approval among scholars<sup>30</sup> and is the text used in the present study. An essentialist approach to textual authenticity aims to counteract such a critique and further validate the use of PAOLAZZI's edition.

### *Establishing the Texts: Criteria of Authenticity, Integrity, and Originality*

The question regarding the selection of writings, their formal characteristics, and their context is one, which necessitates not only strict methodological deliberations but also a measure of familiarity with advancements in recent scholarship in terms of editions and secondary literature. WADDING's 1623 edition, lacking a critical mechanism for textual selection, contained sixty-seven texts plus over 200 sayings of Francis comprised of citations or near citations from Bonaventure's *Legenda maior*. Among them were letters, prayers, rules, and *OffPass* along with conferences and sayings attributed to Francis. A stream of critical studies of the texts in the 20<sup>th</sup> century began to establish criteria of authenticity for the attribution of texts to Francis of Assisi and, starting with LEMMENS, GOETZ, and BOEHMER, would reduce the number of genuine texts, granting a lesser degree of credulity to sayings and conferences to the point of total omission.

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<sup>28</sup> On the Lachmann method and other influential studies utilized by Paolazzi in his analysis of the manuscript tradition, see: S. Timpanaro, *La genesi del metodo del Lachmann* (Padova: Liviana, 1981); A. Balduino, *Manuale di filologia italiana* (Firenze: Sansoni, 1979), 149-55; F. Brambilla Agno, *L'edizione critica dei testi volgari. Seconda edizione riveduta e ampliata* (Padova: Antenore, 1984), 156-62. For an English introduction to philology and textual criticism, see: D. Greetham, *Textual Scholarship: An Introduction* (Psychology Press, 1994).

<sup>29</sup> 'Introduzione generale,' *Scripta*, pp. 1-21.

<sup>30</sup> While not the only edition consulted for the current study, Paolazzi's edition serves as the principal tool for examining the rules and writings. For critical reviews of Paolazzi's edition, see: F. Accrocca, 'Scritti di F. e storia del francescanesimo. L'edizione degli "Scripta" curata da Carlo Paolazzi,' *MFr* 110 (2010): 552-566; A. Bartoli Langelì, 'L'edizione Paolazzi degli *scritti* di Francesco d'Assisi,' *Frate Francesco* 77 (2011): 179-187; L. Pellegrini, 'Considerazioni attorno ad alcuni punti problematici dell'edizione Paolazzi,' op. cit., 187-203. G. Miccoli once uttered a counter-argument to the use of the Lachmann method in creating a critical edition of the writings based upon detectable contamination in some of the texts, in particular among the letters. See his 'Le lettere di Francesco d'Assisi,' *Filologia mediolatina* XI (2004): 161-189, here 188-9.

As indicated, the first to develop rigorous, widely-tenable criteria for the selection of texts was ESSER.<sup>31</sup> ESSER's edition also incorporated a qualitative division of texts according to nature and degree of attributability.<sup>32</sup> He thereby divided 'certain' texts from 'doubtful' and 'spurious' texts. ESSER explained the status and reason for exclusion of twenty-four doubtful and spurious writings, likewise for the inclusion of the thirty-eight certain texts.<sup>33</sup> Among the certain texts were letters, blessings, prayers, admonitions, exhortations, and rules, which he divided into *Opuscula* and *Opuscula dictata*. However, ESSER's presentation of the texts insinuates homogeneity. As recent studies have demonstrated, assuming the homogeneous nature of the texts is misleading. In a striking instance, PAOLAZZI points out in his new edition that ESSER inserted *logia* and lost epistles into the *Opuscula dictata* section.<sup>34</sup> The lost epistles have little philological validity, and as URIBE rightly notes there is to date little precision concerning criteria of identification and methods of gathering 'sayings.'<sup>35</sup> Indeed, PAOLAZZI dismissed the entire category of *Opuscula dictata*<sup>36</sup> and settled on a corpus of 30 *Scripta*.<sup>37</sup>

While critical scholarship continues to increase our knowledge of the texts at hand, there is to date no fixed canon. One source of puzzlement in this regard is the problem of textual authenticity. Recent studies provide compelling evidence that there still remain open questions and unsolved problems regarding the writings. In an endeavour to delineate criteria of authenticity proper to the writings, MICCOLI argues that there are, in substance, two basic criteria for establishing the authenticity of the writings. The considerations in critical editions and the selection of texts in such editions (barring the *Opuscula dictata* section in ESSER's

<sup>31</sup> Nevertheless, scholars have suggested that such criteria are not impervious to subjective interpretation in the effecting of editions. For instance, see: Pellegrini, 'The Transmission of the Writings,' 45-48.

<sup>32</sup> It was, however, J. Cambell to coin the term *les oeuvres dictées* in his *Écrits et paroles de s. François d'après les Opuscles de Wadding*; in: *FranzStud* 48 (1965): 78. Boehmer and Lemmens also included a section for *Opuscula dubia*.

<sup>33</sup> Listed under *Opuscula*: Adm, CantSol, LaudDei, BenLeo, EpAnt, EpCler I/II, EpCust I, EpCust II, EpFid I, EpFid II, EpLeo, EpMin, EpOrd, EpRect, ExhLD, ExpPat, FormViv, Frag, LaudHor, OffPass, OrCruc, RegB, RegNB, RegEr, SalBMV, SalVirt, Test, UltVol. *Opuscula dictata*: BenBern, BenCl, EpBon, EpCl, EpJac, EpFranc, TestSen, VPLaet, VerbExh.

<sup>34</sup> Esser, *Die Opuscula*, 451-61. Attributing authenticity to *logia* in bio-hagiographical sources or otherwise is highly problematic, as Giovanni Miccoli notes in his succinct introductory essay: "non ci si può non domandare di volta in volta se si tratti di un mero artificio letterario, o se non ci si trovi invece davanti a parole sue, dette così e fedelmente tramandate a voce o per iscritto, o ancora se quei discorsi non corrispondano effettivamente a concetti e insegnamenti di Francesco cui il biografo si è limitato a offrire una veste corrispondente al suo gusto e al suo stile," *Parabole, "logia", detti*, in Francesco d'Assisi, *Scritti*, testo latino e traduzione italiana (Padova: EFR-Editrici Francescane, 2002), 502.

<sup>35</sup> Uribe, 'L'edizione esseriana degli Opuscula,' *Verba Domini mei*, 469.

<sup>36</sup> Only in appendix form does Paolazzi treat the *logia* and lost epistles which Esser included in his edition, and he does so in such a way as to suspend judgement regarding their authenticity and their place among the corpus of Franciscan documents.

<sup>37</sup> Texts included in Paolazzi's edition: *Laudi e preghiere*: PrCroc, ExhLD, SalBMV, SalVirt, OrPat, LaudHor, OffPass, LaudDei, BenLeo, CantSol, AudPov; *Epistole*: EpCler I, EpCler II, EpCust I, EpRect, EpCust II, EpLeo, EpMin, EpAnt, EpFid I, EpFid II, EpOrd; *Regole ed esortazioni*: RegNB, Frag, RegB, RegEr, Adm, FormViv, UltVol, Test.

edition) in general appear to not be incongruent with Miccoli's representation of the issue. According to MICCOLI, the *first criterion* of authenticity is the concordant (or near concordant) presence of a text in all four of the 'collections' of Francis' writings.<sup>38</sup> The texts attributed to Francis in As. 338 and the groups of codices from Avignon, Northern Low Countries, and Portiuncula or Central Italy constitute the four collections indicated by MICCOLI, at times referred to as 'canonical' collections in secondary literature. The *second criterion*, he argues, "deve essere ricavato dall'analisi interna del testo stesso, dalla sua corrispondenza o meno con lo stile religioso e umano e con i temi peculiari della proposta cristiana di Francesco."<sup>39</sup>

The current study shall operate on the basis of an essentialist model of philological criteria, which favours external confirmation over internal, thereby favouring redactional analysis while incorporating questions of literary form and content as a supplementary element. MICCOLI's first criterion is of the utmost rigour and forms a foundational set of texts. As scholars have proven, attribution to Francis and internal correspondence with other writings alone do not suffice.<sup>40</sup> In addition to underscoring the undisputed authenticity of the *RegB* and the three writings reported by the autographs,<sup>41</sup> the present author would modify the formulation of MICCOLI's second criterion<sup>42</sup> slightly in order to render the two criteria more complementary and thereby grant the second greater clarity and philological rigor.<sup>43</sup> Thus, the reformulated second criterion regards texts reported as *scripta* in at least two of the 'canonical' collections (independent attestation), which exhibit textual integrity and whose thematic and lexical content and historical context reflect and correspond to that of texts in full satisfaction of the first criterion.<sup>44</sup> A third criterion may serve to supplement the treatment of further cases

<sup>38</sup> Miccoli, 'Gli scritti di Francesco,' 50-1. The group of texts which satisfy the first criterion in full include, *Adm*, *EpFid* (ampla), *EpOrd*, *SalVirt*.

<sup>39</sup> Miccoli, 'Gli scritti di Francesco,' 51.

<sup>40</sup> The well-known apocryphal instances of the *Prayer for Peace* and the *Letter to the Hermitage of Portu Vegla*, both considered authentic for centuries, should serve to validate the argument and manifest a need for more stringent criteria.

<sup>41</sup> Except for the Spoleto letter, they also have a manuscript tradition. See further indications on *EpLeo* below.

<sup>42</sup> The phrasing '*la proposta cristiana di Francesco*' is a vague but familiar notion. Miccoli's use of it in the article implies his attempt to reconcile philological criteria of authenticity with his project '*la proposta cristiana di san Francesco d'Assisi*,' in which Miccoli constructs his own synthesis of Francis' vision of the Christian life based upon the writings and anecdotes from bio-hagiographical sources. My reformulation was neither a refutation nor an endorsement of Miccoli's wider synthesis. Regardless of whether Miccoli's move is legitimate or not, the wording here is ambiguous.

<sup>43</sup> The metaphor of a filtering system used to pan for gold might be employed. Whereas the first criterion acts as a large filter trapping and catching the most evidently identifiable writings, the second and third criteria refine the search and trap the solid, yet finer tracings of authentic writings. Yet while in the filtering pan, the writings do not merely identify themselves; rather, they require the manual effort of sifting in order to determine whether they are consistent in substance when compared to the other, more apparent pieces already identified.

<sup>44</sup> This criterion asserts the authenticity of texts found in three collections (*LaudHor*, *Test*, *RegEr*, *EpCler* II) and in two collections (*Cantico*, *OffPass*, *SalBMV*). This would exclude the *PregCroc* (reported as a *dicta*).

attributed to Francis that have a manuscript tradition,<sup>45</sup> exhibit no detectable signs of posterior manipulation jeopardise textual integrity,<sup>46</sup> and show no dissonance to the already established authentic texts in terms of internal features, content, and historical context.<sup>47</sup>

A text's integrity and originality relate to its authenticity. Especially significant to the current study is establishing whether a text's integrity was jeopardised after Francis' lifetime, which would deny the possibility of Francis' presence during its composition. Integrity is linked to both authorship and authenticity in that integrity conditions the extent to which a text can be called authentic to an author, or to a group. Within the framework of the current study, the integrity of a text signifies that Francis and his companions completed the text during Francis' lifetime, under Francis' guidance, and with Francis' substantial contribution. If the anecdote reported by Thomas of Celano contains a measure of accuracy, Francis would not have allowed the alteration of a text without his approval.<sup>48</sup> The position admits the possibility of the existence of redactions but does not surrender to its suspicion. The decisive criterion entails detectable traces of manipulation not easily attributable to copyist error, insofar as

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That the *PregCroc* also exhibits signs of posterior manipulation not easily attributable to mechanisms of reproduction. That is another reason to exclude it from the current study.

<sup>45</sup> This would exclude the *EpCust II* (no manuscript tradition). For an accordant position, see: Michael Blastic, *Writings*, 107-8. The exclusion of the text from the 1981 French and 2002 Italian editions of the writings reaffirms the stance taken here. The *EpFid* (brevis) and the *EpCust I* are found in but a single codex (Volterra codex 225) until the 16<sup>th</sup> century, but one which is a copy and thus of mid-thirteenth century origin. The antiquity of the codex, together with the lack of detectable manipulation and the correspondence with the thematic and lexical content and historical context of previously established authentic writings grant these two writings a notable degree of authenticity and in effect warrant inclusion in the study. The *RegNB*, in addition to being attested in the Portiuncula or Central Italy collection, is cited, albeit with substantial variants, twice in the 13<sup>th</sup> century (Hugh of Digne's rule commentary and Thomas of Celano's *Memoriale*) and twice in the early 14<sup>th</sup> century (fragment of the library of Worcester Cathedral codex Q 27 and in Angelo Clarenò's rule commentary). The generally held hypothesis of post-1221 redactional phases accounts for some such variants, whereas Paolazzi's study results, evident in his critical edition, has demonstrated Angelo Clarenò's manipulation of the text by way of interpolation to suit his agenda, thus accounting for other such variants. See: 'La *Regula non bullata* secondo Angelo Clarenò: tradizione testuale e rimaneggiamento,' *Aevum* 80 (2006), 447-77.

<sup>46</sup> This incurs the sort of manipulation not easily attributable to copyist error. Such a category would include *EpRect* and *EpAnt*. Both of the texts appeared in the '*Scripta dubia*' section of Boehmer's edition. See: *Analekten zur Geschichte des Franziskus...*, 70-3. Regarding *EpAnt*, both Sabatier and Bonmann argue against the text's authenticity, claiming that much of the content is found in other texts. De Campagnola and Rigon also have asserted the open and unresolved nature of the question. See: S. de Campagnola, *FF*, 8-13; A. Rigon, *Scritti*, 389-90; O. Bonmann, 'De authenticitate epistolae s. Francis ad Antonium Patavinum,' *AFH* 45 (1952): 474-92. Merlo has argued that, while the *EpRect*'s content is consistent with that of other writings, the witness from Francis Gonzaga is potentially unreliable. See: G. Merlo, *Scritti*, 407. For Menestò's counter-argument against claims that would refute the authenticity of such texts: E. Menestò, *Le lettere*, 174-7. For an up-to-date but by no means exhaustive *status quaestionis* on *EpRect* and *EpAnt* including mention of their disputed authenticity and select authors of such disputations, see: M. Blastic, *Writings*, 113-5 and 125-6 respectively. While both Esser and Paolazzi argued in favour of authenticity, their arguments are either too dependent upon internal criteria or they ignore potential tampering detectable in the texts.

<sup>47</sup> The criterion substantiates inclusion of *EpCler I*, *EpMin*, *ExhLD*, *OrPat*, *AudPov*, *FormViv*, and *UltVol*.

<sup>48</sup> *VbF* 82 (*FF* 258): *Cum litteras aliquas salutationis vel admonitionis gratia faceret scribi, non patiebatur ex eis deleri litteram aliquam aut syllabam, licet superflua sepe aut incompetens poneretur.*

such intervention may have compromised the integrity of a text. The matter of integrity also contributes to the call for a re-evaluation regarding approach to the writings. While scholars are in agreement concerning the integrity of the majority of the thirty texts among the writings, there are a few exceptions. The previously mentioned instances of the *PrCroc*, *EpRect*, and *EpAnt* show signs of subsequent manipulation, whereas *Adm* exhibits a level of learnedness and acquaintance with monastic literature seemingly above that proper to Francis. Scholars have thus raised questions as to the texts' authenticity with particular regard for textual integrity. For reasons indicated above, the present study shall disregard *PrCroc*, *EpRect*, and *EpAnt*. Individual treatment of *Adm* shall contain reasons for inclusion in the study.

The originality of a text is also an element of authorship and thus also of authenticity. First explicated in Franciscan studies by D. VORREUX and adopted by scholars of the writings, textual originality is a distinguishing factor of authorship, insofar as it constitutes a certain degree of non-derivative content. VORREUX was convinced of a distinction after being provoked by the work of J. CAMBELL, who had in 1959 judged some of the writings to be uncharacteristic in style and vocabulary, and therefore apocryphal.<sup>49</sup> GALLANT describes the distinction in summary regarding the *OrPN*.<sup>50</sup> Since then, the distinction has been widely adopted and influenced criteria of textual inclusion in Esser's edition of the writings. Such a distinguishing factor shall prove helpful in determining the authenticity especially of certain prayer texts among the writings.

The essentialist philological approach to source selection permits a solid base of texts from which to conduct the present research project. What remains is a critical group of 26 texts listed here in the order addressed above. *RegB*, *EpLeo*, *LaudDeiAlt*, *BenLeo*, *Adm*, *EpFid (ampla)*, *EpOrd*, *SalVirt*, *LaudHor*, *Test*, *RegEr*, *EpCler II*, *Cantico*, *EpFid (brevis)*, *EpCust I*, *RegNB*, *OffPass*, *EpCler I*, *EpMin*, *SalBMV*, *ExhLD*, *OrPat*, *FormViv*, *UltVol*, *AudPov*.

Besides what has already been discussed, three points combine to assist in justifying the method, undertaking, and results of the present study. Firstly, nearly all of the texts among the writings which provide insights essential to the current investigation are located in at least

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<sup>49</sup> Gallant, *The Writings*, 282.

<sup>50</sup> "Vourrex had introduced the distinction between the "authenticity" of a text (in the sense put forth by Desbonnets [i.e. that a text could have been adopted by Francis and thus also be "of Francis"], which can include some editing by the person who adopts it) and its "originality" (the degree to which one can be identified as having authored it. [...] [Esser] accepts the two possibilities: one referring more to "authenticity" (Francis could have adapted an existing text for his own use), the other giving more importance to "originality" (Francis would have composed a new text by recycling elements taken from existing commentaries of the Our Father)." Gallant, *The Writings*, 282-3.

two of the extant collections of the writings.<sup>51</sup> Also, while the problem of textual authenticity is a pressing one among scholarly investigations of the writings, a general consensus upholds the authentic and integral nature of the texts vital to the present study. Finally, the overall lexical and contentual coherence of the set of texts fixes another point of theoretical stability for conducting the project in the arranged fashion.

### *General Textual Characterisation: Authorship, Formal Characteristics, Dating*

Posed in concrete terms: in what sense may we consider Francis the author of the writings? The matter of authorship presents a particular challenge to scholars attempting to interpret the conceptual content of the texts as it directly affects the degree to which the writings might deliver the actual thought or vision of the historical individual, Francesco di Pietro di Bernardone. A. BARTOLI LANGELI provides a helpful, initial distinction between *scritti di Francesco* (*facere scribi*) and *scritti da Francesco* (*scribere*), whereby he proposes a typifying feature among the writings that differentiates between the texts dictated by Francis and those of Francis' own hand, the autographs.<sup>52</sup> Dictated writings are not to be confused with Esser's curious designation *Opuscula dictata*, for that category of texts either in actuality comprises *dicta* or texts that lay outside the criteria for inclusion in the study at hand. One must presuppose that there is no strict distinction between texts written by the plume of others under Francis' request and direction (*scritti di*) and 'dictated' texts, otherwise that category would have no claim to authenticity.<sup>53</sup>

Although recent scholarship has suggested that Francis exhibited a general curiosity for Latin and an interest for learning to read and write the language,<sup>54</sup> Francis was by no means an expert Latinist. Prominent studies based upon palaeographic examination of his autographs and the concurrent period in the culture of latinography have suggested that Francis' level of education was at a mid-point along the spectrum between illiteracy and complete

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<sup>51</sup> Significant exceptions include the *OrPat*, *RegNB*, *EpMin*, *Cantico*, and the autographs. The next section addresses validity by specific case.

<sup>52</sup> A. Bartoli Langeli, *Gli autografi di frate Francesco e di frate Leone*, *Autographa Medii Aevi* (CCAMA) (Brepols, 2000), 67-71. Bartoli Langeli remarks that in the former category of texts "*incida più la voce che la mano, più la dettatura che la scrittura*." P. 67. The first designation *facere scribi* derives from the *Testamentum*, which reads *Dominus Deus revelavit michi, et paucis verbis feci scribi...*, whereas the latter (*scribere*) derives from Leo's rubric on the Assisi chartula, of which he reports that Francis *scripsit manu sua*.

<sup>53</sup> See: Paolazzi, *Lettura*, 28-42.

<sup>54</sup> A. Bartoli Langeli, 'Gli scritti da Francesco. L'autografia di un illitteratus,' in: *Frate Francesco d'Assisi* (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1994), 103-59. He notes in several passages, "*La venerazione dello scritto non si limita alle parole scritte di Dio, ma comprende le parole scritte da Francesco in lode di Dio e nel rispetto della volontà di Dio.*"; "*L'uso della scrittura da parte di Francesco non ha nulla di occasionale, è parte caratterizzante della sua 'proposta cristiana'*"; "*Francesco ... era 'ignorante e idiota,' ma un ignorante e idiota che voleva scrivere.*"

literacy. The *latinum falsum* characterised by errors in grammar, spelling, and syntax, lapses into Italianism, and an unsophisticated style verifiable in his autographs confirm the notion that Francis, while a student of the Latin language, would never attain a degree of proficiency. Unfamiliar with the formal and more advanced ductus of majuscles, Francis wrote the chartula in all Caroline minuscules, a sign of his “alfabetizzazione elementare.”<sup>55</sup> Given Francis’ level of proficiency in the Latin language, not all of the writings could possibly be of his own hand. Bartoli Langeli’s thesis therefore posits a *scritti di* – *scritti da* distinction to account for degrees of authorship. Recent scholarship and personal reflection raise new perplexities with reference to the question and cast doubt upon the tenability of such a presupposition.<sup>56</sup> One objection regards authorship in a broad sense, the other technical authorship.

Such a categorisation is helpful but at most provisional as it is unjustifiable to speak of the former set of writings (*scritti di Francesco*) as a homogeneous whole in terms of broad authorship without reference to the rising hermeneutical culture referable in the textual community of the writings. The homogeneous view of the *scritti di* rests upon the presupposition that Francis is the sole author of (that is, sole voice present in) the writings and that they are the direct outcome, not of a ‘second-hand’ Francis, but of an atemporal, extra-contextual account of Francis’ exact thoughts expressed in timeless word, regardless of the rising culture and contribution of the early movement.<sup>57</sup> The writings are not autobiographies; rather, they are in large part communal texts. From early on, Francis lived in community - the *Test.* 14 reads, *Et postquam Dominus dedit michi de fratribus, nemo ostendebat michi quid deberem facere.*

The early movement, the textual community from which the sources at hand arose, enjoyed communication via diverse means – aural, oral, read, and written. The forms function in relation one to another. In the earliest years, the *fratres* had opted to model their lives on the Gospel, or Christ, *vox filii Dei*, as present in the vulgate Scriptures, which they would have

<sup>55</sup> Bartoli Langeli, *Gli autografi*, 26. See also, Bartoli Langeli, 25-29 & Godet-Calogeras, *Autographs*, 53. Bartoli Angeli remarks of Francis that in terms of cultural preparation he finds himself among a group of “*individui semicolti, appena alfabetizzati.*” P. 27. As S. Da Campagnola states, Francis “comprendevo senza dubbio la lingua latina, anche se non la possedeva tanto da potersi esprimere in essa correttamente e tanto meno da poterla correttamente scrivere.” ‘Introduzione,’ in: *FF*, 5.

<sup>56</sup> The studies of Flood on the *Rules* and their compositional context should suffice as a prominent example. Flood’s *Regulam melius observare* and “Read it at Chapter: Francis of Assisi and the *Scritti*,” *FrancStud* 60 (2002): 341-357 and B. Stock’s *Listening for the Text* are a source of thought-provoking reflection and sparked thoughts that contributed to considerations in the section at hand. The present author is largely in agreement with many of Flood’s arguments regarding the writings. However, the phrase ‘early Franciscan writings’ can be misleading. Two presuppositions charge the title with unnecessary meaning: namely, that Francis was not a charismatic, rather a catalytic leader, which therefore denies him any kind of primary agency in the production of early Minorite meaning.

<sup>57</sup> This is of course a term borrowed from the clever title of G. Pozzi’s article ‘San Francesco “di seconda mano,”’ in: *Verba Domini Mei*, 279-327.



heard at liturgical gatherings, stored away in memory, discussed and scrutinized with clerics and laymen in and outside the group, in some cases read, and ultimately put into action. *Test.* 14 continues, *sed ipse Altissimus revelavit michi quod deberem vivere secundum formam sancti Evangelii*. As such, the brothers experienced their universalising text, the Gospel, *a modo proprio* and thereby constituted a textual community. Early Minorite textuality is therefore not reducible to the realm of the reader and the writer. It was, rather, an interpretive, traditionalising force active in the movement producing and produced by early Minorite ethos, meaning, and language. Their aural and oral tradition was already traditionalising textuality, insofar as text-oriented, prior to their having written even a single word. Common textual interpretation became communal identity and praxis and thus morphed into routinised, meaning-producing textuality. Text-oriented praxis turned ritual had already become normative and rule-oriented without parchment and thereby democratised to an extent the shared meaning in the textual community. Francis was a charismatic leader, but he was not the sole nexus of meaning for the community. Studies on the rules in particular substantiate such a claim. Though Francis was a charismatic, he did not have a monopoly on Minorite meaning. The brothers' life was an spontaneous experiment, a shared experience, and a venturing of communal meaning. His companions thus surely also had a hand in its authoring.

The writings spring forth from such a dynamic period in history. Due to the increase in textual production over time, it is reasonable to surmise that written communication gained in importance and reflected the movement's expansion and change in demographics. Minorite textuality thus entered new horizons, but endeavoured at once also to maintain continuity with old ones. Thus, to limit the emerging Minorite culture to the reader-writer realm would be at best a patent reduction of the communal traditionalising and operant textuality of the early community. Thus, what we encounter in these texts is not a static, atemporal *dictat* of which Francis was either originator or mere passive agent, rather the content is at once a determinant *and* outcome of a living, continual Minorite discourse as it emerged and took shape over time.

In addition, Francis' lack of Latin expertise renders the homogeneous grouping and denomination 'the writings of Francis' problematic in terms of technical authorship. While PAOLAZZI's designation *Scripta*, in contrast to *opuscula dictata* or even *dicta*, is a transferral of the manuscript description of the texts, its unqualified use in contemporary academic discourse implies a disingenuous sense of authorship. Even a cursory leafing-through of the texts renders spurious the position that at the level of grammatical, phrasal, and scriptural complexity the texts represent the authentic words of Francis, which is to say either a work of Francis' own hand, or a faithful word-for-word Latin dictation. It is rather of high presumability that

in cases where close analysis reveals that Francis was likely the main impetus behind a Latin “*scritti di*” text, he would have been responsible for the text at best insofar as he dictated its message either in Umbrian or in simple, unlettered Latin similar to that of his autographs, although practicality dictates the negligible likelihood of the latter case. In the process, he would have required the assistance of fellow friars, learned penmen and scholars of Scripture,<sup>58</sup> who would have translated and reformulated his words reworking them, albeit with Francis’ attentive oversight, into proper Latin, barring rare lapses into Italianism, and fleshed out the text.<sup>59</sup> Thus, the majority of the writings were not only dictated, but also “condeterminati” by the respective penmen brothers at work.<sup>60</sup> In other cases, which upon analysis appear to have been a collective effort, for instance the *RegNB* in its various redactional stages and the *RegB*, the friars would have laboured together over a text and thus could scarcely bear the characterisation of *scritto di Francesco* in any justifiable sense. The extreme examples of the undisputed letters and the *RegNB* suffice to illustrate an evident challenge to the denomination *Scripta* and to substantiate the thesis at issue.

While the first person singular does appear in the writings, the second person plural employed in chief passages lends credence to an element of broad authorship of the interpretive community. The so-called egoism of Francis, a term adopted by scholars to describe the prevalence of first person singular pronouns in the writings, evinces Francis’ mark. Nonethe-

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<sup>58</sup> See *CAss* 106 (*FF* 1647-1653) and the presence of *nos qui cum eo fuimus* at the writing of rule and almost all of his other writings.

<sup>59</sup> Indeed, varying stylistic indicators among the writings suggest the presence of multiple scribes. In the once apocryphal, now standard *dicta* the *LaetVP*, Francis asks Leo to write while he speaks. Jordan of Giano reports that Caesar of Spyer provided the aid of scriptural expertise in the composition of *RegNB*. Jordan of Giano, *Chronica*, par. 15. *Et sic turbatoribus, Domino favante, subito sedatis ordinem secundum sua statuta reformavit. Et videns beatus Franciscus fratrem Cesarium sacris litteris eruditum ipsi commisit, ut regulam, quam ipse simplicibus verbis conceperat, verbis ewangelii adornaret.* I see no reason to doubt Jordan’s indication, for it is contrarian to hagiographical tendencies and to the wide-spread fiction of full authorship of the rule and in the first place of identity between the two Rules, which Francis himself begun in the *Test* 15: *et ego paucis verbis et simpliciter feci scribi, et dominus Papa confermavit michi.* In addition, given a layered reading of the *RegNB*, Caesar’s 1219/20 entrance into the order would render his assistance in certain parts of the text anachronistic. Flood, appearing to take Jordan’s indication to mean a sort of subsequent proof-texting, claims this was the case only in the preparation of the mission rule of ch. XVI and not in the entire *RegNB*, inasmuch as the scripture citations in the rest of the *RegNB* serve as the core message of the text arising from the guiding passages organic to the early movement and were not only supplementary. See: ‘Assisi’s Rules and People’s Needs: The Initial Determination of the Franciscan Mission,’ *FranzStud* 66 (1984), 91, note 3.

<sup>60</sup> Kuster, ‘Gli scritti di Francesco e Chiara. Autenticità e importanza,’ in: *Verba Domini mei*, 377. In support of such a notion, J. Leclercq writes of medieval dictation, “To ‘dictate’ could thus refer to the successive stages of composition. First came the impressing on wax tablets of the first draft of a work; this was reread, corrected, and only then was the definitive version ‘noted’ either by the author himself or, more frequently, by a professional ‘notary’ who copied it over or took it down from dictation.” *The Love of Learning and the Desire for God: A Study of Monastic Culture* (New York: Fordham University Press, 1961), 172. As the autographs attest, Francis would have likely not possessed the competence and preparation required to accomplish the sort of task alone.

less, given previous deliberations, the denomination of *Scripta Francisci Assisiensis*,<sup>61</sup> albeit of practical value in designating a set of texts, appears of an unjustifiable nature and is nothing short of hubristic without copious prior qualification. Such is especially the case due to the inclusion of the 26 sources indicated above, in particular the two regular texts. While PAOLAZZI ascends to the *scritti da* and *scritti di* distinction in theory, his choices in the introduction to and preparation of the critical edition imply his ultimate aversion to it. The present study thus operates under the basic pretext that Francis was responsible for the writings to the extent that he played a substantial role in the content which informed the writings not of his own hand and not written in the vernacular. Thus, when the denomination ‘the writings’ is employed during the exposition of the theme at hand, one should recognize that the study approaches the set of texts as the writings of Francis *and* the early movement for reasons indicated above. The larger (though not absolute) internal lexical consistency and conceptual coherence in the writings affords a substantive theological study. There are undoubtedly nuances to the features of each text among the writings. Hence, the next section shall also handle in explicit fashion each text with further indications proper to authorship when appropriate and applicable.

The formal characteristics of the writings further the complexity of the question, in particular when interpreting the theological content of the writings. While form does not always dictate content, form does condition and deliver content. Thus, one must consider it as an intrinsic part of the text and its meaning. As DA CAMPAGNOLA notes, the writings do not constitute “nella loro globalità un insieme unitario dello stesso peso e valore.”<sup>62</sup> With that said, a useful tool in marking a distinction among the writings is the classification by literary genre.<sup>63</sup> The writings constitute a slew of literary forms. Among them are private letters, collective letters meant for wide distribution in copy form, blessings, praises, prayers, rules, and

<sup>61</sup> At a formational summer school in the summer of 2011 in Assisi, a group of students presented a thesis concerning the *RegB* suggesting that Francis was not the lone author. A prominent Italian scholar, who shall remain nameless, interrupted the student presenting the group’s results, beginning his intervention exclaiming, “no! questo non mi piace!” Such is the nature of the objection typical of order scholars in the face of the slightest intimation that Francis’ was not the only voice present in the rules.

<sup>62</sup> Da Campagnola, *Francesco d’Assisi nei suoi scritti e nelle sue biografie dei secoli XIII-XIV* (Assisi, 1977), 16.

<sup>63</sup> For a brief analysis of criteria for literary genre, see: P. Martino Conti, ‘La scrittura nell’esperienza e negli scritti di san Francesco: criteri ermeneutici,’ in: G. Cardaropoli and Idem., *Lettura biblico-teologica delle fonti francescane* (Roma: Ed. Antonianum, 1979), 45-50. J. Dalarun is somewhat less optimistic when he writes, Dalarun, “La classification des écrits de François est un débat sans fin. L’ordre alphabétique est absurde. L’ordre chronologique est impossible dans le détail. Reste l’ordre de la typologie des contenus, choisi par notre éditeur. Puisqu’il reprend la catégorie des Detti, il aurait pu donner priorité à la typologie de la production sur la typologie des contenus, en mettant aux deux extrémités de sa distribution la catégories des autographes et celle des “Dits”, et en ne suivant la typologie des contenus que pour la section centrale des écrits dictés.” ‘François pris au mot: à propos de la nouvelle édition critique de ses “Scripta”,’ *AFH* 103 (2010) S. 227-238

admonitions.<sup>64</sup> In his 1904 edition, BOEHMER attempted to distinguish the texts in his edition according to the ‘voice’ in which Francis addressed his brethren. BOEHMER thus sought to divide texts in which Francis speaks as head of the fraternity from those in which he speaks to individuals as a spiritual father and from others still where he speaks openly about his personal inspiration.<sup>65</sup> Yet such a distinction, in addition to confusing categories of content and form, does not suit the writings. Examples abound in which the text employs all three voices within but a few lines of each other (*EpMin*, *EpLeo*, *Test*). Likely the most fitting proposal with regard for textual genre groups is that of DESBONNETS, whereby he divides the texts into Rules and exhortations, letters, and prayers and poetic texts,<sup>66</sup> a division already implied by blocks of text in the Northern Low Countries collection.<sup>67</sup> To the last category one should also add ‘praises’ in order to offer a more comprehensive descriptive field.

While ESSER recognised the difference in literary genre and dating of the writings, he opted for a singular treatment of each text in alphabetical sequence according to title, handling only the *Opuscula dictata* in a separate section. The organisation of the *Opuscula* implies a homogeneous group of texts of indefinite origin. PAOLAZZI showed little regard for *Opuscula dictata* for reasons indicated above and endeavoured in his edition to overcome such a homogeneous presentation by organising the texts into three categories in keeping with literary genre, within which he sorted texts by approximate chronological order. PAOLAZZI adopted the textual groupings of DESBONNETS comprising blessings and prayers, letters, and Rules and exhortations. Such categorisation meets the demand of treating a text based upon literary form and shall serve as a general guideline for the treatment of the writings in the present study.

Apart from the *RegB* contained in the 1223 bull *Solet Annuere*, dating the writings with precision is at best problematic, and at worst impossible. Since the next section shall offer general indications regarding each specific text, the current section shall limit the discussion to a broader chronological framework. Scholars argue that the textual production of Francis and the early movement began sometime at the end of the first decade of the 13<sup>th</sup> century. In its first years of existence, the movement did not necessitate a vast textual output as a sprouting fraternity in the local, urban context of Assisi. With the onset of increasing order membership and geographical dispersion, however, the need for a proper form of communication also increased. It is thus unsurprising to discover that the majority of writings originate in the last six years of Francis’ life, which is to say between 1220 and 1226. Of notable signifi-

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<sup>64</sup> Miccoli, *Gli scritti di Francesco*, 51.

<sup>65</sup> Boehmer, XLV.

<sup>66</sup> ‘Aspect historique et critique des écrits de François,’ in Desbonnets, Godet, Matura and Vorreux 1981, 23.

<sup>67</sup> Pellegrini, ‘The Transmission of the Writings,’ 37.

cance in this regard, the *RegNB* (1209/10-1221) was the result of over a decade of collective efforts. It would emerge as the definitive text of the movement in its initial development. Frequently in cases whereby dating is possible, the circumstance of composition coincides with important moments for the community such as papal bulls which affect the brothers in some way or marked chapter meetings. Such is most often the case with regard to epistolary writings. A hand full of writings has thus far received no agreed-upon date in scholarship. Determining the date of prayers, blessings, and poetic literature often proves the most problematic, as their abstract, devotional character does not lend itself to disclosing a link with concrete, datable incidents. The literary production of Francis' final two years of life are among the most compelling and personal of extant texts, notably the period immediately subsequent to Francis' acclaimed stigmatisation.<sup>68</sup>

### *Francis and the Early Movement as Portrayed in Extra-Franciscan Sources*

Analysis of textual sources as an integral manifestation of communal identity, in particular an identity as disputed in later generations as that of the Friars Minor, profits from a basic grasp of the textual community's collective identity as viewed and constructed through the lens of outside witnesses.<sup>69</sup> A preliminary historical profile of the early movement with attention to dynamics of obedience should thus provide a basic premise upon which to conduct a study of the written culture within the community during its initial period. In the endeavour to avoid the problematic hermeneutical circle enacted in the consultation of internal hagiographical texts in search of positivistic historical information, a concise delineation using extra-Franciscan sources shall meet provisional conditions for a brief overview. As scholars have discovered in recent decades, verifiable independent attestations in coetaneous literature external to the primitive community aid contextualisation of the movement in its conception and early implementation and consequently of the texts stemming from that period.<sup>70</sup> In brief, the witness of independent observers is helpful in historical reconstruction. Such coeval outsider testimonies offer invaluable perspectives of the movement's early customs and way of life as an extension of an emerging Minorite culture, the study of which shall supplement textual analysis. As STOCK notes:

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<sup>68</sup> This period includes the autographs, *Cantico*, *UltVol*, *EpOrd*, and of course *Test*.

<sup>69</sup> On the matter of identity, in addition to Stock's theories, see: S. N. Eisenstadt and B. Giesen, 'The Construction of Collective Identity,' *European Journal of Sociology* 36, 1 (1995): 72-102.

<sup>70</sup> K. Elm, 'Die Entwicklung des Franziskanerordens zwischen dem ersten und letzten Zeugnis des Jakob von Vitry,' in: D. Berg and Idem., *Vitasfratrum. Beiträge zur Geschichte der Eremiten- und Mendikantenorden des zwölften und dreizehnten Jahrhunderts*. Festgabe zum 65. Geburtstag (Werl, 1994), 174-196.

...[W]e may speak of both language and culture as having an external side – what is visible, tangible, or heard – and an internal side – what is understood, unarticulated, or unconscious. ...[W]ithout internality, language and culture are meaningless; without externality, they can neither be perceived nor interpreted.<sup>71</sup>

At issue in the external testimonies are the group's simple, rustic appearance, spiritual fervour and reverence for the word of God, attempted self-subsistence by way of labour and alms, material poverty, preaching and mission activity, configuration of normative and power structures, and ecclesial obedience. Among the earliest extra-Franciscan testimonies of the nascent movement, Premonstratensian chronicler Burchard of Ursperg (d.1230) notes that in 1210, dissimilar to the superstitious and scandalous Humiliati, a new group of religious had obtained full Papal approval, had changed their name in favour of humility, and were obedient to the Apostolic See in all they did. The chronicle signals that *ab initio* the movement of *fratres* had expressed the self-identifying predilection for being *minores* over being *pauperes*.<sup>72</sup>

In his *Epistola I* (1216), the regular canon and chronicler Jacques de Vitry (d. 1240) exalts the new movement, remarking of his inspiration at their contempt for the world and focus upon spiritual things, their diligence in labour and success in drawing recruits, and their shared reverence with Church authorities. He recalls that the *Fratres* and *Sorores*, being of one heart and one soul, live *secundum formam primitivae ecclesiae*, and that they oscillate between attentive work and solitary prayer, thereby enacting a balance of active and passive life. A rather striking passage of his letter reads:

*Homines autem illius religionis semel in anno cum multiplici lucro ad locum determinatum conveniunt, ut simul in domino gaudeant et epulentur, et consilio bonorum virorum suas faciunt et promulgant institutiones sanctas et a dom[i]no papa confirmatas....*<sup>73</sup>

Jacques' observations of the friars reference general chapter meetings and the process of communal drafting of early rules, or the *RegNB* (1209/10-1221) in its early redactional stages, which were then submitted and met with papal approval. Despite common misconceptions that regular production and order governance in the earliest years were monopolous endeav-

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<sup>71</sup> Stock, *Listening for the Text*, 97.

<sup>72</sup> "Ceterum dominus papa in loco illorum exurgentes quosdam alios, qui se appellabant Pauperes minores, confirmavit, qui predicta superstitiosa et probrosa respuebant, sed precise nudis pedibus tam estate quam hieme ambulabant et neque pecuniam nec quicquam aliud preter victum accipiebant, etsi quando vestem necessariam quisquam ipsis sponte conferebat; non enim quicquam petebant ab aliquo. Hi tamen postea attendentes, quod nonnunquam nimie humilitatis nomen gloriationem importet, et de nomine paupertatis, cum multi eam frustra sustineant, apud Deum vanius inde gloriantur, maluerunt appellari Minores fratres quam minores Pauperes, apostolice sedi in omnibus obedientes." Burchardus Urspergensis, *Chronicon*, in: *Monumenta Germaniae historica, Scriptores*, XIII, 376.

<sup>73</sup> R.B.C. Huygens, *Lettre de Jacques de Vitry, edition critique*, XIV, ns. 103-104, l. 107-122, 75-76.

ours undertaken by Francis alone, the study of extra-Franciscan sources as well as D. FLOOD's analysis of the *RegNB*, provide evidence to the contrary.

While such sources relate comparatively few explicit references to Francis, rare occurrences cast Francis in a humble light, often with the title brother, on one occasion master, on another simply merchant. The Paris theology master Odo of Cheriton (d. 1246/7) recounts in his cycle of Sunday Sermons (ca. 1219) an "exemplum" regarding Francis, the topic pericope of which was Matt. 6, 26: *Nemo potest duobus dominis servire*.<sup>74</sup> Likely encountered by oral transmission,<sup>75</sup> the tale is suggestive, if not of a verifiable occurrence relating Francis's charismatic leadership and maternalistic obedience structures operational in the community, then at least of a story circulating among Minorites during the period of redactional development of the *RegNB*, which is not without hermeneutical value. The early movement, a self-proclaimed and otherwise designated *fraternitas* (*Litterae tuae Nobis*, 1218), propounded that no one is Lord, but God alone, as the *RegNB* (which also forbids the attribution of such titles as father and master to earthly authorities) and the topic Scripture passage above suggest.<sup>76</sup> Instead, the group employed maternal images for leadership and was centred on the spiritual mediation of their charismatic founder, the humble lover of the Gospel, Francis.

Two of the earliest extant Papal bulls concerning the friars, Honorius III's *Cum dilecti filii* (1219) and *Pro dilectis filiis* (1220), evince a crucial step in the official recognition of the Friars Minor as a canonical order and thus the willingness, if not eagerness, of the group to proceed in loyalty to Church structures, officials, and directives. *Cum dilecti* reads, *Frater Franciscus, et Socii de vita, et religione Minorum Fratrum, abjectis vanitatibus huius Mundi, elegerint vitae viam a Romana Ecclesia merito approbatam*. Two elements merit particular attention, namely the group's designation as *religio* and the clear Papal affirmation regarding

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<sup>74</sup> We read, "*Frater Franciscus, requisitus quis pasceret fratres suos, quia indifferenter omnes recepit, respondit: "Quidam rex impregnavit quandam in nemore; que peperit. Quem cum per aliquod tempus nutrierat, venit ad portam regis, ut filium suum de caetero pasceret. Quod cum nunciatum esset regi, respondit: 'Tot pravi et inutiles in curia mea comedunt cibum; iustum est, ut filius meus inter eos sustentetur'. Quod exponens, dixit se esse mulierem quam Dominus verbo suo impregnavit qui filios spirituales genuit. Ex quo Dominus tot iniustos pascit, non est mirandum, si filios proprios inter alios sustentet'."*" M. Bihl, 'S. Francisci parabola in sermonibus Odonis de Ceritona an. 1219 conscriptis,' *AFH* 22 (1929): 584-586, here 585.

<sup>75</sup> The story does not reappear in a text until Celano's *Memoriale in desiderio animae* (16-17) published in 1247.

<sup>76</sup> On the notion of *fraternitas* in the early movement, see: Stephen M. King, OFM Conv., 'Fraternitas Minorum: The Franciscan Spirituality of Fraternity,' *Commercium* (2008): 1-27; D. Lapsanski, 'The Meaning of Fraternity in the Writings of Saint Francis of Assisi,' *The Cord* 25 (1975): 316-19; & P. Optatus Van Asseldonk, 'Fisionomia della fraternità,' *ItFran* 57 (1982): 631-40. In its relation to obedience, see: K. Synowczyk, 'Communion and Obedience in the Fraternity as Understood in the Writings of St. Francis of Assisi,' *MiscFr* 87 (1987): 114-146. On the language employed in the structures of the fraternity, see: P. Giovanni Odoardi, OFM, Conv., 'Fraternità e servizio: Le strutture della fraternità francescana,' in: G. Cardaropoli and M. Conti (eds.), *Lettura delle fonti francescane. Temi di vita francescana: la fraternità* (Ed. Antonianum, 1983), 173-189; & Van Asseldonk, OFM, Cap, 'Fraternità, obbedienza e libertà alla luce della primitiva esperienza,' *Op. cit.*, 191-211.

the approval of their way of life. *Pro dilectis*, sealed just shy of a year's time later, refers to the group with fourfold insistence as *ordo*, an undeniable canonical status:

*Pro dilectis filiis Fratribus de Ordine Fratrum Minorum....; ...quidam vestrum quasi habeant de ipso Ordine conscientiam scrupulosam....; Unde Universitati vestrae volumus esse notum, quod Nos Ordinem talium de approbatis habemus; et Fratres Ordinis ipsius viros recognoscimus catholicos, et devotos.*<sup>77</sup>

Nevertheless, the new order was not met exclusively with praise; rather, it soon underwent the critique of certain prominent clergymen. Both Honorius III (*Cum secundum consilium*, 1220) and Jacques de Vitry (*Letter IV*, 1220 and *Historia Occidentalis*, 1221-1223/5) express concerns of differing quality but of similar tone that the order, its breadth rapidly expanding and its membership increasing in number, sends out unprepared friars and presents a danger to their souls and the souls of others. As such, both prescribed the introduction of a liminal probationary interval into the movement. Honorius III went so far as to command the integration of a probational year, which the brothers obeyed, enacting a year of probation with virtual immediacy. Papal decree established the novitiate according to institutional patterns fixed by canonical procedure. Similarly, *Cum secundum* contains the injunction not to permit brothers to wander clad in the habit *extra obedientiam*, threatening the purity of their poverty. Thus, the order had experience issues with brothers not adhering to the norm standardising the habit.

Significantly, *Cum secundum* addresses the order, not as a whole as in previous cases, nor through Francis as one might expect, but through the 'priors' and custodians.<sup>78</sup> As proposed below in greater detail, the reference signals three issues. First, designating the addressees as *priores* demonstrates a degree of curial ignorance with regard to Minorite leadership, as internal usage indicates that, precisely not *prior*, but *minister* was the preferred term. Next, no mention of the general minister implies that the office had not yet been instated. The *RegNB* reads, *caput istius religionis* and *minister totius fraternitatis*. Finally, the passage is perhaps suggestive of an internal hierarchy with emphasis upon a measure of fraternal co-responsibility and equality among the ministers, rather than monopolous, centralised authority, which in this case was either Francis or one of his vicars, as Francis had most likely already abdicated his post and with it renounced certain administrative duties. In an alternative scenario, which also appears plausible and is maintained by much of scholarship, the brothers had requested the instalment of the novitiate in Francis' absence.

A somewhat different depiction of Francis and of the order arrives subsequently in Jacques de Vitry's *Historia Occidentalis* (1221/5). In addition to echoing many familiar

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<sup>77</sup> BFr I, p. 5, n. 4

<sup>78</sup> *Dilectis filiis Prioribus, seu Custodibus Minorum Fratrum Salutem, et Apostolicam Benedictionem.*



themes expressed in his letters regarding the movement, Jacques reports information that would indicate a more central approach to structures of obedience within the order. Jacques relates of the *minores humiliores*.<sup>79</sup> Here, the first item of note is the text's linguistic preference for *prior* and *magister*, two terms, which, while common in other ecclesiastical orders, were foreign to the early movement's customs and lexicon, which as has been established favoured *minister*.<sup>80</sup> Next, the author identifies Brother Francis, founder and master of the order, not only as *prior* but *prior summus*, who administers mandates and regular decrees and to whom all lesser priors and brothers are subject. The passage relates the existence of other *priores*, what are presumably the provincial ministers, and thereby the regional delegation of authority, whether by Francis' or communal decision. While the order continues to convene for general chapters, the proceedings of which remain nondescript, Francis sends friars out in pairs and determines who goes whither in mission. Regarding Francis' attitude toward non-Christians, Jacques, albeit with his pro-Crusade slant on display, could not help but extol the Minorite founder for his humble journey among the Saracens to encounter the Sultan (1219/20), during which the Saracens treat him with reverence and the Sultan even bids Francis to pray for him.

Two authors (again Jacques de Vitry and the anonymous author of the *Chronicon Montis Sereni*) comment upon the innovative development of the Minorites *forma vitae* and the potential difficulty encountered when attempting to reconcile the new order with the Lateran IV forbiddance of new religious rules and the concomitant mandate to adopt an existing rule. While one author is favourable towards the Minorites, the other critical, the core factual assessment to which they appeal converges, inasmuch as the Minorite phenomenon was in some ways a novel one. The account of Jacques de Vitry in his *Historia Occidentalis* shall prove salutary.<sup>81</sup> Pre-existing institutionalised categories of religious life comprised those of

<sup>79</sup> “*Habent autem unum summum priorem cuius mandatis et regularibus institutis reverenter obediunt minores priores ceterique eiusdem ordinis fratres, quos per diversas mundi provincias causa predicationis et salutis animarum ipse transmittit. (...) Semel autem vel bis in anno tempore certo ad locum determinatum generale capitulum celebraturi conveniunt, exceptis hiis qui nimio tractu terrarum vel mari interposito separantur. Post capitulum iterum ad diversas regiones et provincias et civitates duo vel plures pariter a superiori suo mittuntur. (...) Vidimus primum huius ordinis fundatorem et magistrum, cui tamquam summo priori suo omnes alii obediunt, virum simplicem et illitteratum, dilectum deo et hominibus, fratrem Francinum nominatum...*” For the critical text, see: J. F. Hinnebusch (ed.), *The Historia Occidentalis of Jacques de Vitry: A Critical Edition* (University Press, 1972). Sections cited here are found on pages 158-63, here 159.

<sup>80</sup> Esser claims that since Jacques was writing while in the Holy Land, he adopted the local names, which experienced in the surrounding milieu, that is, the military orders, whose leaders were called *magister*. *Anfänge*, 75, note 1.

<sup>81</sup> “*Predictis tribus eremitarum, monachorum et canonicorum religionibus, ut regulariter viventium quadratura fundamenti in soliditate sua firma subsisteret, addidit eis dominus in diebus istis quartam religionis institutionem, ordinis decorem et regule sanctitatem. Si tamen ecclesie primitive statum et ordinem diligenter*

hermits, monks, and canons. Life according to the form of the primitive church, the *vita apostolica*, by which the Minorites ordered their movement, was a radical return to Gospel values. Just as charismatic movements of the twelfth century had done, Francis and his brethren envisioned *sequela Christi* as a direct, outright living of the Gospel in all of its content.<sup>82</sup> Nonetheless, what distinguished the Minorite movement from many of those prevalent in the twelfth century was the insistence upon loyalty to the Church which it entailed from early on.

Somewhat more critical of the developments forged by the mendicant orders was the anonymous regular canon who authored the *Chronicon Montis Sereni* in Lauterberg (ca. 1224).<sup>83</sup> The anonymous chronicler expresses his distrust towards the mendicants. True obedience would lead them to follow the pre-existing holy rules and not to create new ones, he argued. Innovation meant breaking with tradition and thereby presented a threat to church order and personal holiness. Here, the chronicler unknowingly demonstrates his ignorance, though, as the Order of Preachers had already begun to live according to the rule of Augustine. Thus, his argument would be directed more towards the Minorite movement. Aside from the traditionalist bias of the author, the text represents a perspective with which other orders at the time might have perceived the Minorites and indicates a measure of envy and resentment at the success and vagabondage of the movement. The text at once gives rise to a degree of suggestive authentication regarding an anecdote at the chapter of Mats in *3Soc*, whereby Francis rejects with vehemence the rules of Benedict, Augustine, and Basil. Such an event might well have been an integral part of the movement's process of self-discovery and self-definition. As anecdotes shared in Thomas of Celano's first legend (1228) imply, clarity was at times deficient regarding the proper path, eremitical or apostolic, passive or active. In any event, not only the author's argument against the mendicant orders, but also other information regarding the Minorite movement lend themselves to gleaning. For instance, the text provides additional proof regarding the mixed nature of the movement in terms of clergy and laity in contrast to the Dominicans, who as canon regulars found no laymen among their ranks.

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*attendamus, non tam novam addidit regulam quam veterem renovavit. Relevavit iacentem, et pene mortuam suscitavit religionem, et vespere mundi tendentis ad occasum, imminente tempore filii perditionis, ut contra antichristi periculosa tempora novos athletas prepararet et ecclesiam suam premuniendo fulciret.*" *Historia Occidentalis*, 158.

<sup>82</sup> "... puras evangelici fontis aquas cum siti et ardore spiritus haurientes, quod non solum evangelica precepta sed et consilia, vitam apostolicam expressius imitantes, modis omnibus adimplere laborant. Omnibus que possident renunciantes, seipsos abnegantes crucem sibi tollendo, nudum nudi sequentes..." *Historia Occidentalis*, 159.

<sup>83</sup> Cf. L. Lemmens, *Testimonia minora saeculi XIII de S. Francisco Assisiensi*, *Collecta edidit Leonardus Lemmens*, (= *Collectanea philosophico-theologica, Volumen 3*) (Quaracchi, Collegium S. Bonaventura 1926), pp. 18-19.

Analysis of texts written at the hand of non-Minorite contemporaries to the early movement has exposed a view, which – beyond certain obvious value judgments – affords a core set of information with which to reconstruct a basic profile of the group as a textual community at the time of its inception and early development. The Minorites comprised a dynamic movement of somewhat diverse demographics, who modelled themselves on the *vita apostolica* of the primitive church as laid out in the Gospel and lived according to the shared principles of material poverty, labour, humility, mutual charity, contempt for the world, and reverence for Francis, the Church, the Scriptures, and above all God. The male component, the *fratres*, consisted of both lay and clergy individuals and led a mixed life of active engagement in labour and passive retirement to interior prayer. The community emerged as a *fraternitas*, which at the latest by Jacques de Vitry’s 1216 testimony convened annually and collaborated in the production of norms and their periodic submission to the Apostolic See. Chief developments in the early community include its passage from intimate, fraternal to vertical, hierarchical structures, its designations first as *religio* and then as *ordo*, granting it official canonical status in the church, and increasing mention of Francis by name in external literature. Such occurrences imply the simultaneous institutional maturation of the group in implementing and transferring ecclesial structures and forms of procedure while at once also recognizing the charismatic role of Francis and their common *vita*. A prominent example, as its membership multiplied in number and sustained dispersed settlement, the Pope mandated that the movement adopt and integrate a probational year in order to ensure the enduring and competent formation of its many recruits. The above sketch-like delineation renders a certain context available for the textual analysis at issue. With the baseline identity of the early movement set into place, the study may now commence with further investigate salient lines of thematic and theological significance as intertwined with the identity of the textual community that generated them.

## **Theological Analysis of the Writings: Prayers, Praises, and Hymns**

### *Praying Exegetes, Mystic Poets: Texts, Content, and Community*

The texts analysed in the present section regard prayer, which is a fundamental dynamic in the spiritual-theological understanding of obedience intrinsic to religious life.<sup>84</sup> The

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<sup>84</sup> On patristic, monastic, scholastic, and vernacular theologies of prayer, see: J. Leclercq, ‘Ways of Prayer and Contemplation II. Western,’ trans. Dennis Tamburello, in: *Christian Spirituality* 1. Vol. of *WS*, 415-26; H.-M. Barth, *Wohin – woher mein Ruf. Zur Theologie des Bittgebets* (München: Chr. Kaiser Verlag, 1981); Gervase Corcoran, *Prayer and St. Augustine*, Vol. 25 of the Living Flame Series, Thomas Curran (ed.) (Dublin: Carmelite Centre of Spirituality, 1983); S. Di Cristina, *Preghiera e devozione a Cristo nei Padri* (Milano: Edizioni O.R., 1987); F. J. Dölger, *Sol Salutis. Gebet und Gesang im christlichen Altertum* (Müns-

literary sources considered include texts identified as *laus*, *oratio*, *salutatio*, *exhortatio*, *officium*, *benedictio*, *cantico*, and a text characterised as a hortatory hymn or poem (*Audite*, *Poverelle*). The group of ten sources bespeaks the custom of addressing God in prayer both on individual and collective terms and in contexts of supplication, benediction, reflection, and in particular praise. A precondition for adherence to the Word of God evoked by the writings is an intimate relation to it. The textual community from which the sources emerge asserts its praise and supplication grounded in the liturgy and Scriptures. The texts of the current section articulate just such a formative rapport with God via channels of thought steeped in meditation upon the biblical and liturgical passages, interpersonal communication, and intertextual association. Within the emerging content lies a rich theology that echoes into other writings. Analysis reveals the praxis of prayerful reflection upon and assimilation of biblical and liturgical content, which is frequently the result of a minimalist, meditative approach to at times more traditional prayer media (*ExhLD*, *LaudHor*, *OffPass*, *OrPN*). Other texts in the group are of a more thematic, concerted composition (*SalBVM*, *SalVir*, *Cantico*) and exhibit a more sophisticated level of reflection. A perceivable torrent marks the early movement's interpretation of and attitude toward Scripture: admiration, assimilation, emulation, and innovation. Theoretical parallels with texts of a more normative nature might supplement the torrent with a final step; namely, that of engagement in the form of active service (*LaudHor*, *Cantico*). In the brothers' project, praise flows neatly into service in relation to God. We also encounter an affinity of a more personal nature for laudatory prayer (*LaudDA*, *Cantico*) and for prayers of benediction and messages of encouragement and exhortation (*BenLeo*, *AudPov*). Such inclinations are, however, not exclusive to the ten texts listed above; rather, they permeate other prevalent, authentic texts, such as the *orationes* inserted into *RegNB* XXIII, the end of *EpOrd*, and *Test* 4.<sup>85</sup> Significantly, prayer enters into texts of all sorts among the writings. Of particular note, the presence of the only two vernacular texts (*Cantico*, *AudPov*) considered in the study and two of the three texts delivered by Francis' autographs denotes a personal component relative to the other text groupings. Inasmuch as the grouping of texts are of largely de-

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ter: Verlag der Aschendorffschen Verlagsbuchhandlung, 1920); W. Gessel, *Die Theologie des Gebets nach ‚De Oratione‘ von Origines* (München: Verlag Ferdinand Schöningh, 1975); F. Heiler, *Das Gebet* (München: Verlag von Ernst Reinhardt, 1923); J. A. Jungmann, *Die Stellung Christi im liturgischen Gebet* (Münster: Verlag der Aschendorffschen Verlagsbuchhandlung, 1925); P. LeFevre, *Understanding of Prayer* (Philadelphia: The Westminster Press, 1981); P. W. Abba Marchel, *La prière due Christ et des chrétiens* (Rome: Biblical Institute, 1971); and J. Wright, *A Theology of Christian Prayer* (New York: Pueblo Publishing Company, 1979). On prayer in the Franciscan tradition, see: I. Delio, *Franciscan Prayer* (Cincinnati: St. Anthony Messenger Press, 2004); T. J. Johnson, *The Soul in Ascent: Bonaventure on Poverty, Prayer, and Union with God*, revised second edition (St. Bonaventure: Franciscan Institute Publications, 2012); and O. Schmucki, *Gotteslob und Meditation nach Beispiel und Anweisung des hl. Franziskus von Assisi* (Luzern: St. Fidelis – Druckerei, 1980).

<sup>85</sup> Menestò, 'Gli scritti di Francesco d'Assisi,' 170.

votional character, Ferrari notes, more so than any other writings transmitted and relayed under Francis' name they could be the result of a collage, which vaguely echoes Francis' spirituality.<sup>86</sup> Although critical scholarship cannot deny the possibility of such a scenario, the present study submits the claim that the thematic coherence of the texts is indicative of a broader logical coherence whose source was Francis and the early movement. Thus, while analysis of the texts foster observations with regard to the textual community, their theology, and spiritual praxis, it appears to regard Francis at times in a particular manner. In any event, if nothing else the texts represent models of prayer and invocations to serve God, thereby yielding theological content, which warrants regard.

The movement's earliest statement of purpose reads, *Ideo servi Dei semper orationi vel alicui bone operationi insistere debent* (*RegNB* VII, 12). While the prayers and praises might at first glance appear ephemerae compared to legislative, epistolary, and admonitory texts, they attest to the wider logic undergirding the concept of obedience integral to the early movement. Numerous biblical-liturgical echoes indicates familiarity and experienced reflection regarding such material. The Gospel-oriented community enjoyed unmitigated communication with God via intimate rapport with the Scriptures. Aural and oral communication centered on the Gospel then became inscribed. In addition the theme of praise, the current texts offer insights into the movement's universal attitude and engagement. Although the image of the triune God appears frequently, the primacy and universality of divine paternity is also a common theme. *SalBVM* proposes Mary as maternal model of virtue for the Church and the world. The portrayal of the theological thus welcomes a glimpse of familial models of relationality prevalent in the sources, which translate and contribute to the movement's meaning, project, and ultimately into structures of obedience.

## *Obedient Friars, Fraternal Hymns of Praise: Analysis of Individual Texts*

### *Exhortatio ad Laudem Dei*

#### 1. Textual Features and *Sitz im Leben*

With the exclusion of *PregCroc*, the chronological succession of this grouping of texts commences with *ExhLD*,<sup>87</sup> an authentic if not entirely original call to laudatory prayer.<sup>88</sup>

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<sup>86</sup> M. Ferrari, 'Gli scritti di san Francesco d'Assisi,' in Aa. Vv., *Francesco d'Assisi nell'ottavo centenario della nascita* (Milano, 1982), 43. He notes astutely, "per la loro natura sono testi che si prestano ad essere memorizzati e ripetuti con la massima fedeltà per tradizione orale 'ad verbum.' Ma anche, per contro, la pietà devozionale qui più che altrove poteva indurre a porre sotto il nome venerato di Francesco un collage di frasi vagamente echeggianti la sua vera o presunta spiritualità."

<sup>87</sup> Lehmann provides a summary of arguments for textual authenticity. L. Lehmann, *Tiefe und Weite. Der universale Grundzug in den Gebeten des Franziskus von Assisi* (Dietrich-Coelde-Verlag, 1984), 59-60.

<sup>88</sup> For the distinction between authenticity and originality, see above description in the introductory remarks.

Wadding brought attention to the writing having cited the testimony of Friar Mariano da Firenze that the inscription, found in an Umbrian chapel, was authentic to Francis.<sup>89</sup> Citation of the *Psalterium Romanum* suggests a probable *terminus ante quem* of 1223, at which point the *Psalterium Gallicanum* became normative for the Minorite order.<sup>90</sup> Although precise dating is impossible, the text's minimalistic composition of in large part scriptural and liturgical assemblage, simple literary form, and thematic echo and expansion in other writings (*LaudHor*, *OffPass*, *Cantico*) situate it arguably prior to such texts and therefore certainly pre-1221, likely pre-dating the *LaudHor*, perhaps as early as 1213.<sup>91</sup>

## 2. Thematic-Theological Analysis

### *Laus, Lauda, Exhortatio*

As LEHMANN well documents, *laus* and *exhortatio* are motifs representative of the early movement and its simple message,<sup>92</sup> which consisted in proclamation and exhortation with thematic focus upon praise, reverence, and love for God, observance of his commandments, and reconciliation in both vertical and horizontal relations.<sup>93</sup> *Laude* or *lauda* was a specific, emergent literary genre in 13<sup>th</sup> century, which garnered inspiration from the secular troubadours and love poets of southern France.<sup>94</sup> In contrast to dogmatic *praedicatio*, the *exhortatio* was a religious form of communication proper to penitential lay movements.<sup>95</sup> During the influential papacy of Innocent III, the *exhortatio* played a significant role in incorporating schismatic groups into the Church by assigning them the task of preaching in such a manner.<sup>96</sup> In effect, the writings are already also a sign of collective ecclesial obedience expressed in fulfilling a task deemed legitimate by the Church.<sup>97</sup>

### *Divine Paternal Rule and Universal Fraternity*

*ExhLD* departs with a universal call to reverent fear and adoration of the Lord and contains thematic hints at the concepts of divine paternal rule and universal fraternity, which revolve in particular around the phrase *Laudate filii Dei Dominum* (v7). While vs. 3 (*Laudate*

<sup>89</sup> Esser, *Die Opuscula*, 177-8.

<sup>90</sup> Lehmann, *Tiefe und Weite*, 60. Wadding and Vicinelli propose 1213 as the date of composition. A. Vicinelli (ed.), *Gli Scritti di San Francesco d'Assisi e "I Fioretti."* (A. Mondadori, 1955), 194

<sup>91</sup> Wadding, 1213; *FA:ED*, undated; Paolazzi, ca. 1213; Esser, undated.

<sup>92</sup> Lehmann, *Tiefe und Weite*, 64-7.

<sup>93</sup> G. de Paris, *Histoire de la fondation et de l'évolution de l'Ordre des Frères Mineurs au XIIIe siècle* (Paris-Gembloux, 1928), 50.

<sup>94</sup> Lehmann, *Tiefe und Weite*, 61-2. He refers to *exhortatio* as „einfache, lebensnahe und öffentliche Verkündigung organisierter Laiengruppen.“

<sup>95</sup> Ibid.

<sup>96</sup> Lehmann, *Tiefe und Weite*, 63-4.

<sup>97</sup> On the notion of ecclesial obedience and Francis, see: A. Boni, 'L'obbedienza ecclesiale di san Francesco al papa e ai vescovi,' *Antonianum* 57 (1982): 113-55.

*eum*) and 9 (*Rex Israel*) are predominantly references to Christ, *ExhLD* evinces the polyvalence of such phraseology as v. 18 contains a divine evocation in terms of *sancta Trinitas atque indivisa Unitas*. Thus, the identity of God the Father of all creation meshes with that of Christ, whose sacrifice the prayer deems ever worthy of praise, glory, and honour (v17). God the Father and Christ rule over creation together. All are God's children and in embracing that sonship and daughterhood they become brothers and sisters, in relation one to the other. Such is the case not only with respect to humans but all creatures and the entirety of the created reality.<sup>98</sup> Therefore, especially detectable are the roots of the theology of universal fraternity corroborated and developed later in *LaudHor*, *SalVirt*, and *Cantico*. Frequent appearance of *omnis* (7x) in the call to praise harkens to the universality in the prayers as Lehmann outlines in detail. Even at the early phases of Francis' converted life and the movement's nascence, the employment of familial models proved beneficial in the expression of community, both cosmic and local, and of self in relation to God. Familial relationality was already a means of contact between transcendent and immanent realities.

### ***Laudes ad omnes horas***

#### 1. Textual Features and *Sitz im Leben*

Unanimously considered authentic if not completely original,<sup>99</sup> *Laudes ad omnes horas* is ultimately undatable with precision.<sup>100</sup> While LEHMANN proposes a pre-*RegNB* date,<sup>101</sup> Esser and Paolazzi are more reticent to hypothesise,<sup>102</sup> although his argument is convincing for reasons regarding intertextual analysis with *RegNB* III 3 and hagiographical reference. The hymn of praise appears to have been composed for liturgical use and in conjunction with the *OffPass* and manuscripts link it with *OrPat*.<sup>103</sup> *LaudHor* appears also to expound upon themes evoked in *ExhLD*, indicating a development in thought suggestive of chronological sequence. Also a text of the *laus* sort, the *LaudHor* permits relative, sequential placement in the context of the *OrPat*, *ExhLD*, and *OffPass*, but in all likelihood prior to final redactions of *OffPass* and therefore pre-1223, possibly as early as 1215 in the present author's estimation. In conjunction with *OffPass* in its probable, but nondescript redactions, *LaudHor* would have repeated on a regular basis and transformed into a mantra. As LEHMANN notes, the

<sup>98</sup> See especially, *Laudate Deum celi et terra* (v5) and *Omnes creature benedicite Dominum* (v13).

<sup>99</sup> „Die Authentizität des Werkes ist darum auch nie bezweifelt worden, wenn auch seine Originalität, abgesehen von der Schlußoration, nicht groß ist.“ Esser, *Die Opuscula*, 313.

<sup>100</sup> Undated, likely post-*ExhLD* but pre-*Cantico*.

<sup>101</sup> Lehmann, *Tiefe und Weite*, 77-78. He argues for 1215.

<sup>102</sup> Due to the link with *OffPass*, Esser argues, „wird man die *Entstehungszeit* etwas länger vor seinem Tode ansetzen müssen“ Esser, *Opuscula*, 321.

<sup>103</sup> Scarpato, *Il Padre nostro di San Francesco*, 12 & 18.

*RegNB* III 3 reference and rubric indications impress upon the reader that the prayer was of a collective nature and thus was prayed jointly with the brother's divine office prayers.<sup>104</sup>

## 2. Thematic-Theological Analysis

### *An Ode to God's Omnipotence*

Provided its chronological posteriority, *LaudHor* expands upon themes present in the *ExhLD* with particular accent upon praise and God's all-mighty authority. Filled with liturgical-biblical resonance, the prayer reflects the devotion of Francis, "*servus Dei excelsi*."<sup>105</sup> Eucharistic emphasis upon the Lamb of God and the *Sanctus* are complimented by an explicit, universal call to praise. Significantly, *omnipotens* appears twice (1 & 11), once at the beginning, once at the end, thereby opening and closing the prayer. As G. MELVILLE notes, evoking the omnipotence of God is an expression of the fundamental place of obedience in the early Minoritic mind as in all of medieval religious life. In such a frame of reference, disobedience meant rebellion against God and falling back into the world, whereas obedience entailed recognition of and even inner affection toward God's all-embracing authority.<sup>106</sup> *Omnipotens* appears 26 times, the Umbrian *omnipotente* once, in the writings, placing it among the most common adjectives applied to God with *bonus*, *patiens*, and *humilis*. *LaudHor* exalts in a most celebrated manner the King of Israel (*ExhLD*), God the Father (*OrPat*) as the King and Father of all creation, over all time.<sup>107</sup> The denominations applied to God perhaps constitute a radical adoption of the *Symbolum Apostolorum*, where the double descriptor *pater omnipotens* enjoys twofold appearance. The awareness of Francis and the early of movement of divine paternal rule appears to have been a perennial facet of their theological conceptualisation of self and other in relation to God.

### *Kenotic Christology and the Goodness of God in Self-Sacrifice*

The double appearance of God's omnipotence renders with clarity a concerted emphasis upon the absolute authority of the divine over creation. Nonetheless, *LaudHor* provides a Christological link between God's omnipotence and divine self-*minoratio*. Just as in the *ExhLD*, threefold redundancy 'Sanctus' is evocative of the Eucharistic prayer. Rather than a symbol of power, Christ bears the Johannine symbol of the Lamb of God. The Lamb of God

<sup>104</sup> Lehmann, *Tiefe und Weite*, 78. „Die Rubriken der Handschriften erwecken jedenfalls den Eindruck, als gehörten die „*Laudes ad omnes horas*“ von jeher zum Stundengebet der Brüder.“

<sup>105</sup> *VbF* 56

<sup>106</sup> G. Melville, „Im Zeichen der Allmacht: Zur Präsenz Gottes im klösterlichen Leben des hohen Mittelalters,“ in: Idem., *Das Sichtbare und das Unsichtbare der Macht. Institutionelle Prozesse in Antike, Mittelalter und Neuzeit* (Köln, 2005), 19-43, here 19-23.

<sup>107</sup> *LaudHor* 8, *Scripta*, p. 64: *Et omnis creatura* que in celo est et super terram et *subtus terram*, et *mare et que in eo sunt* (Apoc. 5, 13): *Et laudemus et superexaltemus eum in secula*. Then comes the standard doxology in vs. 10 “Sicut erat in principio et nunc et semper et in secula seculorum. Amen....” 1 Cor 15, 24



symbol, also invoked briefly in *ExhLD*, underscores the kenotic Christology behind the early movement's theological conceptualization and self-identity. God is worthy of praise because he is good and good because he intimately engaged humanity in self-*minoratio* of the Incarnation and even further of the sacrifice of love. While other texts fill in the content of the brother's *sequela Christi*, the prayer texts offer a glimpse of their self-understanding in reference to their God.

*Obedience: A Life in Praise and Service of the Good God*

The conceptual compliment to God's omnipotence arrives in vs. 6 *Laudem dicite Deo nostro, omnes servi eius*. The proper task of God's servant is to render him praise, for as the Psalmist writes, *Laudate Dominum quoniam bonum est*.<sup>108</sup> *RegNB* VII, 9 renders with abundant clarity the tasks proper to servants of God with the words *Ideo servi Dei semper orationi vel alicui bone operationi insistere debent*. The theological insight to *LaudHor*'s call to praise is its conception of God in terms of goodness. Adorned with superlatives, God is the source of all good things. In fact, the divine alone is good (*Solus es bonus*). The theological axiom, articulated also in other writings, honours God with exclusivity in his authority and transcendence, and is at once an anthropological hyper-affirmation that humans, on the contrary, are sinful. Eucharistic reference and evocation of the Trinity suggests that the goodness of God is visible in particular in the initiative in the redemptive action of Christ. A sixfold invocation in the final *oratio* (vs. 11) implies a link of rendering praise and exaltation with active service. The hymn entreats those who fear<sup>109</sup> God to render him praise, glory, thanks, honour, and blessing but also to return all good things to him.

The abundant goodness of God and returning all good things to God are prevalent Leitmotifs in the writings.<sup>110</sup> Here, praise and honour flow with seamless ease into gratitude and servile requital. As *LaudHor* confirms, proper interior and exterior disposition of a servant of God is not only passive recognition, but performance of praise to God in humble *sequela Christi*. The recurring *gratias agimus tibi* underscores the active component of the early Minorite call to praise and elaborates upon notions iterated in *LaudHor*, calling all to the implementation of the genuine Minorite expression of praise, which transforms into and enlivens

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<sup>108</sup> Cf. Ps. 146, 1

<sup>109</sup> Fear of God appears here in the OT sense of reverence or awe. A study on the concept of *timor* in the writings has reconciled it with the Christian tradition of beneficial, reverent fear, rather than of cowardice. See: Dinh Anh Nhue Nguyen, 'Il timore di Dio negli Scritti di san Francesco: Un'analisi di prospettiva biblica,' *MiscFran* 110 (1-2) (2010): 27-54.

<sup>110</sup> *Bonus, bona, bonum* appears innumerable times, whereas *reddere omnia bona Deo* appears 4 other times: *RegNB* XVII 17-18, *Scripta*, p. 270; *Adm* 7, 4; 11, 4; 18, 2, *Scripta*, pp. 360-2, 304, and pp. 368-70 respectively.

service. Thematic echoes in other writings, in specie *RegNB* XXIII, and the probable recitation of the prayer on a daily basis corroborate its importance at both an individual and collective level.

### *Oratio super Pater Noster*

#### 1. Textual Features and *Sitz im Leben*

Like many of the texts in this category, *OrPN*'s (*Exhortatio* in Esser's edition) date of composition with any precision is thus far impossible to fix. Perhaps more than any other of the writings, *OrPN* presents a challenge to the criteria of authenticity in the current project. Likely authentic<sup>111</sup> if not entirely original, *OrPN* reflects the thematic and lexical content of other authentic writings. Such internal features, however, speak little to chronology. Yet the simple style of reflective commentary upon a traditional, biblical prayer might suggest an earlier date than more independent compositions of concerted structure (*SalVir*, *SalBMV*). In addition, as GALLANT notes, thematic echoes in other works indicate the internalisation of the *OrPN* prior to the composition of other writings and therefore supplement an earlier dating.<sup>112</sup> Evidence both internal and external<sup>113</sup> indicates that the *Our Father* was an integral part of fraternal life from an early period in the movement. As the *Test* recounts, in the absence of prayer books, the brothers would have drawn constant attention to such a prayer of substantive import and easy memorisation, similar to the *Adoremus te*. While cognizant of the perhaps insoluble nature of the authorship and dating questions, in the present author's estimation the prayer was borrowed in admiration from a pre-existing commentary, placed as an appendage onto the 'Our Father,'<sup>114</sup> assimilated, and perhaps even adjusted in part by Francis sometime around, likely prior to, the year 1219.<sup>115</sup> Such a dynamic reflects the propensity

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<sup>111</sup> Not contained in any of the four canonical collections of the writings, *OrPat* has often either been listed as simply attributed to Francis or neglected altogether in modern scholarship. It is, however, found in 7 manuscripts spanning the period from the 14th to the 16th century and bears a notable logical coherence and phrasal and lexical consonance with other writings and select bio-hagiographical references. Since Vorreux's investigation and Esser's inclusion of the text in his edition of the *Opuscula*, the text has gained new attention, and an increasing number of scholars are convinced of its authenticity. For a summary of pre-1984 studies, see: Lehmann, *Tiefe und Weite*, 150-151. For more recent, broader indications, see: Gallant, *Studies*, 281-6.

<sup>112</sup> *The Writings*, 283. Several echos occur in *RegNB*, *LaudDei*, and *OffPass*.

<sup>113</sup> See: *VbF* 45 (*FF* 319-20), *RegNB* III 8-10, *RegB* III 3, and II *EpFid* 21, *Scripta*, p. 246, *Ibid.*, and p. 188 respectively.

<sup>114</sup> Such was also the opinion of Esser. He claims that Francis possibly „hat ... ursprünglich stilistisch straff aufgebaute, darum auch leicht einprägsame Form einer Vaterunser-Erklärung durch Zusätze erweitert; diese Zusätze,“ weisen gedanklich und stilistisch auf Franziskus hin. Sie bringen zentrale Anliegen seines Willens zum Ausdruck.“ K. Esser, *Die dem hl. Franziskus von Assisi zugeschriebene »Expositio in Pater noster“*, in *Cfr* 40 (1970) 241-271. See also, Esser, *Studien*, 225-257, 256.

<sup>115</sup> Among other texts, *RegNB* XXIII (*Scripta*, pp. 282-6) contains expressions echoing the prayer. The believed compositional date of that chapter according to Flood's analysis and the consensus of many scholars

observable in the writings, most especially among the prayers, for admiration, assimilation, emulation, and innovation.<sup>116</sup>

## 2. Thematic-Theological Analysis

### *Prayer of a Fatherless Fraternity*

Regardless of compositional date, the constant underscoring of the *Our Father* bespeaks theological significance of the current of thought in the early fraternal dynamic opposed to paternal models of spiritual mediation and ultimately to paternal structures of obedience. For a self-proclaimed “vaterlose Bruderschaft,”<sup>117</sup> the *Our Father* would have been a particularly meaningful prayer. Indeed, three texts of normative character either mention or prescribe the prayer (*RegNB* III, 5 & 6; *RegB* III, 3; *Test* 18). *RegNB* XXII 33-35 relays an axiomatic guiding principle of the early movement, an injunctive adaptation of evangelical import.<sup>118</sup> Rendered with periphrastical phrasing, among the brothers, there shall be no father other than the divine. Pertinent to all hagiographical and historiographical accounts of the Assisian’s life, Francis repudiated his earthly father and embraced his heavenly father being then received by the Bishop of Assisi. LEHMANN observes a poignant hermeneutical paradigm in the version reported by the *Legenda trium sociorum*:

...et dixit: “Audite omnes et intelligite. Usque modo Petrum Bernardonis vocavi patrem meum, sed, quia Deo servire proposui, reddo illi pecuniam pro qua erat turbatus et omnia vestimenta quae de suis rebus habui, volens amodo dicere: Pater noster qui es in caelis, non pater Petre Bernardonis.”<sup>119</sup>

### *The Semantics of Fatherhood in the Early Movement*

While the possibility of posterior idealisation by way of topical devices exists, the *3Soc* recounting, together with the *RegNB* XXII, 33-35 passage and the *OrPat* provide an interpretive framework for the semantics of fatherhood in the life and logic of Francis and the early movement. Only the transcendent, all-powerful heavenly Father is good (*Tu solus es bonus*). As established in this and other prayer texts,<sup>120</sup> he is *bonus, omnipotens, patiens, hu-*

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is 1219, prior to Francis’ journey East. As this is the latest among the texts containing parallel lexical and phraseological content, I view that as a signal of prior interiorisation vis-a-vis *OrPN*.

<sup>116</sup> Supplementary examples abound. The many instances of authentic prayers, whose complete originality is suspect necessitates the above process. As Lehmann points out, the *Adoremus te* and the *OffPass*’s Marian Antiphon too, is a member of that category of texts.

<sup>117</sup> Lehmann, *Tiefe und Weite*, 150.

<sup>118</sup> *Omnes vos fratres estis; et patrem nolite vobis vocare super terram, unus est enim Pater vester qui in celis est. Nec vocemini magistri; unus est enim magister vester qui in celis est, Christus* (cfr. Mt 23, 8-10).

<sup>119</sup> *3Soc* 20 (*FF* 1392-3)

<sup>120</sup> *RegNB* XXIII, 8 (*Scripta*, p. 286) also reflects the titles given God in the opening lines of the prayer. We read, *Omnes diligamus ex toto corde, ex tota anima, ex tota mente, ex tota virtute et fortitudine, ex toto intellectu, ex omnibus viribus, toto nisu, toto affectu, totis visceribus, totis desideriis et voluntatibus Domi-*

*milis*. He is merciful. The prayerful motif was not only a product of Francis' personal quarrels with his father, but also and above all a representation of the early movement's leaving the world and, as a consequence, the ways of life and the structures proper to it. Having repudiated his earthly father, Francis denied therewith the coercive structures of paternalist hegemony.<sup>121</sup> The event was tantamount to a life paradigm for the movement. In contrast to the hegemonic spirit of his earthly father, Francis and his brothers had begun to view in the triune God of Christ a loving, good, merciful alternative. In effect, familial model of relations, spiritual mediation, and obedience structures modelled after the kingdom of God permeate many of the writings. It was no different in the case of *OrPN*. Specific, concerted focus upon God the Father finds representation in the laudatory literature, not least in *OrPN*.

In the optic of Francis and the early movement, God's goodness and worthiness of praise stem from his identification with love – *tu, Domine, amor es* – a love so powerful that he inflames others from within, drawing them to love (v2). Such love affects the human soul by entering and reigning by means of grace. A profile of holy, divine fatherhood thus begins to emerge. The true Father is manifest only in the one, good, transcendent Celestial Father. Identification of light and love with God corroborate such notions. Furthermore, unlike Francis' earthly father's means of imposition and forceful influence, his Heavenly Father reigns in his children through inhabitation, through communion, and ultimately through grace. The image of God the Father constitutes one of the divine source of all good. The prayer at hand

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*num Deum, qui totum corpus, totam animam et totam vitam dedit et dat omnibus nobis, qui nos creavit, redemit et sola sua misericordia salvabit, qui nobis miserabilibus et miseris, putridis et fetidis, ingratiss et malis omnia bona fecit et facit.*

<sup>121</sup> Kona writes, „Such a [universal] love defies the masculine values of a patriarchal order conspicuous by its presence in medieval Europe and rooted in possession along with the conflicts it entails. The order preserves itself through deep-seated hierarchies and its ideology is oriented towards war and destruction of those who will not submit to authority. ... The love of Francis is a rejection of property and the psychology of possession based on which men occupy positions of power and privilege. ... Since patriarchy is in essence intertwined with inheritance through the male-dominated family, the performance of Francis strikes at the root of authoritarianism as embodied in the image of the father or father-figure. ...the maternal is more about giving while the fraternal is about sharing. Both however are an antithesis to the role of the dominant father.“ Prakash Kona, 'Love and Saint Francis of Assisi: A Mass Performer in the Middle Ages,' *Liminalities: A Journal of Performance Studies* 8, 4 (2012): 9-10. Schaus notes, „...medieval society was not only patriarchal but hierarchical, classified by social status, wealth, and age (among other ways), and those different forms of authority reinforced each other. Masculine authority in medieval society did not follow naturally or automatically from maleness and was a matter of constant negotiation. Only some males would qualify: fathers, mature men, the heads of households, the town burgesses, the village elders.... For medieval thinkers it was easy to conceive the relationship of a king to his people, or of God to humankind, in the same way: a beneficent and responsible authority, but one ultimately not to be questioned.“ Margaret Schaus, *Women and Gender in Medieval Europe: An Encyclopedia* (Taylor & Francis, 2006), 633. Gelber writes, „...there emerges from Francis's own writings and from the legends that recount the details of his life a picture of Francis taking on himself a maternal or fraternal role, but not that of a father. ... He rejected paternal identity altogether.“ Hester G. Gelber, 'A Theater of Virtue: The Exemplary World of Saint Francis,' in: John Stratton Hawley (ed.), *Saints and Virtues* (Berkeley: University of California Press, 1987), 22-23.

thus conveys the divine primacy of the Father. As v2 relays, God the Father is the source of all goodness and thus also the font of all divinity. In short, the brothers' divine Father is the initiator, provider, and culmination of all goodness, insofar as he is the *creator, redemptor, consolator et salvator noster* (v1).

Detectable theoretical traces of a penitential life of self-*minoratio* in God's honour and by Jesus' example link the prayer to the brother's early statements of purpose in the *RegNB*. Description of the transcendent God follows with a prayer of supplication to intervene and assist in human life, which in turn leads to a human response to that divine status and assistance. The reflective prayer connects sanctifying God the Heavenly Father and executing his will. Sacrifice to his love and nothing else v. 5, loving others. *OrPN* reinforces themes, especially in *RegNB* V, of self-sacrifice for others, reciprocal love and service, even to enemies. Inner contact with God's grace then enacts a fundamental change, which leads the human soul to love God and neighbour by self-sacrifice and endless pardon, just as God the Father has shown in relation to his children, in particular manner through Christ in love and mercy.<sup>122</sup> Essential to the immanentisation of the fraternal ideal, the kingdom of God is in effect God's society on earth and in heaven. V.4 reads, *tui societas beata*. As PAOLAZZI points out, however, the passage bears strong parallels with certain passages from 1 Jn 1, such as *societas nostra sit cum Patre* and *si autem luce ambulemus sicut et ipse est in luce societatem habemus ad invicem*.<sup>123</sup> Such passages flesh out the early movement's concept of *societas* not as some abstract, inner union with God, but as a union between God and man that creates fraternity on earth. As the *Our Father* reads, *Adveniat regnum tuum, fiat voluntas tua sicut in celo et in terra*. The manner of expression, which the brothers saw fit for the reign's immanent rendering arrives then in adopting the example of Christ in the form of a life of active penitence. *Et dimitte nobis debita nostras, Sicut et nos dimittimus debitoribus nostris*. In building God's kingdom, the brothers' society or brotherhood honoured their Father by sanctifying him with praise, receiving his grace, and heeding his counsel of love. In other words, the *Our Father* and in particular the *OrPN* was the marching anthem employed on their penitential path.

<sup>122</sup> See vs. 5-8 (*Scripta*, pp. 56-8)

<sup>123</sup> *1 Quod fuit ab initio quod audivimus quod vidimus oculis nostris quod perspeximus et manus nostrae temptaverunt de verbo vitae 2 et vita manifestata est et vidimus et testamur et adnuntiamus vobis vitam aeternam quae erat apud Patrem et apparuit nobis 3 quod vidimus et audivimus adnuntiamus et vobis ut et vos societatem habeatis nobiscum et societas nostra sit cum Patre et cum Filio eius Iesu Christo 4 et haec scribimus vobis ut gaudium nostrum sit plenum 5 et haec est adnuntiatio quam audivimus ab eo et adnuntiamus vobis quoniam Deus lux est et tenebrae in eo non sunt ullae 6 si dixerimus quoniam societatem habemus cum eo et in tenebris ambulamus mentimur et non facimus veritatem 7 si autem in luce ambulemus sicut et ipse est in luce societatem habemus ad invicem et sanguis Iesu Filii eius mundat nos ab omni peccato 8 si dixerimus quoniam peccatum non habemus ipsi nos seducimus et veritas in nobis non est 9 si confiteamur peccata nostra fidelis est et iustus ut remittat nobis peccata et emundet nos ab omni iniquitate 10 si dixerimus quoniam non peccavimus mendacem facimus eum et verbum eius non est in nobis.*

## *Officium Passionis Domini*

### 1. Textual Features and *Sitz im Leben*

Despite the movement's forbiddance of ownership, *RegNB* III, 9 renders exempt in the case of prayer and permits literate brothers to carry a Psalter. No indication would permit exact dating of the text.<sup>124</sup> *Officium Passionis Domini* (an artificial name coined by WADDING, which stuck) is arguably posterior to the previous texts. Rubrics mention that before commencing the divine office Francis would pray the *Our Father* and the prayer beginning *Sanctus, Sanctus, Sanctus (LaudHor)*,<sup>125</sup> although as ESSER points out, the identification of the *OrPN* with the *Our Father* mentioned in the *OffPass* rubric appendage is of dubious tenability.<sup>126</sup> Once again, VOURREUX's distinction between authenticity and originality proves helpful in this instance due to the Marian antiphon<sup>127</sup> and the all but exclusive scriptural assemblage. Marked by structural and redactional complexity, its manuscript representation has vexed scholars, insofar as it does not *de facto* imply an integral "office" *per sé*. As GALLANT argues, subsequent organisation, in particular of the As. 338 codex, may be accounted for by the intent of presentation in a final form congruent with liturgical standards of the compilation period.<sup>128</sup> Thus, even if the reconstructions of ESSER, GALLANT, and PAOLAZZI were to represent an ever more faithful *Urtext* understood as an "office" used by Francis, it is the duty of the critical scholar to bear in mind the possibility, indeed probability, of a series of prior redactional phases.

Continual reworking of the text attests to devotion to and creative interweaving of scriptural pericopes over time (above all from the Psalter) for undetermined personal use. With regard to date and origin, PAOLAZZI remarks that the majority of pericopes and hymns derive traceably from the *Psalterium Gallicanum*, which the 1223 *RegB* III 1 ordered as normative for Minorite praxis. Such evidence might suggest a later date for possible final redactions.<sup>129</sup> Yet SCHMUCKI indicates that the mixing of *Gallicanum* and *Romanum* literal citations denotes that the text, or at least the majority thereof, must have been assembled during the interim period between the 1221 redaction of *RegNB* and *RegB* (1223).<sup>130</sup> Such an argument is defensible and concordant with the present author's estimation. The As. 338 codex

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<sup>124</sup> Paolazzi, 1221-23; *FA:ED*, undated; Esser, undated. Perhaps 1221-23.

<sup>125</sup> Indeed, *OffPass* is preceded immediately by *OrPN* and *LaudHor* in the Assisi 338 codex.

<sup>126</sup> Esser, *Die Opuscula*, 293-295 and *Scritti*, 352-354.

<sup>127</sup> Lehmann poignantly summarises the findings of other scholars on the matter of originality. See: Lehmann, *Tiefe und Weite*, 100-1.

<sup>128</sup> Gallant, *The Writings*, 253-274.

<sup>129</sup> Paolazzi, *Scripta*, p. 66.

<sup>130</sup> Schmucki, *Franciscus: Dei laudator et cultor: De orationis vi ac frequentia in eius cum scriptis tum rebus gestis* (Roma: Collegio internazionale S. Lorenzo da Brindisi, G.R.A., 1969), 32.

introduces *OffPass*, relating that Francis arranged the collection unto the reverence, memory, and praise of the Lord's Passion. Narrative sources hint at Francis' periodic isolation from the wider community, particularly in the later years of his life. Provided their testimony is reliable, Francis would have likely utilized *OffPass* as a devotional tool of a personal character or for a close group of brethren. Of the prayer's meaning for Francis, PAOLAZZI notes, "Francesco... non "cita" la Parola, ma prega con la Parola, trasformandola in spirito e vita."<sup>131</sup> As Francis and his companions strove to become a prayer, the Psalter provided a primary channel of spirituality and thought.

## 2. Thematic-Theological Analysis

As do its likely antecedents, *OffPass* bears witness to the abiding focus upon Scripture and laudatory prayer in the early movement. There are few insertions, which are not verbatim Scripture quotes, but where original words are deficient, Psalms and other Scriptures passages overrun the text. *OffPass* is an assemblage of 15 Psalms and antiphons likely formed over time for personal devotion and eventually the canonical hours and comprising a spectrum of Psalter passages, from single pericopes to entire Psalms, with the occasional insertion of ulterior biblical material. The assembled and interwoven character of the prayers bespeaks not only a resolute adherence to the Word of God, but also a spiritual praxis of creative, personalised approach to the Scriptures, which denotes a direct form of communication with God not dictated by the available standardized Psalters of the period. In periods of solitude and silence late in life, Francis took solace in reciting the divine office as prescribed by the rules, as the above allusion suggests. The *EpOrd* witnesses a repentant Francis, who is open and contrite about transgressing the rule in failing to pray the office.

### *Conformity to Christ and Eschatological Consciousness*

Unequivocal affinity for the Psalms comes to the fore in the *OffPass*. Unsurprising in a context of high Christology, the final redaction – if one may call it that – manifests preference for the vulgate Psalms 21 and 68. The most cited verse (4x) in the *OffPass* is Psalm 37, 23 *Intende in adiutorium meum, Domine Deus salutis mee*, whereas the most oft-quoted verse in the rest of the writings (4x) is from Psalm 118, 21 *maledicti qui declinant a mandatis tuis*, both of which imply an approach to the divine that is direct and obedience-oriented. Themes delivered in previous texts amplify and by redundancy and ritualisation form sonorous refrains. While Christ's passion, death, and resurrection are clearly a main point of reference, prior focus upon divine universal paternity solidifies, as God the Father becomes the chief

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<sup>131</sup> Paolazzi, *Lettura degli "Scritti" di Francesco d'Assisi*, 56.

addressee. The *OffPass* evince an eschatological dimension in the anticipatory identification with Christ and implicit affinity for God expressed and communicated in the form of direct revelation in an immanent context, themes which shall assume their most radical manifestation in texts composed during the final period of Francis' life, such as the *Cantico di frate sole* and the *Testamentum*. In this way, Francis not only identified with the transcendent Christ but also sought to ritualise the immanentisation of the transcendent. On the issue, Menesto' writes, "Qui la sua coscienza non è più solo mistica, ma anche e soprattutto escatologica."<sup>132</sup> The intimate, mystical-contemplative component of the *OffPass* appears to give way to the eschatological rendering of the sacramental presence of God by ecstatic *sequela Christi*, which the sources convey at both a personal (*Cantico*) and institutional (*Test*) level.

### *Mary as Model of Divine Servant*

Perhaps ultimately designed for recitation at the beginning of each canonical hour, the Marian antiphon, likely an expansion upon the traditional 'Ave Maria' prayer, contains a score of solemn titles ascribed to Mary and recognisant of her blessed status and interrelation with the Trinity, chief among which are daughter and maidservant of the most high, greatest King, Heavenly Father (*filia et ancilla altissimi summi Regis Patris celestis*) and bride of the Holy Spirit (*sponsa Spiritus Sancti*). The antiphon couches Mary's relation to the divine in the language of obedience of a child of God at the service of said God as a maidservant to her king. The antiphonal prayer thus exalts Mary as a model *par excellence* of subservience to God. Mary was such insofar as she placed herself at full disposition of her Celestial Father and King and was also an agent of divine grace and an exemplary object of divine inhabitation. The Marian dimension of *OffPass* finds parallels and theoretical expansion in other texts. Regarding childhood and servitude of the Father and matrimonial contact with the Holy Spirit, notable explicit thematic expansion occurs *in specie* in *SalBMV*, implicit in *SalVir*.

### *Salutatio beatæ Mariæ Virginis*

#### 1. Textual Features and *Sitz im Leben*

As with many of the texts in the current grouping, dating of the *SalBMV* is difficult.<sup>133</sup> Although the date of composition is an insoluble, a number of scholars opt for a later date.<sup>134</sup> As the instance of *SalVir*, relative scriptural-liturgical autonomy and developed, concerted composition suggest a probable post-1221 date. Common thematic content and manuscript testimony to the association of the texts indicate a possible date in the context of *OffPass* and

<sup>132</sup> Menestò, *Gli scritti di Francesco d'Assisi*, 179.

<sup>133</sup> Esser had already underscored such a difficulty in the 1970's. See: *Studien*, 336 & *Die Opuscula*, 418.

<sup>134</sup> Paolazzi, likely post-1221; Esser & Boehmer, undated; *Studies*, undated.



*SalVir*, thus post-1223 by the present author's estimation. PYFFEROEN and VAN ASSELDONK propound that both the present text and the Marian antiphon of *OffPass* were composed at the Portiuncula.<sup>135</sup> Biographical indications concerning Francis' isolation and retreat at the Umbrian chapel during these years buttress the claim. The manuscript tradition for the *SalBMV* is quite strong<sup>136</sup> in addition to external mention by Thomas of Celano<sup>137</sup> and thematic parallels with the *OffPass*'s Marian antiphon. Along with the *SalVirt*, the *SalBMV* represents an adaptation of the troubadour's appeal to chivalrous and courtly ethos proper to the *lauda* literary genre of the period to which Francis was certainly exposed,<sup>138</sup> and which was later adopted also for liturgical use in religious contexts.<sup>139</sup>

## 2. Thematic-Theological Analysis

As evinced in the *OffPass* antiphon, the brothers' Marian devotion included an exemplifying feature, whereby certain writings exalt Mary as a model of obedience insofar as she placed herself at full disposition of her Celestial Father and King and was an agent of divine grace and an exemplary object of divine inhabitation. Mary's exaltation as instance of obedience stems from her receptivity to the divine action of grace. Thus, the prayer may be viewed not only as a *lauda* to Mary for her quality as privileged mediator of grace as God-bearer, locutive moment of the humble Christ,<sup>140</sup> and the primitive Church,<sup>141</sup> but also as a model for the brothers of receptivity to God's action and thereby tabernacle of the Trinity in grace. Thomas of Celano reports of Francis' particular Marian devotion and how he was moved by the Holy Mother's sanctity at the site of the Portiuncula. *Pietate commotus, quia devotione*

<sup>135</sup> Hilarius (Pyfferoen) A Wingene, 'S. Franciscus et S. Maria de Angelis ad Portiunculam', *Laur.* 10 (1969) 329-352 & Idem., 'Fuditne S. Franciscus suas duas preces mariales ad S. Mariam de Angelis ad Portiunculam?', *Laur.* 11 (1970) 267-307, 447-458, 457; Van Asseldonk, 21.

<sup>136</sup> Godet-Calogeras, 302. Two of the canonical collections report the *SalBMV*. Godet-Calogeras writes, „Two Franciscan manuscripts had only *SalBVM* [i.e. and not *SalVirt*], but they are lost and unknown Latin manuscripts. *SalBVM* is transmitted by the Avignon Compilation and by the group of Central Italy (a.k.a. of the Portiuncula)...“ While the *SalBVM* is notably absent from Assisi 338 codex, „Esser wondered if the blank space between the *Officium Passionis* and the *Regula pro eremitoriis data*... was not intended to receive the text of the *Salutatio beatae Marie virginis*.“ Godet-Calogeras, 303. For Esser's argument, see: *Die Opuscula*, 415.

<sup>137</sup> *Memoriale*. 198 (FF 616): *Matrem Iesu indicibili complectabatur amore, eo quod Dominum maiestatis fratrem nobis effecerit. Peculiares illi persolvebat Laudes, fundebat preces, offerebat affectus, quot et qualiter humana promere lingua non posset.*

<sup>138</sup> *CAss* 83 (FF 1595-9)

<sup>139</sup> Godet-Calogeras, 301.

<sup>140</sup> *Adm* I, 16 (*Scripta*, p. 54): *Ecce, quotidie humiliat se, sicut quando a regalibus sedibus venit in uterum Virginis.*

<sup>141</sup> *RegNB* VIII, 3-5 (*Scripta*, p. 254): *Et cum necesse fuerit, vadant pro helemosinis. Et non verecundentur et magis recordentur quia Dominus noster Jesus Christus, Filius Dei vivi omnipotentis, posuit faciem suam ut petram durissimam, nec verecundatus est; et fuit pauper et hospes et vixit de helemosinis ipse et beata Virgo et discipuli eius.*

*fervebat erga totius bonitatis Matrem.*<sup>142</sup> Perhaps such an occasion proved opportune for the prayer's composition.

### *The Marian Face of Virtue*

Marian devotion driving the composition of the Marian antiphon of the *OffPass* continues in the present text. The *SalBMV* bears the literary form of a courtly hymn so prevalent in secular and religious love literature of contemporary and semi-contemporary authors of Italy and Provence. Of particular note, the text lauds Mary as *sancta Dei genetrix... que es virgo Ecclesia facta*. Both of Patristic origin, the designations were unique references for an unschooled merchant turned charismatic religious leader. Mature reflection generated by profound religious experience and a reverence for *ecclesia* link Christ, Mary, and Church with specific focus upon the Marian dimension of Christ's self-*minoratio*. Parallel texts in *RegNB* XXIII, 3 and Marian antiphon, in particular *sponsa Spiritus Sancti*, offer an ample theoretical basis for esteem and devotion in relation to Mary as agent *par excellence* of divine mediation. The designation *ancilla* harkens to the Lucan *Magnificat* and preceding pericope, in which Maria agrees (*fiat*) to accept the Word and then sings God's praises *quia respexit humilitatem ancillae suae*. As POMPILIO notes, Maria is "il suo vestimento, perché "veste" con la sua carne il suo Signore; è la sua ancella, perché obbediente alla sua Parola; è sua madre, perché lo genera nel tempo."<sup>143</sup> Mary represents a formative figure of humility and obedience in both spirit and in deed. Although God chose her to bear the Christ-child and bestowed her with special honour and grace, Mary remained a humble, obedient servant, true to her King and his cause until the bitter end. In effect, Mary participated in God's own self-*minoratio* and united herself thereto (*Admonitiones*), as she wilfully received the Holy Spirit at the behest of the Father, and as such transformed into a haven of humility for the Son at the event of his conception. Her service, however, did not end there, as she was an instrumental component in the advancement and execution of the church's primitive mission (*virgo ecclesia facta*) and underwent further self-sacrifice in allowing her son to live and ultimately die in service of others. Viewed in such an optic, the role of Mary was thus reception of God's Word in body and soul and engaged servitude in the world. In short, she was a model Minorite. Indeed, the *Ep-Fid II* model of familial model of relationality toward Christ resonates with such concepts as it refers to the brothers as mothers (generators), brothers (comrades sharing in his mission), and sons (subject to) of Christ. Common albeit not perennial manuscript association of with

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<sup>142</sup> *VbF* 21 (*FF* 295-6)

<sup>143</sup> A. Pompilio, *Gli Scritti di Francesco d'Assisi: Approccio storico-critico*, Foggia 2008, 72.

*SalVir* suggests a theoretical link to spiritual maternity through the model of Mary as Queen of grace and virtue, with particular accent upon obedience and service of all.<sup>144</sup>

### *Salutatio virtutum*

#### 1. Textual Features and *Sitz im Leben*

Although by external criteria it is one of the clearest instances of an authentic writing,<sup>145</sup> numerous attempts to date the *Salutatio virtutum* with success have produced little consensus among scholars.<sup>146</sup> For reasons concerning resolute, autonomous composition and relatively innovative content, the study at hand opts for a later date, certainly post-1220, in all likelihood even post-1223 as it appears to reflect exogenous factors such as tension and in-subordination in the community.<sup>147</sup> Hagiographical references indicate that it was a fairly well-known text in certain circles of the order, which in turn also lends credence to the claim that it was circulated with intent to impact others regardless of motive. Much like the *SalBMV*, the *SalVirt* dawns a title derivative of manuscript rubrics, but Thomas of Celano's designation, that of *Laudes de virtutibus*,<sup>148</sup> better suits the literary genre, which bears resonance with troubadorian poetry.

#### 2. Thematic-Theological Analysis

##### *The Indivisibility of Virtues, the Prominence of Obedience*

With a literary structure based upon hailing virtues in pairs, among which obedience plays a primary role, *SalVirt*'s initial section introduces and salutes the virtue pairs, followed by a second section, which extols the virtues and delves into each specific virtue and its role or function. Due to the tenor and mode of addressing the virtues, the text reads as a poet lauding members of a court.<sup>149</sup> Addressed as Lady (*Domina*) and holy (*sancta*), the virtue pairs include wisdom-simplicity, poverty-humility, and charity-obedience. Although the queen or primary virtue is wisdom (*sapientia*)<sup>150</sup> with its sister simplicity (*simplicitas*), the virtue of obedience receives by far the most extensive treatment of all the virtues. Much could be –

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<sup>144</sup> Van Asseldonk, 22.

<sup>145</sup> It is contained namely in all four canonical collections of the writings, including the Assisi 338 codex. Also, Thomas of Celano references the prayer, even literally quoting a verse of its contents. See: *Memoriale* 189 (FF 608-9)

<sup>146</sup> Godet-Calogeras, 310-311.

<sup>147</sup> On establishing the historical context of the writing, see: Esser, *Die Opuscula*, 428-9; Jansen, 'Lofzang,' 61-63; Reijsbergen, *Omkeer*, 43-44; Hoebrechts. *Paradise Restored*, 22-25; Lehmann, *Tiefe und Weite*, 221-223 & 229; L. Casutt, *Das Erbe eines grossen Herzens: Studien zum franziskanischen Ideal* (Graz: Verlag Anton Pustet, 1949), 178; & L. Hardick and E. Grau, *Die Schriften des heiligen Franziskus von Assisi* (Werl, Westfalen: Dietrich Coelde Verlag, 1980), 131.

<sup>148</sup> *Memoriale* 189 (FF 608-9)

<sup>149</sup> For an exegesis of the text, see: L. Lehmann, OFM, Cap, 'Lo que confunde a Satanás: el saludo de las virtudes,' *Selecciones de Franciscanismo* 65 (1993): 183-194.

<sup>150</sup> Perhaps Wisdom chs. 9 & 10 may shed some light on the understanding of wisdom employed in *SalVirt*.

indeed has been<sup>151</sup> – written about each of the virtues and their complexity as a whole. Succinct focus upon obedience and its sister virtue charity provides ample opportunity for reflection, as they occupy nearly half of the prayer’s content. The logic driving the *laude* consonates with concepts underscored in other writings, chief among which is the conceptual link between *sapientia* and the *spiritualiter-carnaliter* dichotomy. By the wisdom of the flesh, man lavishes in empty religious pageantry and the sins of pride and predomination, whereas living *spiritualiter* comes from reception of Christ, the wisdom of the Father, treatment of all with mercy and love, and elation at humility and servitude in relation to others.<sup>152</sup>

Moreover, as HOEBERICHTS notes, the complete breaking of traditional virtue schemes suggests that Francis and his brethren composers wished to address virtues pertinent to concrete problems at issue in the order.<sup>153</sup> From a phenomenological perspective, suffice it to say that virtues *in sé*, as axes of orientation that direct human thought and behaviour, regard obedience to certain extent. In a theological sense, *SalVirt* vs. 6-7 purport that the virtues, the power of God in humans, are indivisible, yet obedience plays a fundamental role in the compositional layout and content of the *laude*. The Latin preposition *cum* delivers a solid indication as to the indivisibility of the virtues in the view of *SalVirt*. Here, *cum* is not in terms of accompaniment, but instrumentality or rendered properly into English “by means of.” Hence, there is no wisdom without simplicity, no poverty without humility, and no obedience without love.

An initial insight into the six virtues as conceived by *SalVirt* lie in the effects enacted by them. Each of the virtues confounds a contrary vice and sin (*Et unaquaque confundit vitia et peccata*), except for Queen Wisdom, which confounds Satan and all of his malady. The Latin *confundit*, becoming a redundancy as it is repeated six times, has several legitimate meanings in English.<sup>154</sup> The most general sense of confound or stifle in a nonviolent manner appears to capture the action of the virtues, as described in the prayer. Passages 13-18, perhaps more than in any other passage of the writings, establish the link between charity and obedience. One notices such a dynamic not only in the mentioning of the two as a couplet, but in the complimentary effects, which they enact and in the manner in which they are to be exercised. Whereas charity confounds temptations of the Devil and the flesh and fears of the flesh, obedience confounds all corporal and fleshly urges of the will and keeps the body mor-

<sup>151</sup> Hoerberichts, *Paradise Restored*.

<sup>152</sup> *RegNB* V, IX, XVI, XVII, etc. (*Scripta*, pp. 248-50, pp. 264-8 & pp. 268-70 respectively) and II *EpFid* 45-47 (*Scripta*, pp. 192-194).

<sup>153</sup> *Paradise Restored*, 43-44.

<sup>154</sup> See Hoerberichts’ extensive considerations on the various meanings. *Op. cit.* 160-170.

tified in the obedience of the spirit and in the obedience to one's brother. Both virtues confound the flesh and fleshly ways, love confounds Satan and fear<sup>155</sup> as obedience does the will. In such a manner, obedience functions much the same as humility, which confounds pride (*superbia*, v. 12). The two virtues of charity and obedience function to stifle evil and fear of the other, while at the same time drawing one out from selfish desires and into the world of others. Thematic parallels with *RegNB XVI* occasion considering *SalVirt* in the context of encounters, not only with fellow brethren in the fraternity or fellow humans, but also with so-called enemies in foreign lands, what some might call infidels. Indeed, the end result of the brother's Gospel alternative to the ever popular crusade movement of the period was a non-violent approach, whereby one put oneself at the disposition of the other (*RegNB XVI*). In such an optic, it is thus of little surprise that the following verses widen the realm of obedience to all humans, both friend and foe, and then to all living beings.

The pertinent question then becomes, in what does such a charitable obedience consist?<sup>156</sup> While the writings at large present us a more complete answer to the above question, *SalVirt* offers us a linchpin for the radical conception of obedience in the writings. As vs. 16-18 lay out, obedience is an active state of being submitted and subdued to all humans, also to beasts, at their service to the extent that they may do with him what they wish. Such a condition of charitable servitude, which submits bodily desires to the life of the spirit and to an other-centred existence, gets to core of obedience and its meaning in the writings. The scriptural references in v. 18 render abundantly clear that obedience may become true obedience (*Adm*) by resembling that extreme articulation lived out by the likes of John the Baptist and Jesus Christ, that is by means of love.

#### *Universal Obedience, Universal Brotherhood*

Building upon and elaborating an observable sense of universalism in such earlier texts as *ExhLD*, *LaudHor*, and *RegNB XIV*, *SalVirt* expands the contours of the proper realm of obedience to all humans and, indeed, to all of God's creatures.<sup>157</sup> In the view presented by the writings, charitable obedience entailed subjecting one in merciful service not only to one's current friends or surrogate brothers in Christ, but also to those considered enemies, who may well not handle such contact with nonviolent response. *SalVirt* continues along the same line

<sup>155</sup> 1 Jn 4, 18: timor non est in caritate sed perfecta caritas foras mittit timorem...

<sup>156</sup> Regis Armstrong, OFM, Cap, "The Service of Loving Obedience," *The Cord* 32 (1982): 195-207.

<sup>157</sup> On the notion of universal obedience, see: K. Synowczyk, 'L'obbedienza universale di San Francesco D'Assisi,' *MiscFr* 91, 1-2 (1991): 89-103; Miguel Ángel Lavilla Martín, 'La sumision a toda criatura por Dios, propuesta por Francisco de Asis: Un pasaje de la historia exegetica de 1Pt 2, 13,' *Antonianum* LXXIV (1999): 463-499; & Carlo Paolazzi, 'Francesco d'Assisi e il creato, dalla contemplazione all'obbedienza,' *StudiFran* 104 (2007): 189-204

of thought, presenting the models of John the Baptist and Jesus Christ for the brother's consideration as laudable examples of men who subjected themselves to incredible scrutiny and even death for the sake of others. Other passages<sup>158</sup> had already considered the penitential relationship of brother to other humans in the context of mission work – *sed sint subditi omni humane creature propter Deum* –, *SalVirt* radicalizes the call to obedience, extending it as far as the entire animal kingdom and to every living being of God's creation. Although *Cantico* offers insights into the inclusion of the cosmos beyond human beings into vision of universal brotherhood, *SalVirt* lends itself to a bit looser theoretical linkage, if taken in isolation. Perhaps a semantic parallel with Gal 4, 3<sup>159</sup> may offer a link to Pauline current of thought, whereby we are all subject to the elements of the world in the absence of Christ, or rather taken to an even greater extreme, for the sake of Christ and as a way of following Christ, gaining contact with him, and rendering him present in the world.

#### *A Marian Link with the Virtues*

A significant text for the conception of obedience in the writings, *SalVir* is a courtly hymn to the virtues. Corroborates emphasis upon channels of logic and spirituality represented in texts such as the *LaudHor*, *RegNB*, and *Cantico*. As mentioned above, close association in the manuscript tradition with the *SalBMV* intimates a theoretical link, which begets further Mariological indication. The manuscript link may assist in retrieving a connotated line of interpretation regarding the two prayers; namely, the virtues hymnified in the *SalVir* are exactly those virtues possessed by the Holy Virgin. Attention to virtue and vice corresponds to the well-known spirit of the era's penitential movements. The literary structure and arrangement of *SalVir* exhibit a concerted composition whose nature bespeaks mature spiritual and theological reflection and an insistent effort to render the text and its message in poignant written form. Such indications may signal intent to set down their interpretation coherent with the *Sitz im Leben* offered above in the form of a creative, whimsical text.

#### ***Chartula Assisiensis: Laudes Dei Altissimi, Benedictio fratri Leoni data***

##### 1. Textual Features and *Sitz im Leben*

Among the prayers and praises, the two autographs reported by the Assisi chartula are a valued contribution, the *Laudes Dei Altissimi* on one face, the *Benedictio fratri Leoni*

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<sup>158</sup> *RegNB* XVI, 6 (*Scripta*, p. 266): *sed sint subditi omni humane creature propter Deum*; II *EpFid* 47 (*Scripta*, p. 194): *Numquam debemus desiderare esse super alios, sed magis debemus esse servi et subditi omni humane creature propter Deum*.

<sup>159</sup> Gal 4, 3: *ita et nos cum essemus parvuli sub elementis mundi eramus servientes*.

*data* on the other. Housed at Assisi's Sacro Convento complex since at least the later 1330's,<sup>160</sup> the chartula is a 10 cm x 13 (or 13.5) cm slip of goat-skin-fashioned parchment, which Francis had used to compose two writings *manu sua* and then gave to Brother Leo. Upon receiving it, Leo folded it for safekeeping into quadrants along creases aligned with the Tau symbol depicted on the blessing side, the side dearest to him.<sup>161</sup> Leo is thought to have carried the parchment with him, the *Laud Dei* facing out, until his death in ca. 1271, a sign of Francis' cherished companionship and charismatic leadership.<sup>162</sup> Although the *Laud Dei* side is badly damaged, physical possession of the chartula including Leo's rubric inscription, an abundant manuscript tradition, and concordant testimonies from two hagiographers provide sufficient evidence as to the authenticity and context of the writing.<sup>163</sup> Leo's rubric inscription atop the chartula provides context for the date and circumstances of composition.<sup>164</sup> The historical context is much the same for *OffPass*, only now the intense experience culminating in Francis' stigmatization is to an extent behind him. Written in September 1224 while on retreat

<sup>160</sup> The Sacro Convento inventory of 1338 lists the chartula among its relics. Laetus Alessandri and Franciscus Pennacchi (eds.), 'I più antichi Inventari della sacristia del Sacro Convento di Assisi (1338-1473),' *AFH* 7 (1914): 66-107, 294-340; see especially page 78, which reports of the chartula, *Item una tabula lignea cum vitro ex utraque parte in qua est benedictio, quam dedit sanctus Franciscus fratri Leoni socio suo, scripta manu propria eiusdem sancti Patris; et laudes eius sunt in eadem.*

<sup>161</sup> Godet-Calogeras, *Autographs*, 53.

<sup>162</sup> Godet-Calogeras, *Autographs*, 53. That Leo would have been jealous of the writing is coherent with the tradition of it as a sort of thaumaturgical litany or a 'talismán against temptation.' R. Balfout, *The seraphic Keepsake. A talisman against temptation written for Brother Leo by Saint Francis of Assisi* (London, 1905). In fact, hagiographic accounts report Francis' suggestion that Leo keep it with him until he die.

<sup>163</sup> It is not insignificant that attestations to the Tau symbol and to the chartula appear in different periods and in varying contexts. The earliest extant witness to a writing, the rubric of the *EpCler* I transcribed with certainty between 1219 & 1238, bears a reproduction of what Oligier calls a *Tau cum capite*. Oligier thus inferred that the text was likely copied *ex autographo seu exemplari originali s. Francisci*. See: L. Oligier, 'Textus antiquissimus epistolae s. Francisci de reverentia Corporis Domini in missali Sublacensi (cod. B. 24 Vallicellanus),' *AFH* 6 (1913): 5. Provided that such was indeed the case, the copyist would almost certainly not have been acquainted with the chartula in those years, the rubric represents also the earliest testimony of the Tau symbol associated with a writing attributed to Francis. Both Thomas of Celano and Bonaventure attest to Francis' custom of signing with the Tau symbol. See: *Tractatus de miraculis*, 3 & 159 (*FF* 646 & 736, respectively); *Legenda maior*, *Miracula* X 6 & IV 9 (*FF* 960, 810) *Legenda minor*, II 9 (*FF* 979). They do so, however, in different contexts with respect to their recounting of the composition of the Assisi chartula, which appear rather *Memoriale*, 49 and *Legenda maior* XI 9 & *Legenda minor* IV 6. The phenomenon alone appears to lend a certain credence to the authenticity of the Assisi chartula. A further question to be addressed is whether they had actually seen the writing in person or only heard of it. Both authors write that the letter was preserved and later worked wonders.

<sup>164</sup> *Beatus Franciscus duobus annis ante mortem suam fecit quadragesimam in loco Alverne, ad honorem beate Verginis Matris Dei et beati Michaelis Archangeli, a festo Assumptionis sancte Marie Virginis usque ad festum sancti Michaelis septembris; et facta est super eum manus Domini. Post visionem et allocutionem Seraphim et impressionem stigmatum Christi in corpore suo, fecit has laudes ex alio latere cartule scriptas et manu sua scripsit, gratias agens Deo de beneficio sibi collato.* Hagiographical texts also account for the event, among them most notably ms. Little, Thomas of Celano's *Memoriale* 49, 4-6 and Bonaventure's *Major* (11.9) and *Minor* (4.6) *Legends*. Interestingly, none of the three accounts identify the *socius* to whom Francis gave the chartula. Celano and Bonaventure both alter the version reported by ms. Little, replacing the reference to the rule simply with that of the *carta*.. For a survey of the prevailing opinions attempting to reconcile the account reported in Leo's rubric and that in other Franciscan sources including his own proposed reading, see: Godet-Calogeras, *Autographs*, 58-66.

at Alverna, the chartula was the result of the now stigmatized Francis' own meditation upon the transcendent Father and his immanentisation turned gesture of devotion, friendship, and parent-like affection and care.

## 2. Thematic-Theological Analysis

### *A Motherly Blessing for Transformative Encounter*

Francis had composed the *Laud Dei* upon the flesh side of the parchment, on which side it was customary to write first, whereas subsequently upon the grain side, he inscribed the *Benedictio fratri Leoni data* for him, whom he cherished as a son.<sup>165</sup> Multifarious praise of God, the transcendent, almighty Father and King who shares himself with his creation and relates to them with grace then transformed into the supplicated blessing of a close companion, that he too might encounter the Lord as Francis had and thereby attain a measure of peace. It appears that Francis wished to share with him the Lord, King, and Father whom he had encountered, not only but especially atop Alverna. After his moments of ultimate surrender to the will of God, Francis had received the stigmata. For Francis, the transcendent had become immanent in the stigmatization. Francis' wish that Leo see the face of God gives a particular eschatological hue to the message. CUSATO's compelling proposal that the ink below the Tau sign is a sketch portraying "not only a turbaned Muslim but none other than the head of the Sultan, Malik al-Kamil..."<sup>166</sup> out of whose mouth the Tau emerges. CUSATO's insight provides a link to notions of universal fraternity (that Francis regarded the Sultan as brother and wished him peace is certainly not beyond imagination) and perhaps unveils a neglected element of Francis' seemingly tormented yet blessed experience while upon La Verna, which he then shared with his companion. Almighty God had revealed himself to Francis, *vermis et non homo*.<sup>167</sup> In spite of at times vitriolic disputes both within the order and beyond he surrendered himself to the divine, of which *Laud Dei* is a celebration regarding God's power and goodness. The final verses of *OffPass* XIV from Vulgate Psalm 68 is a potential point of reference for interpretation with literal and conceptual resonance with the autograph and perhaps offers a glimpse of Francis' experience on Alverna as familiarity through aural recep-

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<sup>165</sup> Godet-Calogeras, *Autographs*, 64.

<sup>166</sup> Cusato, 'Of Snakes and Angels: The Mystical Experience Behind the Stigmatization Narrative of I Celano,' in *The Stigmata of Francis of Assisi: New Studies, New Perspectives*, 58. Cusato continues, "...the man whom Francis had encountered under his tent, in Egypt, in September 1219, immediately after the defeat of the Christian crusaders at Damietta! And the jagged drawing surrounding or circumscribing this recumbant head is neither the mountain of La Verna nor the hill of Calvary but rather a representation of the shores of the Mediterranean Sea with the turban touching the approximate location of Damietta in Egypt, the place of their encounter." For Cusato's entire discussion of the matter, see: 'Of Snakes and Angels,' 53-74.

<sup>167</sup> One of the most quoted Psalms in the *OffPass* is Psalm 21,6.



tivity and recitation which transmutes into interior bliss exteriorized in acts of charity, unity, and consolation.<sup>168</sup>

Another intertextual insight views the third autograph in supplementary context. It seems undeniable that Francis had considered Leo as a close companion, even as a son, and intended to look after him *sicut mater* (*EpLeo*). Hagiographical accounts allude to Leo's temptation or spiritual struggle in that time. Perhaps the blessing verse (*convertat vultum suum ad te et det tibi pacem*) refers to Francis' wish to bring an end to such inner conflict through encounter with the divine as it was also occurring to him. The autographs at hand, alongside that of the *EpLeo*, offer a precious vista of a Francis who praised God as Father and King and intended to look after his companions like a mother, through encouragement and spiritual counsel, a reality more in line with the structures of obedience in the *RegNB* and *RegEr* than in that of the *RegB*. Probable chronological contiguity to other writings elaborates upon the ideal leader, which Francis attempts to fulfil in his relation to Leo. In particular, *EpMin* and *Adm XIX* exhort leaders to treat friars with mercy and to be humble before them as before God. As with his abdication of leadership, Francis attempted to live out the message he had preached.

### *Cantico di frate sole*

#### 1. Textual Features and *Sitz im Leben*

One of only two vernacular texts considered in the study, *Cantico di frate sole* is not only a cherished source for the discovery of Francis and the early movement, it is also an indispensable source for early Italian vulgarisations of the Latin language and a gem of Christian literature. Dictated and written in the Umbrian dialect of the period, the text is expressive and original, not containing any literal Scripture snippets and therefore appears to emanate in a particular way Francis' awareness of the entire cosmos as God's creation and his sense of universal mutual relations. Subsequent hagiographical accounts composed by Francis' companions convey his reverence for nature and even relate the Assisian's wish to compose the writing.<sup>169</sup> While partially adorned by topographical embellishment to encourage devotion, such testimonies set the scene for contextualisation of the writing. The *Cantico*, first brought

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<sup>168</sup> 30 *Ego autem sum pauper et dolens; salus tua, Deus, suscipit me.* 31 *Laudabo nomen Dei cum cantico et magnificabo eum in laude.* 32 *Et placebit Domino super taurum, super vitulum cornua producentem et ungulas.* 33 *Videant humiles et laetentur; quaerite Deum, et vivet cor vestrum,* 34 *quoniam exaudivit pauperes Dominus et victos suos non despexit.* 35 *Laudent illum caeli et terra, maria et omnia reptilia in eis.* 36 *Quoniam Deus salvam faciet Sion et aedificabit civitates Iudae; et inhabitabunt ibi et possidebunt eam.* 37 *Et semen servorum eius hereditabunt eam; et, qui diligunt nomen eius, habitabunt in ea.*

<sup>169</sup> *VbF* 16 & 80-1 (*FF* 291-2 & 459-460, respectively); *CAss* 14 & 83 (*FF* 1560 & 1596-8, respectively); *Memoriale* 165 & 213 (*FF*, 750 & 627-8, respectively).

to parchment sometime around the spring of 1225, was completed in the weeks before Francis' death with the fateful addendum of reflection upon his own mortality and the nature of death, *Sora nostra morte corporale*.<sup>170</sup> Bio-hagiographical sources and modern analyses of his remains have indicated that ailments afflicted Francis in his last years of life, including vision impairment and presumable suffering. The *Cantico* represents Francis' musings of utter spiritual surrender and connectedness to the cosmic elements, which ruminated in his thoughts and sentiments even as he battled his physical maladies and his time approached an end. Repeated voicing of *ExhLD* and in particular of *LaudHor* had rendered Francis' life into a mantra of universal praise to the Lord. The *Cantico* shares a glimpse of his ecstatic self-expression in that regard.

## 2. Thematic-Theological Analysis

### *Divine Omnipotence and Goodness, Eschatological Universalism*

Despite the *Cantico*'s vernacular textualisation and mystical, poetic style, lexical and conceptual parallels with other writings lend the text to logical, albeit polyvalent, interpretation under scrutinising textual analysis. As one might expect, *Cantico* begins by acknowledging the omnipotence of God. The universal, penitential consciousness present in other writings achieves new, eschatological extremes in the *Cantico*. In addition to the mystical dimension and recognition of universal praise in the text, there are two conceptual dynamics regarding obedience which reveal a marked thematic continuity with other writings while also unveiling new insight; namely, emulation and participation.

Intertextual analysis with the *SalVirt* affirms the expansion of the sphere of obedience to the entire cosmos, the glorious creation of the triune God. The text praises cosmic entities in two groups, first in terms of celestial bodies (*Sole, Luna, stelle*) and then the sublunar bodies (*Acqua, Focu, Terra*). In the *Cantico*, one encounters the most intimate witness of Francis' all-embracing regard for creation, from the tiniest blade of grass to heavenly bodies, as brothers and sisters, humble, laudatory, obedient servants<sup>171</sup> of the Lord in Trinitarian communion, and thus, as the *SalVirt* established, also to be obeyed. Liturgical-biblical echoes, in particular those regarding the Eucharistic prayer "*Laudate e benedicite mi' Signore e reingraziate e serviateli cum grande humilitate*," are indicative of engagement in sacramentality at a cosmic level. Praise, thanksgiving, and humility are the proper disposition before the presence of Christ in the sacrament of Eucharist, which is not limited to a church liturgical setting and

<sup>170</sup> Paolazzi, *Scripta*, p. 118. Miccoli, *Gli scritti di Francesco*, 68. Miccoli opts for April-May 1225 / 1226.

<sup>171</sup> *Adm V*, 2 (*Scripta*, p. 358): *Et omnes creature que sub celo sunt, secundum se seviunt, cognoscunt et obediunt Creatori suo melius quam tu.*

supplements the propensity for direct, mystical contact with the divine already discussed. Of particular interest for dynamics of obedience, the *Cantico* establishes a link between service of the Lord and humility proper to the awe of his sacramental presence. Such a conceptual association aligns with *RegNB* XXIII's notion of rendering all good things back to God and implies a call to a life of service and obedience as an expression of praise and gratitude for encounter with the divine and requital for Christ's sacrifice. Chronological contiguity to the *EpOrd* and *Test*, each text rife with allusions to obedience, supports the interpretive lens of obedience as a legitimate point of reference for reading the *Cantico*.

*Familial Relationality: Fraternal and Maternal Compliments to Divine Paternity*

The familial model of relationality intrinsic to the sources at hand is of Gospel origin.<sup>172</sup> The theme of divine universal paternity developed in other writings finds two conceptual compliments here in the notions of universal *fraternitas* and earthly maternity. The insistence that all of creation be called brother or sister and the invitation to unite in praise and service of the Lord results from a universal *fraternitas*, one which subsists under the rule of the divine Father. Since the sublunar elements of creation are better suited to praise and obey God than humankind, encounter and mystical union with God consist in active participatory praise *with* and *through* the cosmos.<sup>173</sup> Thus not only does *Cantico* affirm the complicity of creation in serving God, it also calls all to emulation of the creatures, brothers and sisters. As *Adm. V, 2* reads, *Et omnes creature que sub celo sunt, secundum se serviunt, cognoscunt et obediunt Creatori suo melius quam tu*. Nonetheless, the creatures and other elements are not only an example to imitate; rather, they are our brothers and sisters insofar as they too are children of the loving, merciful Father who created them. If we can believe the narrative sources, Francis had already performed such befriending of the cosmos as he preached to birds, fish, and all manner of beast and even included animals in his manger scene at Greccio. As part of the life of praise proposed by the writings, obey one another in loving, mutual service for the sake of collective unity, personal spiritual benefit, and solitary sustainment of the other. Francis' *Cantico* therefore also implies the challenging task of extending that mindset of *obediencia ad invicem* to all of God's glorious creatures. An allegorical reading of the poem revealing a thematic link to maternalist structures and models of leadership – both in the language of the early movement and of Wartenberg – lies in verse 20-23 on *matre Terra*. Stanzas 5-9 carry the image of *messor lo frate Sole*, representative of Christ, who *de Te, Altis-*

<sup>172</sup> Cf. Mk 3, 31-35 and Mt 12, 46-50 for biblical parallels.

<sup>173</sup> Interpretation of the *Cantico's per* is a widely discussed issue. Polyvalence left to its own devices reveals the rich meanings in the text.

*simo, porta significazione*, which is to say is a communicative sign of the divinity.<sup>174</sup> The sun is Lord over all the earth from the highest heavens, but a Lord, who gives of himself, who shares his splendour and beauty with us, and illuminating us for him, serves as agent of mediation between man and the omnipotent Most High. Just as the lord and brother son, all the elements praise God in unison and Francis praises God *per* the elements of creations, thereby forming a singular familial bond. *Sora nostra matre Terra*, the mother of said familial model, represents any earthly power or institution, such as the Church, Order, or leadership in general. Scholars have of late remarked at the possibility of the *Cantico*'s polyvalent wordplay regarding the verbs *sustentare* and in particular *governare*.<sup>175</sup>

It appears that the selective choosing of verbs amounts to a proposal of a leadership model proper to mutual obedience and the fraternal ideal. *Sicut mater* authority figures ought to lead in such a fashion that they govern and sustain their children as does the earth the animals by securing them provisions.<sup>176</sup> Nonetheless, since *matre Terra* is also *sora*, the *Cantico* also includes a reminder that God is ultimately the Father of authority figures. After all, it is only by the sun, that is, the Son of God, which enables Mother Earth to produce *diversi frutti con coloriti flori et herba*. Once again, a maternal image provides a model for a legitimate form of influence under the fraternal ideal. The question then presents itself as to how the authority figure ought to accomplish said calling. The following stanza perhaps offers an answer. The leader is to pardon by means of God's love, undergo infirmity and tribulation, and endure peace, just as *CAss* recounts of Francis' intervention between Bishop Guido of Assisi and the commune's local political authority.<sup>177</sup> Similar to the *BenLeo*, *Cantico* invokes peace as a result of encounter with the divine, as a model for human relations under the gaze of God, and as a resulting effect of genuine *sequela Christi*. Closer to his final days, Francis would add the verses on *sora nostra Morte corporale*, which signified his befriending even of earthly mortality itself, likely a product of his embracing of that greatest love, which overcomes death.

### ***Audite, Poverelle***

#### 1. Textual Features and *Sitz im Leben*

<sup>174</sup> Paolazzi offers this reading of the text in *Scripta*, p. 121, note 5. Of the phrase, he proposes the following definitions, "*parla, è segno parlante di.*"

<sup>175</sup> For a study on the language of service and humility employed in the canticle, see: C. Garzena, '*Terra fidelis manet*'. '*Humilitas*' e '*servitium*' nel '*Cantico di frate Sole*' (Firenze, 1997).

<sup>176</sup> On obedience and authority in the early writings, see: Kajetan Esser, 'Gehorsam und Autorität in der frühfranziskanischen Gemeinschaft,' *WW* 34 (1971): 1-18 and Idem. 'Gehorsam und Autorität in franziskanischer Sicht,' in: *Gehorsam und Autorität*. Werkwoche der Franziskanischen Arbeitsgemeinschaft, 1970. Wandlung in Treue 12 (Werl, 1971), 113-32.

<sup>177</sup> *CAss* 84 (*FF* 1599)

The same hagiographical source, which recounts the composition of the *Cantico* also reports that later in that same period Francis also composed words with melody (*verba cum cantu*) for the consolation of the Damianite sisters. The second of two vernacular texts considered, *Audite, Poverelle*, was until recent decades regarded as apocryphal.<sup>178</sup> *AudPov* constitutes an exhortatory poem composed and put to song for Clare and her Damianite sisters. Like the *Cantico*, *AudPov* is by the author's estimation an authentic, original text written in Francis' native tongue and without the intermediary of the Latin language. As such, *AudPov* reveals in a similar way to the autographs Francis' personal thoughts, communication style, and sensibility for others, but also his capacity as a writer of hymns. PAOLAZZI argues for the dating of *AudPov* in the first months of 1225, in any event subsequent to the *Cantico* as per the *CAss* recounting. A possible ulterior motivation in that regard may be found in *CAss* passage, although not all scholars concur, suspecting rather posterior topological mechanisms.<sup>179</sup>

## 2. Thematic-Theological Analysis

### *A Hymnified Abbreviation of Early Minorite Obedience*

As does another brief writing intended for Clare and her sisters *FormViv*, *Audite, Poverelle* relates Francis' esteem and care for the band of poor women at San Damiano. In it, he encourages the Damianites in their current state of trial and hardship and exhorts them to perseverance on the path of *sequela Christi*. The centre piece of the hymn is a Christological allusion to obedience, which bears a supplementary element with regard to interior and exterior life. By now steeped in existential reflectiveness, ever aware of the fragility of human life and the sense of purpose which that implies, Francis identified more than ever with Christ and wished to continue his obedience to the end. A poignant passage corroborates such a notion. Vs. 2-3 read, *vivate sempre in veritate ke en obediencia moriate*. Just as Christ had died in obedience to the Father in the most extreme fashion, so too were the sisters to follow suit. An elaborating counterpart is detectable in the next lines. We read, *Non guardate a la vita de fore, ka quella dello spirito è migliore*. In such a context, obedience does not equate to outer

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<sup>178</sup> Having discovered two manuscripts containing the writing, G. Boccali argued in 1977 for its authenticity based upon resonance with the *CAss* 85 witness and the antiquity of one manuscript, a copy found at a Poor Clare monastery near Verona, a community with verifiable early connections to Assisi. See: G. Boccali, 'Parole di esortazione alle ,poverelle' di San Damiano,' *FormSor* 14 (1977): 54-70. Also, one might add that an evident literary production addressed to Clare and her sisters is now considered authentic among the writings, including *FormaViv* and *UltVol*.

<sup>179</sup> *CAss* 85 (FF 1603). Francis is said to have exhorted them to mutual charity *quia eius exemplo et predicatione, cum fratres adhuc pauci essent, ad Christum converse fuerunt. Quarum conversio et conversatio non solum religionis fratrum, cuius plantula, exaltatio est et hedificatio, sed etiam universali Ecclesie Dei.*

observance; truth does not equate to doctrinal teaching.<sup>180</sup> The two are linked in an intimate manner.<sup>181</sup> The two verses explicate that living in truth and dying in obedience consist in living out simplicity and spiritual integrity, which give preference to genuine, inner receptivity rather than to exterior observance.

Echoes in other of the writings buttress authenticity and provide a wider tapestry for interpretation of the theme of interiorisation typical of the spirituality of the age.<sup>182</sup> In effect, *AudPov* then calls the sisters to live in gratitude for the good things, which come from God, a gratitude that gives way to requital. We read, *Io ve prego per grand'amore k'aiate discrezione de le lemosene ke ve dà el Signore*. Here, the charismatic leader of men and women shows his maternal care for those experiencing afflictions and fatigue by his prayer of blessing upon them that they might be sustained in peace. Peace is a perennial theme in the later writings. Mystical consolation, which comes about by encounter with the Lord (*Benedictio*). Francis then assures the sisters of the consolation that for their obedience they shall receive gestures of honour in the celestial realm. He continues, *ka multo venderite cara questa fatiga, ka ciascuna serà regina en celo coronata cum la Vergene Maria*. *AudPov* offers an additional instance of Mary as model of Gospel alternative, obedience to God's word.

### **Theological Analysis of the Writings: Epistolary Literature**

The letters among the writings of Francis and the early movement reveal a distinct dimension of the textual community in its early stages of development and indicate efforts to work through and implement the meaning of their theology of obedience. The epistolary genre exhibits to major thematic components dear to Francis and the early movement, that is, the urgent need to announce the Gospel and the ministerial service of the Friars Minor as a *fraternitas*. In addition to revealing aspects of Francis' personality and leadership style, the extant epistolary literature gives us a unique window into the way of life and currents of thought in

<sup>180</sup> Ps 24, 4b-5 links truth with following God's path. ... *iniqua agentes supervacue vias tuas Domine demonstra mihi et; semitas tuas doce me dirige me in veritatem tuam et doce me quoniam tu es Deus salvator meus et te sustinui tota die*.

<sup>181</sup> A Pauline link between obedience and truth lies in *RegNB XI, 6 (Scripta, p. 260): Et ostendant ex operibus dilectionem quam habent ad invicem, sicut dicit apostolus: Non diligamus verbo neque lingua, sed opere et veritate*.

<sup>182</sup> For instance, *RegNB XVII, 9-16 (Scripta, pp. 268-70)* contrasts interior life of the spirit in humility, patience, simplicity, and peace with the exterior life of the flesh in pride and vainglory. It reads, *Omnes ergo fratres caveamus ab omni superbia et vana gloria. Custodiamus nos a sapientia huius mundi et prudentia carnis (Rom 8, 6-7); spiritus enim carnis vult et studet multum ad verba habenda, sed parum ad operationem, et querit non religionem et sanctitatem interiorem spiritus, sed vult et desiderat religionem et sancitatem foris apparentem hominibus. Et isti sunt, de quibus dicit Dominus: "Amen dico vobis receperunt mercedem suam" (Mt 6,2). Spiritus autem Domini vult mortificatam et despectam, vilem et abiectam et opprobriosam esse carnem. Et studet ad humilitatem et patientiam et puram simplicitatem et veram pacem spiritus. Et semper super omnia desiderat divinum timorem et divinam sapientiam et divinum amorem Patris et Filii et Spiritus Sancti*.

the early movement with particular regard for the manner of conception and the quotidian living out of obedience and other guiding principles. Perhaps more than any other category of texts, the letters, others of which were likely written and lost over time, offer indications both of Francis' affinity for the epistolary genre and of his personality as a leader and charismatic figure. As such, they too entail normative content. More than the normative and prayerful genres, the epistolary genre transmits in a more direct and colloquial form Francis' insistence upon their *vita* (later *regula*), which the brothers had chosen to forge from the movement's genesis. As LEHMANN points out, such sources convey Francis' contrasting attitude of humility and servitude (*frater Franciscus, in Domino Deo vester servus et parvulus, EpCust I, 1*) on the one hand, and a self-aggrandisement bordering on solipsism on the other evinced by occasional wide addressee-ship, the mandate to transcribe and circulate certain letters, and noticeable esteem for the value of his own words.<sup>183</sup> Such contrast is not foreign to the writings as it receives its most extreme articulation in the final months of Francis' life in the *Test*.

Scholars commonly divide the epistolary sources into two textual groupings based upon addressee-ship: one collective, the other individual. Nonetheless, due to genre re-categorisation<sup>184</sup> and exclusion<sup>185</sup> with respect to certain of the letters, but a hand full of members belong to the epistolary category. With regard to internal features, the letters are of varying composition and intent. Some are of simplicity, others of admirable complexity; some are of a personal nature intended as private correspondence (*BrLeo, EpMin*), others addressed to wide swaths of people and intended for circulation to a broad audience (*EpCust I, EpOrd*). Favoured themes in the epistolary genre include observance of the rules in their various stages, obedience to Francis, implementation of the fraternal ideal, the lordship of priests, the emerging organisational structure and the tasks appropriate to new roles within the fraternity, and what scholars have deemed a call to Eucharistic Crusade.

Literary genre is in many ways an artificial, posterior construct useful primarily in facilitating categorization and brand-like recognition. Analogous to sectional displays divided by genre in a music store, characterisation by literary genre has its limitations. Thus, criteria of membership in the epistolary genre category of the writings are somewhat difficult to es-

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<sup>183</sup> Lehmann, 'Franziskus, der Mann aus Licht seiner Briefen,' *WW* 46 (1983):114-119. Of this phenomenon in the writings, Rotzetter writes, "Wer auf solche Weise die Maßgeblichkeit der eigenen Ideen und damit verbunden die Existenz seines Ordens bis zum Ende der Geschichte behauptet, bringt auf ausdrucksvolle Art sein Sendungsbewusstsein zur Geltung." See: *Die Funktion der franziskanischen Bewegung in der Kirche. Eine pastoraltheologische Interpretation der grundlegenden franziskanischen Texte* (Schwyz, 1977), 108.

<sup>184</sup> The *EpFid* (both redactions) and *EpCler I* were recategorised because of misidentified and systemically misapplied literary genre. A detailed justification of such a manoeuvre is found below.

<sup>185</sup> Exclusion of *EpCler II, EpCust II, EpRect*, and *EpAnt* due to unfulfilment of authenticity criteria is justified in the chapter's introduction.

establish with precision.<sup>186</sup> Letters had already become a standard form of communication by the 13<sup>th</sup> century, although much of the work on defining the genre has focused in particular upon writings of 11<sup>th</sup> and 12<sup>th</sup> century figures, Peter Damian, John of Salisbury, and Bernard of Clairvaux.<sup>187</sup> It would be unfair to compare the simple writings with those of such formidable, erudite Churchmen and to judge by their standards.<sup>188</sup>

BARTOLI LANGELI has identified three general characteristics of medieval epistolary literature that more or less suit the letters at hand; namely, the standard epistolary formulae of a tri-structured protocol (*inscriptio-intitulatio-salutatio*, at times preceded by an *invocatio*), an eschatocol, and an explicated addressee-ship.<sup>189</sup> However, if applied even in an elastic manner to the writings, the criteria exclude with immediacy *EpFid* I, *EpCler* I, and *EpMin*, the first two by lack of protocol and explicit addressee-ship and the third by lack of protocol and eschatocol.<sup>190</sup> The argument against the inclusion of such texts under the epistolary genre must appeal to the following line of reasoning. As Bartoli Langeli rightly asserts, “Anzitutto, l’epistola *ad clericos* e la prima *epistola ad fideles* non sono tali in senso stretto, poiché non hanno destinatario esplicitato: potrebbero essere assimilate tipologicamente alle *Admonitiones*, e se si vuole allo stesso Testamento.” While an argument in favour of including such texts in the epistolary category may also be (and has been)<sup>191</sup> constructed,<sup>192</sup> at the counsel of Bartoli Langeli, the present study considers such sources under rules and admonitions. In ad-

<sup>186</sup> Since the writings bear no original titles, the core of the problem with regard to defining the texts by literary genre is that one cannot rely upon a single criterion alone. Designations in manuscriptal rubrics are inconsistent. Internal self-descriptors are either non-existent or vary. The writings considered by tradition as letters do not share the same formal characteristics. The contents of the traditional letters vary to a considerable degree. Modern epistolographic criteria are anachronistic. The critical scholar must therefore employ a combination of the criteria mentioned.

<sup>187</sup> R. Michetti, ‘Le lettere di Francesco d’Assisi ai frati minori tra direzione spirituale e coercizione religiosa,’ in: ed. Giovanni Filoramo (ed.), *Storia della direzione spirituale*, II, L’età medievale, a cura di Sofia Boesch Gajano (Brescia 2010), 305-333, here 313.

<sup>188</sup> M. Clanchy, *From Memory to Written Record. England 1066-1307* (London: Arnold, 1979).

<sup>189</sup> Bartoli Langeli, *Gli autografi*, 58-9.

<sup>190</sup> *Op. cit.*, 58-62.

<sup>191</sup> Menestò, ‘Le lettere,’ 186-7.

<sup>192</sup> As Constable asserts, a letter in the Middle Ages was in the widest, most inclusive (Ambrosian) sense a *sermo absentium quasi inter praesentes*. See his *Letters and Letter-Collections*, Turnhout 1976 (Typologies des sources du Moyen âge occidental, 17), 13. For an up-to-date treatment and bibliography, see: W. Ysebaert, ‘Medieval Letters and Letter Collections as Historical Sources: Methodological Questions and Reflections and Research Perspectives (6<sup>th</sup>-14<sup>th</sup> centuries),’ *Studi Medievali* 50:1 (2009), 41-73. On this particular point, see also: Bartoli Langeli, *Gli autografi*, 66. Menestò, *Le lettere*, 186-7. One might, therefore, adjudicate the sources as belonging among the vast genre of monastic spiritual letters, the form of which was flexible and the content of which was not limited to informative correspondence, but rather also included consolation, exhortation, words of friendship, and blessing, and that on both a directional and fraternal level. For an elaboration of such a point, see: Bartoli Langeli, *Gli autografi*, 66. Menestò, *Le lettere*, 186-7. Against the proposal to re-categorise some of the letters, Menestò claims that an abundance of coetaneous and semi-contemporary texts referred to as letters may or may not bear modern markings of a letter and resemble in content exhortatory treatises. Rather than maintaining and deconstructing the traditional genre designation, it is preferable to offer a new, more appropriate descriptor according to other criteria indicated below in further detail.



dition, to further complicate matters, the study also considers *EpFid* II, which exhibits tri-structured protocol, non-formal eschatocol, and explicit, albeit all-inclusive addressee-ship, under that same category for reasons indicated at length in the next section. Similar to its briefer sibling *EpFid* I, notwithstanding *EpFid* II's seeming appearance, it resembles much more the fundamental nature of an exhortatory tract than that of a letter in the present author's judgment.

## *Letters of Humble Service and Unlettered Boldness: Analysis of Individual Texts*

### *Epistola ad Custodes I*

#### 1. Authenticity and *Sitz im Leben*

Contained in but a single, 13th-century manuscript (Volterra 225 codex) and first published by Sabatier in 1902, the *Epistola ad Custodes I* is nevertheless of undisputed authenticity and originality.<sup>193</sup> Unlike Wadding's re-translated and compromised *EpCust* II contained in the Esser and Paolazzi editions, *EpCust* I appears integral by all accounts. Beyond *EpCust* I, the first reference to custodians appears in Honorius III's 1220 bull *Cum secundum concilium*, and vs. 8 concerning prayer and the ringing of bells reflects the influence of the Islamic *salat*. A date of ca. 1220 and the circumstance of Francis' return from the East seems reasonable and is a common conclusion among scholars.<sup>194</sup> The same period witnessed great institutional transformation<sup>195</sup> and Francis' withdrawal from formal leadership. The phase saw the elevation of the movement to the ecclesiastical rank of order, Francis' abdication from formal leadership of the movement and subsequent seclusion, and the beginning of a climactic period for literary production leading up to the final stages of Francis' life.<sup>196</sup>

#### 2. Thematic-Theological Analysis

##### *Custodians in Early Structures and Functions*

What was a custodian and what were his duties or functions? While the title *custos* appears several times in the writings, the answer is illusively difficult and depends largely upon the time period with which one deals in the early movement's development. Esser advances the bold claim that, "In the sources available for our study, there is no mention at all of

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<sup>193</sup> Cambell, *Les écrits*, 255-6; Cambell, *Écrits et paroles*, 88-9; Esser, *Die Opusucula des hl. Franziskus*, 167-71; Menesto', *Le lettere*, 178.

<sup>194</sup> *FA:ED* 1220; Paolazzi, context of 1219-20; Lehmann, 'Die beiden Briefe des hl. Franziskus an die Kustoden. Ansätze für eine christlich-islamische Ökumene im Loben Gottes,' *FranzStud* 69 (1987), 3-33; G.G. Merlo, 'Lettera ai custodi,' in: *Francesco d'Assisi, Scritti*, 327-9, here note 22; & Menestò, *Le lettere*, 178.

<sup>195</sup> On the development of the early institution, see: D. Flood, 'The Institutional History of the Early Franciscan Years,' *Frate Francesco* 67 (2001): 185-188.

<sup>196</sup> The connection between the indicated phenomena is treated by G. G. Merlo in his *Tra eremo e città*, 62-76.

local superiors during the lifetime of St. Francis.”<sup>197</sup> Scholars have since shown his claim to be anachronistic and have amended its sweeping generalisation.<sup>198</sup> In the course of the 1217-1226 period, following the instalment of provincial authorities the emerging organisation of the now diffused group continued to take shape in sporadic increments. The non-standard employment of designations in the sources reflects such a change. At the time of *EpCust* I’s composition (ca. 1220), the term *custos* was most likely synonymous with provincial minister. Here, the two terms “wollen mehr eine *Aufgabe* als ein *Amt* bezeichnen.”<sup>199</sup> While not a single instance of *custos* appears in *RegNB*, a hint of that interim phase lay in *RegEr* 8-9.<sup>200</sup> Here, *minister* and *custos* are employed conterminously, whereas members on site at the temporary locality oscillated roles as mothers, those who kept watch, and sons, those who immersed themselves in prayer. The role of mother outlined in *RegEr* was a precursor to later developments. Nevertheless, in those areas where the brothers had begun to settle into more stable lodging by the early 1220’s, *custos* and the newly introduced *guardianus* began to signify both provincial minister and house superior, as their tasks of spiritual vigilance and care of the brothers were much the same and therefore indistinguishable.<sup>201</sup> It is said period that creates such confusion for the contemporary reader, as modern-day usage and terms intrinsic to the earliest sources tend to clash. Thus, as the movement underwent domestication, the necessity of local custodians arose, and a formal office began to solidify. The tasks of various local authorities and offices assumed several postures, as evidenced by *EpMin* 17 and *RegB* IV & VIII. Later, *EpOrd* (ca. 1225-1226) asserts a clear distinction between *minister* and *custos* (also *guardianus*, v. 47) on the basis of designated levels of authority and tasks proper thereto. Whereas *custodes* or *guardiani* are local authorities of a house, *ministri* (excluding the singular *minister generalis* of the entire order) are the ministers of a province at large. In sum, the terms and offices underwent an evident change over time. Suffice it to say that at the current stage of development, *custos* was the minister of a province. Treatment of further stages occurs where appropriate.

<sup>197</sup> K. Esser, *Origins of the Franciscan Order*, trans. A. Daly and I. Lynch, Chicago, 1965, 70.

<sup>198</sup> Both Cusato and Dalarun debunk this claim, albeit with slightly varying conclusions. See: Cusato, *Guardians and the Use of Power*, 249-258 & Dalarun, *Francis of Assisi and Power*, 75.

<sup>199</sup> Esser, *Anfänge*, 194.

<sup>200</sup> Indeed, *RegEr* 8 (*Scripta*, p. 344) reads *Et illi fratres qui sunt matres, studeant manere remote ab omni persona, et per obedientiam sui ministri custodiant filios suos ab omni persona, ut nemo possit loqui cum eis. Et isti filii non loquantur cum aliqua persona nisi cum matribus suis et cum ministro et custode suo, quando placuerit eos visitare cum benedictione Domini Dei.*

<sup>201</sup> Cusato, *Guardians*, 250-3.

### *Priesthood, Word, and Sacrament in the Penitential Vision*

Reiterating themes addressed in both recessions of *EpCler* and both redactions of *EpFid*, *EpCust* I fosters reverence for the sacraments of Eucharist and confession, as well as for clerics, those who accomplish their administration. The *nova signa celi et terre* (v. 1) of which Francis beseeches the ministers, that which is superior with God and which many (religious included) consider of little importance, are none other than the sacraments. Only in the penitential vision of an all-powerful God, who humbles himself to the point of incarnation and propitiatory death, can one obtain such a respect and an esteem for the Eucharist, the word of God, and the priests that administer them.

As CUSATO notes, the meaning of custodian derives from the Latin ‘*custodire*.’<sup>202</sup> It was their task to serve the other brothers, watching over and ensuring their spiritual well-being as a shepherd would with his flock. Such a profile of the movement’s leadership is consonant with the models outlined in *RegNB* IV-VI and *RegEr*. Francis’ role as charismatic enters a normative posture, as it was the custodians, whose duty it was to transcribe and transmit the document’s contents for the other brothers with the blessing of God and Francis that they might observe its message (v. 9). Having already abdicated his post as administrator and delegated the appropriate organisational charges, Francis then occupied the ambiguous role of a charismatic, thereby seeking to direct the brotherhood at large by word and example, by correction and encouragement. The nexus of *benedictio Domini Dei* and *obedientia* (vs. 9-10, see also *EpLeo*) attributes the quality of divine obedience to being mindful of and accomplishing the letter’s contents. Additionally, explicit mention of ecclesial directive *iuxta mandatum Ecclesiae* (v. 4) in relation to Lat IV canons and the bull *Sane cum olim* with specific regard for sacramental reverence testifies to an abiding ecclesial obedience. In effect, the letter frames such dutiful action as an expression of true and holy obedience to God, Francis, Church, and the movement (v. 10). Themes contained here receive theoretical expansion and more precise implementation in particular in *EpCler* and *EpFid*.

### *Epistola ad Quendam Ministrum*

#### 1. Authenticity and *Sitz im Leben*

The *Epistola ad Quendam Ministrum*, which includes some partial lacunae, is also of undisputed authenticity and originality.<sup>203</sup> Scholars have delivered convincing exegetical arguments, which permit us to situate the writing with a fair degree of certainty between the

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<sup>202</sup> Cusato, *Guardians*, 252-3.

<sup>203</sup> Cambell, *Les écrits*, 218; Cambell, *Écrits et paroles*, 80-1; Esser, *Die Opuscula des hl. Franziskus*, 225-36; Menesto’, 180; & Paolazzi, *Scripta*, pp. 160-1.

1221 redaction of the *RegNB* and that of the *RegB* (1223). A literal reporting of *RegNB*, reference to the wish and concrete possibility of redactional synthesis, and a passage inserted in a near literal manner into the *RegB* establish the *terminus ante quem* at 1223. Mention of particular offices within the order situated the *terminus post quem* at 1221. Also, a remark regarding an *eremitorium* (v. 8) deemed normative for the *fraternitas* by the bull *Devotionis vestrae* (29 Mar 1222) necessitates subsequent reception and implementation of the papal prescription.<sup>204</sup> Given the letter's pre-emptive allusion to the Pentecost chapter and probable chronological posteriority to *Devotionis vestrae* the present study rests upon the probable date of late-1222, early-1223. The text is undoubtedly of the epistolary genre and is one of only two letters addressed to an individual among the writings considered in the present study.

A particular element of the *Sitz im Leben* of *EpMin* has long vexed scholars; namely, the circumscription and identification of the writing's addressee. Whom did Francis have in mind when composing the epistle? Three main theories have been formulated claiming three different recipients: Elias of Cortona, Peter of Catania, and Caesar of Speyer. A key question, which undergirds the path to the assertion of an addressee, is the problem with respect to the specific kind of minister. Having already abdicated his post in 1220, Francis would no longer have been at the administrative helm of the order. Thus, provided that the official designation of general minister or perhaps vicar had already been instated, the profile could in theory fit that of either provincial or general minister. The question of who held what office when has yet to receive a definitive answer. As a consequence, scholars have often concluded either Elias of Cortona or Peter of Catania, depending whom they contended as contemporaneous minister general. As Paolazzi notes, however, select passages (vv. 12, 14, 16-17 & 21-22) imply with necessity the profile of a provincial, not a general, minister.<sup>205</sup> CUSATO has since submitted Caesar of Speyer, *vir totus contemplativus evangelii et paupertatis zelator maximus*,<sup>206</sup> as the addressee, which to the present author's mind is the most reasonable of available solutions. In his analysis, CUSATO appeals to Caesar's then recent charge as minister of the Teutonic province, the recipient's intimate rapport with Francis indicated in the letter's tone, and Caesar's circumstance of personal conflict in grappling with a life of solitude focused upon God alone and the service demanded by the Minorite office of minister.

## 2. Thematic Analysis

<sup>204</sup> This is a development with regard to the simpler designation of *eremus*, *RegEr* 1 (*Scripta*, p. 344).

<sup>205</sup> C. Paolazzi, 'Le *Epistole* maggiori di frate Francesco, edizione critica e emendamenti ai testi minori,' in: *AFH* 101 (2008) 3-154, here 40-41. Above all, the call to remind guardians of mercy when dealing with brothers in sin (v12) and the reference to convening at chapter "*cum fratribus tuis*" (v22) limit the profile to that of a provincial minister. Paolazzi, *Scripta*, p. 161.

<sup>206</sup> Jordan of Giano, *Chronica*, 31.

### *Provincials and Guardians: Developments in Title and Proper Tasks*

Departing from the earliest mention of *custos* or *guardianus* as provincial minister in *EpCust* I and *RegEr*, *EpMin* shows a transformation in the movement's offices and their proper tasks. Having already become a recognised order, but as yet without the *RegB* (1223), the practicality of local authority figures had proven salutary in meeting concrete, human needs. Their exact function, however, was still emerging. The case at issue in *EpMin* is that of a brother having committed mortal sin. Whereas *RegNB* V, 5-6 bound the brothers to present confreres in mortal sin to their provincial minister, *EpMin* introduces a new policy, which bound the sinful brother *per obedientiam* to have recourse to his *guardianus*, or local house authority (vs. 12, 14), for reason of non-canonical pardon and redirection to the provincial. In any event, the letter then reiterates prior policy (*RegNB* V) binding brothers *per obedientiam* to send the sinful confreres *custodi suo*, to the provincial minister. Thus, *guardianus* had become an office distinct from *custos* or provincial minister around the period of *EpMin*'s composition. The gap widens more noticeably when *RegB* prescribes recourse to either guardian or provincial, depending upon the gravity of the transgression.<sup>207</sup> Communal mechanisms thus come into play as the handling of sin in the order becomes more specific and the process more streamlined.

### *Francis' Form of Influence between RegNB and RegB*

In the letter, Francis orders Caeser to implement the novel policy. Yet, was the policy itself Francis' own initiative or had it emerged as common praxis due to practicality? A definitive answer has to date eluded critical scholarship. Provided that Caeser of Speyer was the epistle's addressee, one may posit a possible answer based upon ESSER's reading of two chronicles.<sup>208</sup> Nevertheless, Francis utters his intention to have the new policy inserted into the rule at chapter of Pentecost *Domino adiuvente ... cum consilio fratrum* (v. 13). Here, Francis speaks with certainty either as if it were an inevitability or as if to assert the absolute negation of the possibility to the contrary (*faciemus istud tale capitulum*). Yet, despite the drawing up of such a chapter (*RegB* VII), the policy prescribed in the *RegB* differs slightly

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<sup>207</sup> Cusato, *Guardians*, 255. *RegB* X prescribes recourse to guardians (*ad suos ministros*) for lesser rule transgressions, and VII specifies recourse to the provincial (*ad solos ministros provinciales*) in case of mortal sin. As Esser has pointed out, *Legenda Assidua* ('*minister loci*', VIII, 3) and developments in *VbF*, *Memoriale*, and *Legenda major* reveal that the term '*minister*' was after a time employed to mean local authority or guardian. See: *Anfänge*, 191.

<sup>208</sup> On the basis of Jordan of Giano and Thomas of Eccleston's chronicles, Esser claims that the brothers of the Teutonic province were first to use the term *guardianus* in the sense of local authority of the house, followed by the English province. See: Esser, *Origins*, 172-4 (*Anfänge*, 190-1). Provided that Caeser was indeed the addressee of the letter, the data appears to align in favour of an affirmative answer that the office of *guardianus* was either Francis' initiative or he addressed the issue in its infancy. It is difficult to be more precise.

from that in *EpMin* as indicated. It would thus appear that, although Francis was intent on implementation of the new policy, perhaps of his own initiative, someone's counsel held sway and enacted a change in the exact manner of recourse of a sinful friar. Therefore, despite uncertainty concerning Francis' instigation or otherwise of the policy, the available sources admit neither dreams of despotism nor forceful action to that end on his part.<sup>209</sup> *Et ita velis et non aliud* (v. 3) determines that Francis still played a role in certain brother's lives as a firm, charismatic presence.

Furthermore, contrary to what scholars at times hold, *EpMin* determines that Francis was not opposed to institutionalisation *per sé*; rather, he remained engaged in the movement's institutional formation. Indeed, he utilised emerging structures to the benefit of advancing his message and vowed to obey all authorities above himself. Francis himself affirms (*ea quae te impediunt amare Dominum Deum*) the imperative necessity of a minister's presence in the community and of a minister's duty to undergo the strain of his charge regardless of the difficulties he may encounter, and he must do so out of love of God rather than retreat. It is, however, arguable that he was in opposition to institutions that resemble the worldly structures that he and his brothers first sought to subvert in leaving the world. If intertextuality may be employed, perhaps the (most likely authentic at least in part) recounting of the outburst at the Chapter of Mats (Pentecost 1222), whereby Francis refuses to adopt pre-existing religious rules, offers a glimpse into the conceptual current and mentality behind the tension between tendencies to standardise and individuate in that period. In that episode, Francis remarks that he is *unus novellus pazzus in mundo* sent to walk the path of humility and simplicity.

Instead of taking this to mean Francis' rebellion against all authority and attempt to establish his own authority as absolute,<sup>210</sup> perhaps the episode, somewhat exaggerated by the hagiographer, was rather a defence of the manner lived out by the primitive movement, a performative gesture meant to draw attention to the precious charismatic roots of the life forged by Francis and his early companions. Thus, just as Francis himself had done in the *Test*, when the hagiographer's Francis says 'ego,' he refers to a collective identity, message, and project, which was being overlooked. Perhaps the structures endorsed by other religious rules appeared to Francis and his close companions counter-productive to the spiritual project of the movement's earliest days and even in part worldly. One instance, that of the *Regula Benedicti*, purports an abbot for each house, whose absolute, paternal authority parallels that of the Roman *paterfamilias* model. Thus, in the present author's judgment, the outburst at the Chapter

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<sup>209</sup> It appears of even lesser likelihood that Francis lacked follow-through in his initiatives.

<sup>210</sup> This is essentially Dalarun's argument. See: *Francis of Assisi and Power*, 48-51.

of Mats, generally depicted as the crazed rant of a megalomaniac, was in reality a dramatic representation of the gravity involved in the events at hand, that is, the washing over of the precious wealth of the charisma.

*Theoretical Expansion of Leadership by the Fraternal Ideal*

In principle, *EpMin* asserts encouragement and command regarding guiding principles of leadership in the movement. The provincial minister's obedience, his duty to God, to Francis, and to all brothers, must take expression in love, mercy, and pardon toward those brothers, whom he views as an obstacle and from whom he most likely sought refuge in hermitical solitude.<sup>211</sup> As detailed in *RegNB* IV-VI, the minister's obedience is in a quite literal sense self-*minoratio*, self-sacrifice, and service for the other's sake. In fact, Francis considers it a proof of the minister's relationship toward God and toward Francis, a dutiful relation couched in the language of love and articulated by an attitude of mercy toward his fellow brothers. Here, the fraternal ideal prevails as *EpMin* couples the dutiful relation to brother (even a subordinate one) and loving mercy to the end of reconciliation on both vertical and horizontal plains. The sinful brother, seeing the mercy in the minister's eyes as he show him endless pardon, the two shall reconcile and the sinful brother shall regain proper sight of God. It is the very performative act of pardoning and showing loving mercy when condemnation appears the best solution that transforms relationships.

Since ESSER's integration of the enigmatic manuscript variant *et non velis quod sint meliores christiani* (v. 7), scholars have attended to the phrase, opining at its perhaps obscure significance. Nonetheless, viewed in the optic of the fraternal ideal, the counter-intuitive phrase bears out meaning. One must eradicate the will to condemn or coerce into conversion of heart by force to the farthest extent that one relinquishes even the wish that a fellow brother become a better Christian. Ministers ought to treat the culpable brother, as he would wish himself treated were he in the brother's place (an echo of the golden rule, referenced in *RegNB*), with dignity and love. In the absence of a priest, the absolution of a fellow brother suffices for the moment, and the minister ought to send him away with but a single penance (*Vale et noli amplius peccare*).<sup>212</sup> In short, the model minister ought to embody the ultimate servant, who bears responsibility for the brothers and shows them loving mercy not in theory but in performance, just as Francis often referred to himself and as outlined in other writings (*RegNB* IV-VI, *Adm* IV & XIX, et al.). In such a way, obedience under the guise of service

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<sup>211</sup> Michetti, *Le lettere di Francesco*, 317-8.

<sup>212</sup> The instructions to the minister are directly modelled on Christ's response to the sin of adultery in the presence of the Pharisees (Jn 8, 11).

lead the order's leaders to assure the transformation of their fellow brothers' souls by the liberating action of love and mercy in the avoidance of public judgment, whereas obedience also drives the sinful brother to bind himself to his minister to that same end. As such, *EpMin* envisages institutional mechanisms in a personal, penitential vision where the ultimate end effect is, of course, the transformation and salvation of the soul by communal alleviation of sin.<sup>213</sup>

### *Epistola ad fratrem Leonem*

#### 1. Authenticity and *Sitz im Leben*

The *Epistola ad fratrem Leonem* is the third of three extant autographs by Francis written upon a 6 cm x 13 cm (approximately half the size of the Assisi chartula length-wise) piece of parchment likewise fashioned from goat skin. Conserved since 1902 in the chapel of relics of the duomo of Spoleto, the letter's integrity,<sup>214</sup> originality, and authenticity<sup>215</sup> have never been the object of serious dispute, regardless of its rather undocumented past. Interestingly, *EpLeo* received no extant 13<sup>th</sup> or 14<sup>th</sup> century mention and has no known manuscript tradition. Nevertheless, five cross-current bits of evidence converge to supplement the absence of medieval attestation. Here, the expert source analysis of BARTOLI LANGELI and GODET-CALOGERAS shall prove salutary.<sup>216</sup> The argument in favour of authenticity is, however, that of the present author. *First*, the lack of manuscript tradition does not directly infer the impossibility of a writing's existence. Other writings attested in the tradition and lost to history do not survive in the extant manuscript tradition. Also, the Assisi chartula has a limited manuscript representation. *Second*, two early 17<sup>th</sup> century attestations, which include concordant transcriptions and likewise declarations of authenticity, combine to confirm the letter's existence before the great modern era of revived interest in the writings.<sup>217</sup> *Third*, unan-

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<sup>213</sup> Michetti, *Le lettere di Francesco*, 319-320.

<sup>214</sup> While the red ink used in the corrections and insertions of the Assisi chartula match those of the rubric written by Leo, it is not the case with those in the letter of Spoleto. Scholars have proposed the existence of one, two, and even three editors, possibly comprising Francis himself, Leo, and a third protagonist, perhaps the middleman, who delivered the letter. Bartoli Langeli's convincing evaluation is that there are edits by both Francis and Leo. In any event, the clearly visible edits are of a grammatical nature and do not compromise the content of the writing, and thereby also its integrity.

<sup>215</sup> While there has been to date no serious challenge to the authenticity of the writing, one might appeal to the theory that Leo was responsible for the compilation of the As. 338 codex and the general consensus that the *Compilatio Assisiensis* rests in large part upon Leo's writings. In full knowledge and even possession of the chartulae, why did Leo not include them in his collection? Why were they not mentioned in the compilation of his writings?

<sup>216</sup> Godet-Calogeras, *The Writings*, 84-85.

<sup>217</sup> The earliest extant reference to the epistle in 1604 was that of intellectual and sacristan of Sacro Convento Brother Silvestro Bartolucci, who upon detailed analysis of the three autographs (together with an apparently reliable Brother Paradiso) declared the writing authentic and transcribed its contents in writing. The document, signed and sealed by the custos of the Sacro Convento, Brother Bartolomeo de Perusinis da Fermo, reads, "*Io Fra Silvestro Bartolucci d'Assisi Dottor Teologo e Sagrestano del sacro Convento d'Assisi so*



imous declaration of authenticity comprising detailed, palaeographic analysis and comparison with the Assisi chartula by scholars confirms the writing's concordance in form and content with another undisputed authentic writing of exceptional similarity and undeniable antiquity.<sup>218</sup> *Fourth*, inattention in the centuries that followed the 17<sup>th</sup> century not only reflects the general disinterest and incuriosity toward the writings attributed to Francis until the mid-19<sup>th</sup> to early-20<sup>th</sup> centuries, but it also shows and renders eminently imaginable the probability of disinterest in the centuries prior to 1602 outside of a few monasteries.<sup>219</sup> Not only the lack of studies on the writings but also a 1661 relic catalogue of Umbrian churches, which failed to even account for the letter, corroborate such a notion. *Fifth*, and perhaps above all, the sheer absence of reference in the medieval tradition raises suspicion as to the possibility of a forgery. If the letter had truly been a forged autograph and thus a relic, it would have almost certainly been exploited to some use and earlier witness to its existence would have survived. Ironically, perhaps the very lack of boasting or even minimal reference concerning the letter supports rather than disconfirms its authenticity.<sup>220</sup> Albeit within the realm of uncertainty, a reasonable alternative scenario might nevertheless be suggested under the guise of a hypothetical.<sup>221</sup>

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*piena ed indubitata fede, qualmente ad istanza del P. Fra Paradiso Paradisi, ho conformata una littera del sottoscritto tenore con la benedittione scritta di propria mano del nostro Serafico Padre San Francesco, quale si serve fra l'altro carattere, gl'accenti, lo stile dello scrivere, ed altre circostanze, gioudico, e tengo per certo che anche la lettera del tenore infrascritto sia scritta di propria mano del Serafico Padre S. Francesco, mandata da esso a Fra leone suo compagno. E l'istesso giudicherebbe ancora qualsivoglia, c'habbia cognitione di lettere. Et in fede della verita ricercato dal detto Padre Fra Paradiso ho fatta la presente sottoscritta di propria mano. In Assisi il dì 5 Agosto 1604.*" F. Pulignani, "Gli autografi," 39, n.3; also, Wadding first published the text in 1623, stating that it resided among the relics of the Conventual Franciscan convent in Spoleto, San Simone. Wadding, *Opuscula*, 65-66.

<sup>218</sup> Of particular note, Bartoli Langeli and Menestò (the latter a bit more reservedly) assert the visible presence of a Tau in the left rise of the 'u' in the last line's 'uenire,' a characteristic of Francis' writings attested by the copyist of *EpCler* I and by both Thomas of Celano and Bonaventure. *Gli autografi*, 45-6. See: *Tractatus de miraculis*, 3 & 159 (*FF* 646 & 736, respectively); *Legenda minor*, II, 9 & *Legenda maior*, Miracula X, 6 & IV, 9 (*FF* 979, 960, 810). For further discussion of the Tau symbol and the autographs and bibliographical indications, see note above.

<sup>219</sup> If the disinterest in the writings prevailed even after the compilation of Wadding, that is a sign that only certain monasteries and their copyists were concerned with the writings they possessed in copy form. With the arrival of the printing press, certain writings enjoy a wider transmission. No one had been curious enough (surely friars had had the possibility and the competence before Wadding) to undergo a comprehensive study of the writings until Wadding.

<sup>220</sup> The current author is aware of the advantage, which promotion of the cult of relics and holy places in the period conferred, and in particular of falsifications, which came about in the service of such promotion. For documented instances of such occurrence, see: Pellegrini, *I luoghi di frate Francesco*, Milano 2010. The possibility that the three friars mentioned in the document of 1602 may have conspired to write a forgery appears to my mind slightly more probable than the scenario of a medieval forgery. There is, however, no evident attempt to exploit such a document, nor substantial motive for doing so. Indeed, the total lack of mention regarding the letter in the 1661 relic catalogue constitutes a litmus test for and thereby supplements the argument for the improbability of a medieval forgery. Forgery implies with necessity the intent to exploit in a way that impacts circumstances in a perceivable manner.

<sup>221</sup> Numerous small folds in the parchment are detectable and indicate its placement in a small reliquary cavity or niche. Such might suggest a hypothetical that, just as with the Assisi chartula, Leo cherished the letter

Since no relevant hagiographical or manuscript indications survive and the letter itself offers no clues, establishing dating and *Sitz im Leben* is somewhat difficult, although the majority of authors opt for a later date; namely, the final two years of Francis' life. MANSELLI has taken the somewhat hurried and distraught nature of the handwriting upon the parchment, "*disordine calligrafico*," as an indicator of Francis' deteriorating health, which had worsened with a gradual intensification over the better part of the last decade of his life, but which by all accounts had turned for the worse in the final two years. Hagiographical recounting details his illness and treatment in the period. Gradual loss of full visual capacities and suffering due to cauterisation treatments had constrained him in large part to a stable, sedentary existence. As a consequence, Francis was not able to travel as he once had. The production of writings increased during the period. Certain scholars have taken such cues to suggest a date within the final two years, perhaps final months, of Francis' life.

Yet, as ACCROCCA has pointed out, Leo's abiding proximity and care toward Francis in his last years situates a *terminus ante quem* of approximately 1224.<sup>222</sup> Both the letter's consoling, intimate tone and hagiographical sources hint at Leo's episodic moment of crisis. As such, BARTOLI LANGELI has argued for a date shortly after the 29 Nov 1223 proliferation of the *RegB* in *Solet annuere*. Such a *Sitz im Leben* would both likely pre-date the period of constant proximity and would correspond with a potential explanation for Leo's crisis; namely, inner conflict at the order's new legislation.<sup>223</sup> Indeed, perhaps the ms. Little passage confirms such a notion, whereby it reports Francis' writing of the Assisi chartula for Leo (here, simply *socius*) in consolation of a *gravis tentatio* regarding observance of the rule.<sup>224</sup> Additionally,

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and kept it in close proximity until his death, at which point or soon before it was placed in a reliquary niche, where it rested for a time either undetected, ignored, or undervalued. In any event, the letter then likely fell in large part into obscurity and underwent a series of nondescript transfers with other relics perhaps even as part of a private collection and eventually ended up at the convent in Spoleto, where our early 17<sup>th</sup> century intellectual protagonists then discovered it.

<sup>222</sup> In such proximity, the two would have scarcely required letters to communicate. Accrocca opts for a pre-1224 date. For more on the question of Leo's companionship in this period, see: Menestò, 'Leone e i compagni d'Assisi,' in: *I compagni di Francesco e la prima generazione minoritica. Atti del XIX Convegno internazionale. Assisi, 17-19 ottobre 1991* Spoleto (Perugia), Centro italiano di studi sull'Alto Medioevo (CISAM) 1992 (Atti dei convegni della Società internazionale di studi francescani e del Centro interuniversitario di studi francescani. N.S. 2), 31-58, here 48.

<sup>223</sup> It appears that Leo was not the other brother to have been dissatisfied with the *RegB*. A certain brother Paulus in Colle val d'elsa refused to profess it and left the fraternity. See: Orett Muzzi, 'Il comune di Colle Valdelsa e gli insediamenti mendicanti,' in: *Gli ordini mendicanti in Val d'Elsa*. Convegno di studio, Miscellanea storica della Val d'Elsa 15 (Castelfiorentino, 1999), 261-278.

<sup>224</sup> Experiencing *gravis tentatio* of the spirit, the socius asks of Francis "*aliquod recreabile scriptum manu sua de verbis Domini ... porta mihi cartam et atramentum, quoniam verba Dei et laudes eius scribere volo, que meditatus sum in corde meo.*" Francis then returns with the writing and says, "*accipe hanc cartam, et custodias regulam diligenter usque ad diem mortis tue.*" Both Thomas and Bonaventure have it differently. They omit *regulam* as the object of *custodias* and insert *carta* in its stead.

Leo's presumed ties with a hermitical current of Minorite life might provide context for the source and its meaning.

## 2. Thematic-Theological Analysis

### *Servitude and Maternalist Leadership*

*BenLeo* and *EpMin* have revealed a conceptual undergirding with respect to mercy as proper disposition toward subordinate brothers and in particular to Francis' attitude as charismatic leader after having abdicated his post. *EpLeo* then represents a performative writing fleshing out concepts discussed in previous writings. Thus, while the epistle's precious lines relay Francis' sensibility for the inner and outer well-being of others, DALARUN rightly hails *EpLeo* as a "figura di un governo di servizio."<sup>225</sup> Analogous to the brothers who assume the office of mother at places of solitude and prayer by the *RegEr* prescriptions, Francis wishes to approach Leo *sicut mater*, as a mother would her son. Once again, a writing employs a familial model of relationlity. The use of maternal imagery conveys the preference for intimate counsel and subtle influence over a close brother, providing a link to fraternal relationality and a legitimate leadership model vis-à-vis a fatherless brotherhood (*OrPN*, *RegNB* XXII, 34). In practice, the employment of a maternal model of influence bears resemblance to WARTENBERG's maternalist form of influence. The writing encapsulates a model of influence that at once recalls high principles<sup>226</sup> and also begets encouragement,<sup>227</sup> counsel, and ultimately self-transcendent influence, thereby ensuring autonomy of the other (*in quocumque modo melius videtur tibi placere domino deo...*). Such autonomy constitutes a legitimate autonomy of conscience, but one, which is not *in toto* unrestrained; rather, freedom of conscience must be understood in relation to the group's ideals and in dutiful responsibility to Francis as charismatic authority.<sup>228</sup> As PAOLAZZI notes, the concrete choices with which Francis entrusts Leo and those near to him (*faciatis*) are granted the merit of obedience.<sup>229</sup> The nexus of *benedictio Domini Dei* and *obedientia* (also *EpCust* I, 9-10) with regard for conscience-driven action corroborates such notions.

Recently, DALARUN has proposed a different reading of *EpLeo*, wherein he views the epistle's contents in much same light as he views Francis' abdication. He suggests that Francis' appeal to freedom of conscience when consulted for spiritual advice was an exercise – a purposeful anachronism – of emotional blackmail or reverse-psychology. In DALARUN's

<sup>225</sup> J. Dalarun, 'Sicut mater: Un riletatura del biglietto di Francesco d'Assisi,' *Frate Francesco* 75 (2009): 24.

<sup>226</sup> ...sequi vestigia et paupertatem suam

<sup>227</sup> Et si tibi est necesarium animam tuam, propter aliam consolationem tuam, et vis, revenire ad me, veni

<sup>228</sup> On freedom in relation to obedience, see: Kajetan Esser, OFM, 'Bindung zur Freiheit: Die Gehorsamsauffassung des hl. Franziskus von Assisi,' *WW* 15 (1952): 161-73.

<sup>229</sup> Paolazzi, *Scripta*, p. 159, note 2.

reading of Francis the histrionic, the very loosening of Francis' own authority in *EpLeo* was ultimately a strategic manoeuvre to produce a tighter binding of the brothers in the authority-obedience relationship. On Dalarun's perspective, the identical irony with which Francis declares his "indignité au pouvoir" by renouncing formal leadership of the order characterises the loosening of the authority-obedience relationship in the Spoleto chartula. He writes, "Le dernier ordre proféré au nom de l'obéissance abolit l'obéissance comme contrainte externe, puisque le meme résultat peut être atteint par l'exercice d'un libre examen interne, qui renforce l'adhésion du sujet."<sup>230</sup> Nevertheless, parallel to AGAMBEN's theory of the sovereign who reinforces authority by absence from the throne,<sup>231</sup> Francis' counsel *sicut mater* would then solidify his sovereign authority in a more subtle manner. DALARUN's analysis appeals to the paradoxical vocabulary of motherhood as a paraliptic device in evoking authority. The key to Francis' subtle power play lie in the chartula's final command (*veni*) to return to Francis for consolation if he saw fit. Appreciation for DALARUN's reading of the text on an institutional level does not necessitate the conclusions at which he arrives. While the present author cannot claim to be able to refute DALARUN's thesis, the study at hand proposes a subordination of such a psychologising analysis to Francis' broader gestured indication of the charismatic guiding ideals forged by the early movement. The epistle thus represents a genuine effort to assert maternalistic, that is self-transcending, transformational, empowering, influence, which begets sound independence and legitimate self-conference.

#### *Francis, the RegB, and Leo's Crisis of Conscience*

It is safe to presume that Francis would not have relayed the same message to all brothers. In effect, Francis' intimate rapport with brother Leo and his years-long acquaintance with Leo's intentions serves to calibrate any systematic conceptualisation of the role of conscience in structures of obedience. Although the immediate circumstances leading to the composition of the text are unknown, the compositional date of late-1223/early-1224 unveils a compelling *Sitz im Leben*, whereby the crisis of Leo and his companions correlates to the then recent introduction of the order's new legislation, *RegB*, which in the present author's view was more imposed upon the order 'from above' than naturally arisen 'from below.' Epistolary reference to Leo's desire to follow the footsteps and poverty of Christ and Francis' command that he render immanent (*faciatis*) the ideal in such a manner that seems most pleasing in the eyes of God (*in quocumque modo melius videtur tibi placere domino deo*). Whatever concrete

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<sup>230</sup> *Gouverner c'est servir*, 363.

<sup>231</sup> For Agamben's theory, see: G. Agamben, *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government* (Stanford University Press, 2011).

choice Leo and his companions make, it must be realised in obedience to Francis, who by this period had all but receded from official leadership of the order and fulfilled a primarily charismatic role. Thus, given that Francis occupied no official, administrative post as head of the order, the call to obedience toward himself was one that harkened to the ideal of the primitive fraternity that had since begun to be alienated in terms of representation, both demographic and legislative.

As many of the later writings attest,<sup>232</sup> ambitious churchmen began to overrun the order, disenfranchising members of the primitive fraternity; the *RegB* had missed the mark where the early movement's guiding principles were concerned.<sup>233</sup> With those data in mind, in addition to Leo's spearheading efforts in later years, it is presumable that Leo's gripe stemmed from his difficulty in discerning God's will among the large-scale shifts occurring in the order at the time. The terse, unrefined epistle bears out a fellow brother's crisis of conscience. Dense meaning arises from such verbal paucity. Such selectivity of language and focus on significant gesture aligns well with Francis' charismatic role as performative actor of guiding principles. Francis, it appears, did not require Leo to return to him for instruction. *EpLeo* reflects Francis' trust that Leo has interiorised the early movement's guiding principles to the extent that pleasing God as he wished was the utmost priority.

### *Epistola capitulo generali missa (Epistola toti ordini missa)*

#### 1. Authenticity and *Sitz im Leben*

With (near)<sup>234</sup> concordant presence in fifty-three manuscripts spread across the four canonical collections of the writings (one of only four writings belonging to such a category), the text traditionally designated *Epistola toti Ordini missa* is of undisputed authenticity and originality. While adoption of the Esserian title has become standard, certain scholars have proposed alternative titles, such as *Epistola ad capitulum generale* or 'Letter to the Brotherhood.'<sup>235</sup> The letter's contents reveal a wider addressee-ship; namely, the entire order. Unlike other writings of similar nature, the epistle does not contain the injunction to copy and circulate its contents. Nevertheless, as SABATIER notes, "C'est dans ces circonstances que François dicta la lettre à tous les membres de l'Ordre, qui, dans sa pensée, était destinée à être lue à l'ouverture des chapitres et à y perpétuer sa présence spirituelle."<sup>236</sup> That is to say, the epistle was sent to the general chapter; its message was addressed to the entire order. Therefore,

<sup>232</sup> *SalVirt, Adm, EpOrd, Test.*

<sup>233</sup> The *RegB* must be interpreted as such. Otherwise there would have been no need to compose such harsh-toned writings as *EpOrd* and *Test*.

<sup>234</sup> The Portiuncula manuscript family reports the final *oratio* in a separate section.

<sup>235</sup> Wadding opted for "*Ad capitulum generale*," of which his edition included several forms.

<sup>236</sup> *Vie de S. François d'Assise*, 369.

*Epistola capitulo generali missa* better suits the writing in concrete, historical terms.<sup>237</sup> *Ep-Cap* is yet another writing, which bestrides the limit between the genres of letter and admonition.<sup>238</sup> Notwithstanding its far-reaching consequences and thematic similarities to other writings considered admonitions, the personal, intimate tone of *EpCap* and its clear intent for a specific occasion lend credence to the primary genre of epistle. Date of composition has been treated in manners various and sundry by scholars.<sup>239</sup> PAOLAZZI's convincing situation of composition within the parameters of 1225-1226 rests upon two indications, one philological, the other historical. Comprehensive and literal citations from the *RegB* establish the *terminus post quem* 29 Nov 1223, whereas Francis' deteriorating health mentioned in the As. 338 Incipit suggests a general chapter in 1225 or 1226. SCHMUCKI's claim regarding the clericalisation already operational at the behest of curial directive buttresses a post-1224 date.<sup>240</sup> A more precise chronology is difficult. As to the question of the identity of *frater H minister generalis*, PAOLAZZI's implementation of the neo-Lachmannian method has confirmed with conclusive force the long held suspicion that the indication refers to Elias of Cortona.<sup>241</sup>

## 2. Thematic-Theological Analysis

### *Developing Order Structures*

The density of *EpOrd* for the question of obedience can not be overstated. *EpOrd* begins with an address to all levels of hierarchy, a sign of the epistle's contents and intended impact. Let us begin with the matter of hierarchical structures and roles in the order. Prior confusion created by titles is lessened, as levels of hierarchy are more distinct. The opening lines list the epistle's addressees in descending order of hierarchical authority.<sup>242</sup> Here, in an even clearer manner than in *EpMin*, *EpOrd* lists the official post of local house authority (*custos*), not derived from the *RegB*, as separate from provincial minister among the ranks of order hierarchy. Nevertheless, slipping into previous usage, v. 47 reads, *dico ... ministro totius reli-*

<sup>237</sup> Paolazzi's finding that the As. 338 Incipit and that of group A were derived from the stemmatic archetype supports the title chosen here. Both groups include either chapter or general chapter in the rubrical indication. See: Paolazzi, *Scripta*, p. 203.

<sup>238</sup> Indeed, the As. 338 codex reads, *De littera et admonitione beatissimi patris nostri Francisci, quam misit fratribus ad capitulum, quando erat infirmus.*

<sup>239</sup> While many scholars opt for a date between 1224-1226, Esser believed the letter to be dated in the period between Spring 1220 and Autumn 1223. See: Esser, *Die Opuscula*, 265-6.

<sup>240</sup> O. Schmucki, 'La "lettera a tutto l'Ordine" di san Francesco,' *L'Italia Francescana* 55 (1980): 245-86, esp. 247. Equally supportive of a date in the last two years of Francis' life are Hoerberichts and Sedda. See: J. Hoerberichts, 'Francis' Letter to all the Brothers,' *Coll. Franc.* 78 (2008): 5-85 & F. Sedda, 'Sulla datazione e circostanza della "Epistola toti Ordini missa" di frate Francesco: in margine a due recenti contributi,' *StudiFranc* 106 (2009): 5-32.

<sup>241</sup> Paolazzi, *Scripta*, p. 204.

<sup>242</sup> Of *EpOrd*, Merlo remarks, "La complessità di tale lettera è pari alle sue ambizioni comunicative e formative," as it sports the collective 'destinatario l'insieme della fraternita di frate Francesco indicata nel suo strutturarsi gerachico e funzionale.' G.G. Merlo, 'Lettera a tutto l'Ordine,' in *Francesco d'Assisi, Scritti*, 393.

*gionis nostre et omnibus generalibus ministris ... et ceteris custodibus et guardianis fratrum...*, where *custos* signifies, not the house superior, but the provincial minister, and instead *guardianus* the local house authority. One final stage of development reflected in the writings lie in *Test*. Nonetheless, the precise tasks entrusted to the local house authority at the various stages of development are by and large a matter of conjecture. At most, one can speculate based upon the guiding principles outlined in other writings; at least, one can generalize and confirm that they were to act as servants of the other brothers facilitating their life more or less according to the prescriptions for other leadership roles contained in *RegNB* or *RegB*, respectively.

#### *Word, Sacrament, and the Lordship of Priests*

Significantly, *EpOrd*'s protocol lists priests in a grouping with ministers and guardians, leaders of the fraternity, who are humble in Christ. By 1224 a process of clericalisation, or formulated with greater precision, sacerdotalisation had ensued at the behest of an irreversible shift in the order. In fact, 1220 already marked a watershed in virtue of the institutional evolution of the movement into a full-fledged ecclesiastical body with the formal contours of a religious order of the period,<sup>243</sup> which alongside an influx of priests into the order would open the door to further standardisation by curial demand and internal pursuit. In short, the number of priests among the order's ranks and the ever more favourable conditions for priestly pastoral work in the order were no coincidence. In the writings, undeniable awe and reverence for the word of God and for the sacraments, *in specie* that of the Eucharist, converge with a special esteem for the priesthood crystallised in the consideration of priests as lords (*Test*). The lordship of priests, a determination so dear to Francis,<sup>244</sup> provides a theoretical link to the notion of ecclesial obedience and attitude toward ecclesiastical institution. As mentioned in the sections on *RegNB* XIX-XX, *EpCler*, *EpCust* I, and *EpFid* I & II, devotion for liturgical celebration of the mass and reverence for the Eucharist find their likely source both in a faithfulness to the Church doctrine and in a propensity for performance of one's obedience to the Lord.

Whereas in prior letters, clerics held a privileged place mainly in the Catholic realm at large, *EpOrd* instils reverence for the priesthood in a slightly nuanced dimension within the

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<sup>243</sup> Rusconi details the points of interest in such a passage, all the while remarking of 1220 "un anno cruciale," in which Pope Honorius III sought to secure the group's "fisionomia giuridica," including the integration of a novitiate. See: Rusconi, 'Clerici secundum alios clericos. Francesco d'Assisi e l'istituzione ecclesiastica,' in *Frate Francesco. Atti del XXI convegno internazionale, Assisi, 14-16 ottobre 1993* (Spoleto, 1994), 71-100, here 89-92.

<sup>244</sup> Five writings (*EpCler*, *EpCust* I, and *EpFid* I & II, *EpOrd*, *Test*) that are characteristically 'of Francis' mention esteem for priests in association with word and sacrament.

order. Priests bear an added responsibility, which touches the core of the Minorite charism. As such, they have a responsibility and a calling that is of particular import to the movement's charism. The majesty of God's message and sacrament, that is his presence in word and in flesh, calls those who participate in their proclaiming (deacons and priests) or administering (exclusive to priests) to a standard of humility, a sort of self-*minoratio* in spirit and in deed. The word, which grounds to brothers in subjection, and the sacraments, with special attention upon Eucharist, are not approachable unless in a spirit of utmost humility.

The solemn message contained in the lines of the epistle delivers a warning to attitudes of pomp and ambition observed in particular among those brothers of elevated positions whose special duties of obedience, service, and self-*minoratio* in relation to other brothers underscored in so many other writings they had by now forgotten. Despite the conceptual undergirding assured in the lordship of priests due to their administering of the sacraments, *EpOrd* carries a strict warning to priest brothers, who violate the sanctity of word and sacrament with their ingratiating, prideful attitudes. Brothers in such a position ought to remain humble just as God emptied himself and embodied humility in the sacrament of divine presence, that is, the Eucharist. All the more they ought to humble themselves as they stand in the stead of Christ, he who from omnipotence became man.

#### *Charismatic Authority as Maternalism, Paternalism, or Coercion*

The imperative *Audite* sets the tone for the epistle, the spirit of which one may characterise as a firm, but heart-felt command, one that contains a serious challenge to growing mentalities in the order. Misfortune befalls the occasion of the letter's composition, that of a general chapter, which the Assisian, his health ever fading, was unable to attend. In *EpOrd*, Francis beseeches his brothers using at times affective, at times firm, but always personal language, including numerous positive imperative demands (22 in all)<sup>245</sup> and first person singular verbs (13 in number).<sup>246</sup> One may safely affirm that Francis sought the attention of the all brothers from the general minister to the very last novice on a pressing matter; he intended to acquire it and to maintain it. In addition to the above mentioned, the harsh tone of a select few passages and the air of eschatological, definitive legitimacy that characterises other passages<sup>247</sup> are cause for reflection. It is thus hardly surprising that MICHETTI has considered *EpOrd*

<sup>245</sup> *adorate* (v. 4), *audite* (v. 5 & 21), *incline*, *obedite* (v. 6), *servate*, *implete* (v. 7), *confitemini*, *exaltate* (v. 8), *perserverate*, *adimplete* (v. 10), *exhibeatis* (v. 12), *recordamini* (v. 17), *videte* (v. 23 & 28), *estote sancti* (v. 23), *diligite*, *reveremini*, *honorate* (v. 24), *humiliamini*, *exaltemini* (v. 28), *retineatis* (v. 29).

<sup>246</sup> *dico* (v. 45 & 47), *deprecor* (v. 12), *rogo* (v. 14), *moneo*, (v. 30 & 35), *exhortor* (v. 30), *conforto* (v. 35), *confiteor* (v. 38), *oro* (v. 40), *prometto* (v. 43), and *exoro* (v. 48).

<sup>247</sup> *Usque in finem* marks the permanent legitimacy of his words. Is his exercise of influence paternalist? Just a messenger of God's Word and his Church's orthodoxy and orthopraxy. Taken a step further, bold insist-



in view of Francis' influence in the dynamic tension between spiritual direction and religious coercion. Consequentially, the harshness echoed later in *Test* and the evident appreciation on the part of Francis for the message contained in the letter call to mind the movement's guiding principles for a sort of maternalistic leadership articulated in *RegNB* IV-VI and *EpMin* regarding the treatment of confreres with mercy and pardon and the possible congruence or not therewith. Given Francis' propensity for theatrics in instilling his message and the legitimate recall contained therein directed at the charismatic vocation, one may posit either a certain facetiousness of the letter, whereby Francis' form of influence remains maternalistic, or a certain exemption of Francis as founder and no longer general minister from the principles laid out in the movement's *vita* in addressing a threat to the charisma so previous to the primitive stages of the movement. In any event, the manner of influence exerted here is in no way coercion; rather, a distinct righteous indignation, that by analogy may resemble the ferocity of a mother protecting her innocent young. Authors are thus correct in pointing out the normative character of the epistles, in as much as Francis invokes his charismatic authority to harken back to the dearest origins of the movement.

DALARUN's probing of Francis' humility, while wholly warranted, appears less of an issue under the guise of the current study. The communal forging of the movement's charismatic origins and the radical assimilation of Church directives democratises to an extent authorship of the message contained in the letter, as in many of the writings. Thus, even if Francis were a dissatisfied megalomaniac<sup>248</sup> by the time of the *Test*, the current perspective does not view him as such. The section on *Test* includes a continuation of such comments. Where they executive decisions or recall to the movement's charismatic roots? One cannot help but wonder, whether Francis in fact heeded or was in violation of the very message he purported in *EpOrd*. In particular, was Francis in violation of fraternal correction prescribed by *RegNB* V? The issue receives broader treatment in the section on the *Testament*.

### **Theological Analysis of the Writings: Rules and Admonitions**

The next set of texts exhibit broad scope and above all normative character, albeit not without a variety of textual forms. Among the rules and admonitions, three seminal Minorite

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ence upon charismatic vocation born out and forged by the primitive movement. The passage above amounts to either a correctional chastising or a theatrical exemplification of the broken bond that results from remaining in sin. There is a definitive legitimacy and validity of Francis' epistolary message and a command to circulate letters. There is also an eschatological element of the letter, whereby the message relayed in the now is purported to deliver truths that contain eternal validity. Uncertainty at the tension between the immanent and the transcendent appears to fade away. *EpOrd*: *nunc et semper, donec fuerit mundus iste*, and *usque in finem*; *EpCust* I: *usque in finem*. The message of epistolary literature thus complements well more normative texts such as the *Test*.

<sup>248</sup> Dalarun considers such a possibility. See: Dalarun, *Francis of Assisi and Power*, 186-193.

documents the *Regula non bullata*, the *Regula bullata*, and the *Testamentum* all testify that the Minorite *forma vitae* stemmed from a radical experience of and response to the Gospel,<sup>249</sup> which were not confined to the existence of Francesco di Pietro di Bernardone but instead belonged (to varying degrees taking into account the *RegB*) to a textual community. The theological and practical themes reflected in the normative sources, too, regard communal identity and a collective endeavour to conceive, flesh out, and embody a particular understanding of obedience. All are subject to the Gospel, the greatest servants of which the Pope and his successors, from whose authority derives that of Francis and his successors. The rules thus bound with normative force each friar to order superiors, the order to the church, and all to the Gospel. Such was the case, at least, once friars promised to follow the rule and the ministers accepted them into obedience. Such texts establish in a particular manner the structures and normative framework within which the brothers conceived, organised, and at times enforced their fraternal life.

### *Norms 'From Below,' Norms 'From Above': Analysis of Individual Texts*

#### ***Regula non bullata***

Of undisputed authenticity and originality, the *Regula non bullata* is perhaps the defining textual source of the early movement.<sup>250</sup> Nevertheless, the *RegNB* is not – so to speak – a ‘self-sufficient’ text, nor does it have the nature of an absolute dictate;<sup>251</sup> it is rather an experiment of spiritual, ethical, cultural, and at times juridical import. Under the present reading, supplementary material from historical indications, other writings, and select early hagiographical accounts (especially from *VbF*, *AP*, and *3Soc*) enter into discussion in the endeavour to garner insight and expose relevant unspoken meaning. By far the lengthiest text among the writings, this “*regola in cammino*” is a complex document marked by over a decade of redactional phases and comprising several literary genres,<sup>252</sup> including legislative norms, admonitions, sermon blueprint, prayers and praises, and an end section reminiscent of epistolary eschatological. As CUSATO notes, the text is critical for the study of the early movement for two rea-

<sup>249</sup> *RegNB* Prol 2 (*Scripta*, p. 242); *RegB* 1,1 (*Scripta*, p. 322); *Test* 14 (*Scripta*, p. 396).

<sup>250</sup> An admirably terse synthesis of the most important studies and editions of the *RegNB* (including those of Flood, Esser, Dozzi, Vollot, Maleczeck, Accrocca, Ciceri, Pellegrini, and Quaglia) appears in Lehmann’s article on *minoritas*. See: ‘*Sed sint minores: La Minorità nella Regulla non bullata: Proposte e Reazioni*,’ in: Luigi Padovese (ed.), *Minores et subditi omnibus: tratti caratterizzanti dell’identità francescana*. Atti del convegno, Roma, 26-27 Novembre 2002 (Collegio S. Lorenzo da Brindisi, Laurentianum, 2003), 99-103.

<sup>251</sup> ‘Francesco e la prima fraternitas,’ in: Idem. and A. Ciceri (eds.), *Francesco e i suoi frati: La Regola non bollata: una regola in cammino* (Ed. Biblioteca Francescana, 1998), 11-124, here 17.

<sup>252</sup> Regarding literary genre, Ciceri classifies the whole of the text as “*stante a cavallo tra quello esortativo-sapienziale con finalità pedagogica e salvifica, tipico delle Adm, e quello piuttosto giuridico-legislativo della Rb.*” A. Ciceri, ‘La Regula non bullata,’ 140.

sons; namely, it is as yet the sole writing dated with certainty before 1221, and the textual layers bear out the Minorite charism in its various stages.<sup>253</sup> *VbF* 32 and *Test* permit the establishment of a potential starting point in redaction at 1209/10, whereas *RegNB* II, 10, which cites directly the 22 Sept 1220 papal bull *Cum secundum concilium*,<sup>254</sup> provides a likely date and setting of a 1221 chapter meeting for the redaction found in manuscripts. Despite conclusive evidence of another redaction subsequent to 1221,<sup>255</sup> the text transmitted by the manuscript tradition is thus. During the period of the *RegNB*'s composition (ca. 1209/10-1221), the friars worked together serving one another and others in the world, which they had dismissed in order to "follow God's will and please him." Besides Gospel and Church, the more imminent axes of orientation for the reciprocal service and obedience intrinsic to the primitive movement were of course Francis, the charismatic leader and *caput religionis*,<sup>256</sup> and the *RegNB*, their emerging *vita*, a common accord and statement of purpose developed from their nascent ethos. Having never received permanent status as a rule, the *RegNB* remained *concessam*, but not *confirmatam*<sup>257</sup> in canonical terms.

Although 24 manuscripts from the Central Italy collection transmit the writing, the manuscript tradition presents a problem to scholars wishing to secure an *Urtext*.<sup>258</sup> D. FLOOD's influential studies on the *RegNB* have contributed to establishing a more reliable text, afford detailed textual analyses with regard to discourse structure, and offer specified possibilities of redactional history.<sup>259</sup> By dividing the *RegNB* into parts according to redactional strata and potential corresponding stages, his studies have catalysed the reconstruction of life and the development of ideals in the early movement by exegesis and historiographical reverse-engineering. The nexus of such an approach is the detection and identification of affirmative, ratifying statements and contrasting them with negative insertions (*negative Ein-*

<sup>253</sup> M. Cusato, *The Renunciation of Power*, 266.

<sup>254</sup> BFr, I, 6

<sup>255</sup> It has been proposed that the Worcester Cathedral Library fragment, II Cel, and Hugh of Digne's rule commentary report a text subsequent to that of 1221. C. Paolazzi has since proven unequivocally that not only did the three authors consult the identical text, but it was in fact also a redaction of the *Earlier Rule* dated between 1221 and 1223. See: Paolazzi, *Scripta*, pp. 290-293.

<sup>256</sup> Esser risks overstating the role of Francis when he writes, "The little groups of friars, with no stable abode, by the very nature of things needed strong ties to the man whose spirit inspired them all. And so, a further novel element is introduced, namely, that the whole body of friars, and not just individual groups, is guided by one man. From the outset, therefore, there exist, not heads of smaller fraternities or of individual monasteries who, as they merge into one body, elect a superior to whom all others are subject, but one man whose personal life inspired the whole movement and who ruled it with full authority." K. Esser, *Origins of the Franciscan Order*, 58-59.

<sup>257</sup> *DeInc* 44

<sup>258</sup> For a terse discussion of problematic manuscript transmission, see: Flood, "The Genesis of the Rule," 19-20.

<sup>259</sup> Not only this, but other indications such as extra-Franciscan sources, II Cel 128, and *Leg3soc* 57-59 as well as *EpMin* and *Test* reveal the function and importance of chapter meetings and the writing of the rule in stages.

*schübe*) in the text.<sup>260</sup> The basic thesis rests upon the notion that statements formulated in a negative manner, *caveats*, constitute subsequent insertions in the text, which warn against attitudes or lines of behaviour at odds with the *vita*. Although scholars have since advanced further specifications and corrections, FLOOD's indispensable studies form the foundation of modern approaches to the *RegNB*.<sup>261</sup>

***Regula non bullata* I (ca. 1209/10):**

chs. I (in part), II (in part), VII (in part) & XIV

1. *Sitz im Leben*

Thomas of Celano's witness describes the drafting of the group's primitive statement of purpose,<sup>262</sup> the date of which is approximately 1209/10, and its contemporaneous *viva voce* approval by Innocent III. Not insignificant to the present study, a debate on the official status of the text in canon law terms<sup>263</sup> has resulted in a debate as to whether the first statement of purpose was little more than a validation of the group as a lay movement able to preach penance and did not constitute the presentation of a *propositum vitae* document *per sé*. While it is difficult to ascertain either position with any degree of certainty, if the brothers did not have a *vita* at the time of the Pope's verbal sanction, they must have shortly thereafter.

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<sup>260</sup> Flood writes, "In the beginning, the brothers stated in clear and simple statements what they intended to do. Later, after experience had taught them where the dangers of failure lay, they paired a caveat to the simple affirmation, a warning which excluded what could contradict the ideal behaviour. These additions constitute the 'negative insertions' and the rule contains a number of them. The analysis of a few chapters will serve to demonstrate the existence of these different layers in the redaction of the rule. (...) These additions are the fruit of experience: they seek to eliminate modes of behaviour at odds with the spirit of the earlier formulation." "The Genesis of the Rule," in *The Birth of a Movement: A Study of the First Rule of St. Francis*, 23; 26. For a substantial explanation of the *RegNB*'s "Negative Einschübe," see Flood's dissertation: *Die Regula non bullata der Minderbruder*, 108-21.

<sup>261</sup> For Paolazzi's arguments against redactional revisions, see: 'Nascita degli 'Scritti',' in: *Verba Domini mei*, 40-1.

<sup>262</sup> *VbF* 37 (FF 311-2): *...beatus Franciscus... scripsit sibi et fratribus suis, habitis et futuris, simpliciter et paucis verbis, vitae formam et regulam, sancti Evangelii praecipue sermonibus utens... Pauca tamen alia inseruit, quae omnino ad conversationis sanctae usum necessario imminebant.*

<sup>263</sup> Two main proponents of the debate are Paolazzi, who claims the text was a proto-regula and thus a physical *propositum vitae* submitted for papal approval at the time. Not all scholars agree with Paolazzi's stance. Chief among such scholars, Maleczek argues that, provided a *viva voce* papal approval, the content of the text present in the manuscript tradition was a simple, oral statement of purpose sufficient for the grant to preach penance, and thus not a proper *propositum*. Paolazzi's assertion relies upon the primary point that canonical obedience cannot be promised to a dead Pope, hence it would have made no sense to maintain the formal statement of canonical obedience to Innocent III. Maleczek's position rests upon his study of curial and canonist approaches to religious orders in the High Middle Ages. While there are other, verifiable instances of probational granting of approval to preach penance in lay movements, there is no evidence, neither before, nor after, of Papal approval of a *propositum vitae* delivered by verbal sanction. Indeed, as Maleczek shows, canon law operated within other parameters. See: W. Maleczek, 'Innocenzo III e la Curia Romana nell'anno 2009,' in: A. Cacciotti & M. Melli (eds.), *Francesco a Roma dal signor Papa*. Atti del VI Convegno Storico di Greccio, Greccio 9 - 10 maggio 2008; in occasione dell'VIII centenario dell'Approvazione della prima regola, Milano 2008, 95-122. For Paolazzi's argument, see in the same volume: C. Paolazzi, 'La forma vitae presentata da Francesco a papa Innocenzo III,' 125-139. For another opinion, see: A. Quaglia, "Una fasulla ricostruzione della genesi della Regola francescana," *StFr* 91 (1994): 315-328.

Notwithstanding its ambiguous canonical status, the brief text conveys the simple, Gospel-oriented identity and message of the early community. The initial *forma vitae* likely contained terse, affirmative statements of intention in *RegNB* I, VII (in part) & XIV.<sup>264</sup> Negative insertions served as a sort of pre-emptive, homeostatic measure put into place in a subsequent moment in order to address behaviour contrary to the brother's *vita*. Concrete circumstance of the primitive *forma vitae* regards proper manner of work and behaviour amongst their own ranks and in the world. A probable addendum at the time of official Papal approval of the *propositum vitae* at or around 1215, the prologue receives treatment under the next redactional phase. The brief historical profile above, the passage promising canonical obedience to Pope Innocent III, whose 1216 death would have rendered the passage meaningless, and hagiographical accounts<sup>265</sup> support such a theory.

## 2. Thematic-Theological Analysis

### *Intention of Vita apostolica and exire de seculo*

A reading of what might well have been the initial *vita* through the lens of *Test* vs. 1-15 and the concept of *servi Dei* shall assist in educing further meaning in the text. Chapter I constitutes a basic statement of intention to follow Christ and renounce one's self and worldly structures. The Apostolic<sup>266</sup> condition, which Francis and his companions had chosen was *Domini nostri Jesu Christi doctrinam et vestigia sequi*. In following Christ, one obeys the Father as Christ taught in the Gospel message of God's kingdom and lived out in his ministry and for which he ultimately paid in blood. If *Test* 1-3 is any indication of the movement in its infancy, following Christ entailed *exire de seculo*, which is to say renunciation of self and of the ways and the lords of the world (*RegNB* I, 4-5) in order to attend to the supreme Lord as *servus Dei* (*RegNB* VII, 12). Here, an inarticulate notion of evangelical perfection designates a life centred completely on the Gospel. *CAss* 62 clarifies the link between *exire de seculo* and renouncing consanguineous relations and sinful structures.<sup>267</sup> Of note, the Latin *saeculum*

<sup>264</sup> The unit constitutes what Flood designates "the three major points of the rule"; namely, ch I (commitment to the gospel), ch. VII (mode of living), and ch. XIV (gospel mission). 'The Genesis of the Rule,' 38.

<sup>265</sup> *3Soc* 51-2 (*FF* 1423-4). *DeInc* 36 (*FF* 1338-9) is a bit vague in recounting of the events and could imply that the prologue might have been part of the original *forma vitae* approved *viva voce* in 1209/1210.

<sup>266</sup> While '*Vita apostolica*' is useful in designating historical currents in a broader view of Ordensgeschichte, the term is an invention of modern academic *usus*. Excessive dependency upon typified characteristics obscures the finer details of each order's idiomatic expression. For further discussion on such a critique, see: Flood, 'The Grundmann Approach to Early Franciscan History,' *FranzStud* 59 (1977): 311-9.

<sup>267</sup> Here, Francis rejects a man, who gave his possession to relatives. *Quodam tempore ibat predicando beatus Franciscus per provinciam Marchie. Accidit autem ut quadam die, dum cuiusdam castris populo predicasset, quidam homo venit ad ipsum dicens illi: "Frater, volo dimittere seculum et intrare Religionem tuam". Dixit ad eum beatus Franciscus: "Frater, si vis intrare Religionem fratrum, oportet te primo omnia tua secundum perfectionem sancti Evangelii pauperibus erogare et postea tuam voluntatem in omnibus abnegare". Quibus auditis, ivit cum festinatione et ductus amore carnali, non spirituali, omnia sua suis consan-*

distinguishes itself from *mundus* in such a context, insofar as the former denotes worldly affairs or mentality, the latter the physical world or universe.<sup>268</sup> The *Adoremus Te* prayer confirms the movement's universal awareness without being part of the worldly mentality, for God redeemed the world.

*Test 3's postea* denotes logical succession. As a precursor to *exire de seculo*, the voluntary condition of *sequela Christi* implied a core mission, which is summary of the early attitude toward self and other in relation to God: *facere poenitentiam*. AP 19 (3Soc 37) reports that when asked who they were and to what order they pertained, the early brothers answer: *Paenitentiales sumus, et in civitate Assisii nati fuimus*. A possible parallel lies in the realm of Cistercian monasteries, where lay penitents called *conversi* acted as servants performing menial tasks about the monk's domicile. For such *virii poenitentiales*, a life of penance entailed a self-abasive attitude and performance of appropriate acts, self-*minoratio*, a medium of spiritual conversion and union with one's surroundings by reconciliation. An important refrain in the early community, the *Our Father* calls one to a life of penitence and reciprocal relations, *Et dimitte nobis debita nostras, Sicut et nos dimittimus debitoribus nostris*. The specific manner of the brother's penitential life, *facere misericordiam*, consisted in indiscriminate service of others<sup>269</sup> not only by preaching with words, but also and above all by way of immanent action, by transforming into one's own message.<sup>270</sup> The basic outward dynamic sprung forth from the inward dynamic, which Celano describes thus, *Recordabatur [Franciscus] assidua meditatione verborum eius et sagacissima consideratione ipsius opera recolebat*.<sup>271</sup>

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*guineis erogavit. Et reversus est ad beatum Franciscum dicens illi: "Frater, ecce me de omnibus meis expropriavi". Dixit ad eum beatus Franciscus: "Quomodo fecisti?". Cui dixit ille: "Frater, omnia mea quibusdam meis consanguineis, quibus necessaria erant, erogavi". Beatus Franciscus statim cognoscens per Spiritum Sanctum quod homo carnalis erat, dixit ad eum: "Vade viam tuam, frater musca, quoniam tua erogasti consanguineis et vis vivere de helemosinis inter fratres". Ille vero statim ivit viam suam, nolens aliis pauperibus sua erogare. (FF 1556-7)* It goes to show that while poverty does not monopolize the Franciscan charism, distribution of possessions to the poor according to the Gospel counsel was a *conditio sine qua non* of entrance into the movement. A Psalter passage (Ps 72, 12) renders such an interpretive approach clear. We read, *peccatores et abundantes in saeculo*.

<sup>268</sup> Particularly in a context of spiritual conversion, Ps. 24, 6-7 allots a resonant line of thought with regard to a turn toward God, whose mercy and love are *a saeculo*, and the entreaty that God might overlook the sins of one's youth. We read, *reminiscere miserationum tuarum Domine et misericordiarum tuarum quia a saeculo sunt delicta iuventutis meae et ignorantias meas ne memineris secundum misericordiam tuam memento mei tu; propter bonitatem tuam Domine*. Such an understanding of *saeculum* reverberates in a familiar Lukan passage viewed with a Minorite interpretive key, *quia filii huius saeculi prudentiores filiis lucis in generatione sua sunt*. (Lk 16, 8b)

<sup>269</sup> The phrase echoes the parable of the Good Samaritan (Lk 10, 37). Paolazzi, *Scripta*, p. 395.

<sup>270</sup> As *RegNB XVII 3* later renders explicit, *Omnes tamen fratres operibus predicent*.

<sup>271</sup> *VbF 84 (FF 359-60)*

Of chief import for the period in medieval piety, the Latin *miser cordia* regarded in particular the acts of mercy outlined in Matt 25, 34-36,<sup>272</sup> which correspond to the brother's choice of labour endeavours. Repeated allusion in key passages attempting to reinforce the fraternal ideal substantiates the chapter's significance for the charismatic core of the movement.<sup>273</sup> The brothers sensed a divine call to self-*minoratio*, to abasing themselves in service of those *fratres*, those *minores*, whom the king of Christ's parable (Matt 25, 31ff) taught to see in a different light and to succour and attend as a task proper to his servants. Through their labour, the brothers strove to render immanent the kingdom of God according to God's will and act as his hands of mercy. Such was the lens through which the brothers began to view the world, as they dismissed its ways.<sup>274</sup> Not only relevant to those individuals who had contracted the disease of leprosy, *leprosi* signify the outermost *minores* of society,<sup>275</sup> those with whom Christ associated in the Gospel narratives. In fact, in the context of Assisi lepers belonged to the *hominium*, a group marginalised further still and denied citizenship on the basis of societal standing.<sup>276</sup> *Feci misericordiam cum illis* not in the instrumental rendering rather in the sense of accompaniment also suggests identification with the *minoribus* of society, which involves both interior and exterior components. Thus, the brothers' *sequela Christi* demanded not only heeding Christ's word, but also emulating his deeds (*doctrinam et vestigia sequi*). The conversion, of which *Test* 1-3 recounts, constitutes that collective turnover of values, which Christ's lordship entails. Under such value reversal, bitterness becomes sweet, enemies brothers, worldly structures become structures of sin, passivity and complacency (*otio*) enemies of the soul. Servants of Christ come to see (*videre*) not only lepers, but the world at large in a new light (Mt 20) from within once they experience compunction, commit to God as Lord, and accept the challenge of minority: *exire de seculo*.

#### *Early Designations of the Movement*

Witnesses external to the movement detailed above, in particular that of Burcard of Ursperg, attest that the name *fratres minores* most probably originated in the period of initial

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<sup>272</sup> *tunc dicet rex his qui a dextris eius erunt venite benedicti Patris mei possidete paratum vobis regnum a constitutione mundi esurivi enim et dedistis mihi manducare sitiivi et dedistis mihi bibere hospes eram et collexistis me nudus et operuistis me infirmus et visitastis me in carcere eram et venistis ad me.*

<sup>273</sup> *EpFid* II 71 (25, 13), *Adm* 18, 2 (25, 18), *RegNB* 23, 4 (25, 34), *RegNB* 21, 8 (25, 41), *RegNB* 16, 11 (25, 46).

<sup>274</sup> Celano reports an early passage commenting on the *Test*, which warrants such an interpretation. *VbF* 17 (*FF* 292-3).

<sup>275</sup> Lepers were in the lowest of all possible ranks of social standing. Strict regulations had been enforced against them, which ensured their separation from the general population and ultimate demise at the literal and figurative fringes of Italian communes.

<sup>276</sup> For more on the *chartae* and the *hominium*, see: Accrocca, 'Francesco e la sua fraternitas,' 67-73.

oral approval.<sup>277</sup> Despite a degree of resonance with the *Charta franchitatis* indicated and, in particular, the designation of *minores* as a rung of societal rank,<sup>278</sup> the moniker is of Gospel inspiration, even prior to the name change from *pauperes minores*. The religious, spiritual dimension of the *vita*'s entreaty to minority far exceeds the condition of *minores* referenced in the 1210 pact.<sup>279</sup> A virtual anthology of NT passages contrast greater and lesser and praise the least in the subversive logic of God's kingdom. The Matthean *beatitudes* and Mt 18, 1-4 include contrasts between *magnus* and *minimus* or *parvus*.<sup>280</sup> Notable Lucan pericopes (7, 28; 9, 46-48) contain potent devices of a similar character. In his letters Paul self-identifies as *minimus apostolorum*. Lexical (*minimus, minor*) and conceptual resonance with works of mercy pericope Matt 25, 31ff are also grounds for a solid claim vis-à-vis the Gospel origin of the designation.<sup>281</sup> Therein lies the name's likely origin, whereby *minor, parvus, and minimus* are of the identical semantic field. In substantive form, the Latin *minor* carries an even more specific meaning than that of adjective. *Minor* denotes a subordinate, obedient individual. As detailed below, the theoretical undercurrent supporting the brothers' project is that of self-*minoratio* and obedience to all. Recurrent links to the kingdom of God may infer the announcement of God's reign after the model of John the Baptist. Yet Francis and his companions sought to further the mission from announcing the kingdom of God to one of performing or rendering immanent the kingdom, in which *omnis qui se exaltat humiliabitur et qui se humiliat exaltabitur* (Lk 14, 11).

Although *fraternitas* is of but an eightfold appearance in the writings, internal<sup>282</sup> and external<sup>283</sup> evidence reveals a distinct insistence upon fraternal designation. The Latin term *fraternitas* occurs a total of a dozen times in the Vulgate, half of which come from the two

<sup>277</sup> For Lehmann's discussion on the issue, see: '*Sed sint minores,*' 113-6. He purports a concordant conclusion.

<sup>278</sup> Resonance does not necessitate timbre. Varanini has identified others active coetenously who considered themselves *minores* and likely had nothing to do with Francis and his movement. See: G.M. Varanini, 'Per la storia dei Minori a Verona nel Duecento,' in: *Minoritismo e centri veneti del Duecento*, dir. G. Cracco, Trento (Studi e testi, 7), 1983, 92-126.

<sup>279</sup> While the attempt to view the early movement as a group of social reactionaries is not meritless, excessive focus upon the social dimension obscures the religious meaning of their *vita*. Dalarun makes a similar claim in his *Francis of Assisi and Power*, 28-30.

<sup>280</sup> Matt 5, 19 reads, "*qui ergo solverit unum de mandatis istis minimis et docuerit sic homines minimus vocabitur in regno caelorum qui autem fecerit et docuerit hic magnus vocabitur in regno caelorum.*"

<sup>281</sup> Lexical and conceptual parallels with the parable of Matt 25, 31ff provide insight into the meaning behind the early movement's life and statement of purpose. Such shall be developed later in full.

<sup>282</sup> Aside from the manifold use in the writings of the Latin substantive '*frater*' and the refrain '*omnes sunt fratres,*' *VbF* 38 (*FF* 312-3) is worth considering. Direct citations and resounding passages of the *RegNB* support a high degree of reliability regarding Thomas' pericope.

<sup>283</sup> Such sources include Bercard of Ursperg's chronicle (*fratres minores*) and the earliest papal bull *Cum Dilecti* (*collegium fratrum*).



brief epistles of Peter.<sup>284</sup> In the broadest sense the members are brothers insofar as children of God through baptism in Christ, whereby all categories fall away, be they social, gender-related, or racial.<sup>285</sup> Under God's reign, Christ views all people as brothers and sisters and in referring to them as such establishes a paradigm of brotherhood and sisterhood.<sup>286</sup> The movement took the message of God's kingdom proclaimed by Christ to heart. An *Intentio Regulae* pericope, albeit coloured with obvious providential tones, reports a corroborative notion in the context of the movement's appellative and the kingdom of God.<sup>287</sup>

Subsequent usage points to the occasional prevalence in the collective sense as *religio*,<sup>288</sup> a label of ambiguous status in ecclesiastical terms that broadly signifies religious life, but is at times employed as a synonym for confraternity.<sup>289</sup> *Adhuc enim Religio fratrum non nominabatur Ordo*, as *AP* 19 reports and with the espousal of *3Soc* 37 then relates the brothers' earliest encounters in the world, in which they proclaimed a simple nomenclature.<sup>290</sup> We read, *Paenitentiales sumus, et in civitate Assisii nati fuimus*. Not yet an *ordo*, a term bearing specific canonical status within the Church,<sup>291</sup> the small lot of *virii paenitentiales* united with a singular purpose, which formed their bond. They thus adorned a familial designation, articulated also in *frater* and *omnes sunt fratres*, a primitive expression of familial models of relationality developed and intensified in successive stages. The earliest designation thus al-

<sup>284</sup> Wisdom 10, 3; 1 Mac 12, 10 & 17; Rom 12, 10; 1 Thess 4, 9; Heb 13, 1; 1 Pet 1, 22; 1 Pet 2, 17; 1 Pet 3, 8; 1 Pet 5, 9; 2 Pet 1, 7 (2x).

<sup>285</sup> *omnes enim filii Dei estis per fidem in Christo Iesu quicumque enim in Christo baptizati estis Christum induistis non est Iudaeus neque Graecus non est servus neque liber non est masculus neque femina omnes enim vos unum estis in Christo Iesu* (Gal 3, 26-28).

<sup>286</sup> Among the seemingly countless examples, see: Mt 12, 46-50; Lk 6, 41-42; Lk 17, 3-4; Acts 9, 17; Acts 21, 20; Rom 14, 15; Rom 16, 17; 1 Cor 6, 1-7; Philemon 1, 14-15; Jam 2, 1-17; 2 Pet 3, 15.

<sup>287</sup> *LP* 66-67/*CAss* 101 (*FF* 1635-9) (*Intentio Regulae* 1 or c. 3 in Lemmen's text) reads, *Unde quadam vice dixit: 'Religio et vita fratrum Minorum est quidam pusillus grex (cfr. Luke 12,32), quem Filius Dei in hac novissima hora (cfr. 1Ioa 2,18) suo Patri celesti postulavit dicens: Pater, vellem quod faceres et dares michi quendam novum et humilem populum in hac novissima hora (cfr. 1Ioa 2,18), qui esset dissimilis in humilitate et paupertate ab omnibus aliis qui precesserunt et esset contentus habere me solum. Et ait Pater dilecto Filio suo: Fili, factum est quod postulasti'. Unde dicebat beatus Franciscus quod 'ideo voluit Dominus ut vocarentur fratres Minores, quia iste est populus quem Filius Dei suo Patri postulavit; ipsemet Dei Filius de ipsis dicit in Evangelio: Nolite timere pusillus grex, quia placuit Patri vestro dare vobis regnum (Luke 12,32), et iterum: Quod uni ex his minoribus fratribus meis fecistis michi fecistis (cfr. Matt 25,40). Quoniam licet de omnibus pauperibus spiritualibus intelligatur Dominus hoc dixisse, precipue tamen predixit Religionem fratrum Minorum esse venturam in Ecclesia sua'.*"

<sup>288</sup> *RegNB*, Prol 3 (*Scripta*, p. 242) refers to the group as a *religio*. *Cum Dilecti* also refers to *vita et religio Minorum Fratrum* in addition to *collegium fratrum*.

<sup>289</sup> Desbonnets, *From Intuition to Institution*, 63. For a detailed analysis of the possible meanings with respect to *fraternitas*, see: Desbonnets, 57-71.

<sup>290</sup> *DeInc* 19 (*FF* 1325-6), *3Soc* 37 (*FF* 1400)

<sup>291</sup> There is a debate in the literature as to the exact juridical significance of *religio* and *ordo*. Esser claims that the two are synonymous terms and that in fact the term *religio* was preferred at the time of Francis to address a religious order. *Ordo Fratrum Minorum*. Desbonnet, on the other hand, underscores a distinction between the two terms, thereby asserting the ambiguous canonical status of a *religio* in contrast to the established status of an *ordo*. *From Intuition to Institution*. The current study favours the latter theory.

lots the interpretation vis-à-vis a fraternal ideal. Thus, *fraternitas* is a penitential ideal of relationality modelled on the Gospel message of the kingdom of God.

*Servi Dei: Service, Prayer, and Life in the World*

Further sections of the first *forma vitae* likely include chapters II (in part), VII (in part), and XIV. The affirmative and thus initial parts of chapter VII lay out the tasks proper to *servi Dei*; namely, *semper orationi vel alicui bone operationi insistere debent*. As the exclusive conjunction *vel*, early witness of Jacques de Vitry, and narrative recounting<sup>292</sup> suggest, the movement's life entailed from the earliest perceivable moments a form of oscillation between *vita activa* and *contemplativa*. Devout in religious experience and determined in their resolve, the brothers would retreat to live their penitential moments of compunction and contemplation before God, and they would unravel it by performance in the form of labour. Their project was to live out their penitence, whereby they not only prayed in compunction and contemplation but also embodied incessant prayer for good in the world by labouring in a spirit of mercy. In such a way, they sought to become an unremitting force for good in relation to God and man.

Ch. VII first expounds upon the brothers' proper manner of service and good works. At the textual level, Psalter and Pauline injunctions to work supplement a general mandate to those who have a trade and craft that they might exercise it to the glory of God.<sup>293</sup> The section then outlines in force of labour and alms an ideal system of self-subsistence without ownership of non necessities and without money. Such forbiddance seeks to oppose the manner of the world, which they had dismissed. The *servi Dei* were impecunious day labourers. As indicated by the spiritual undergirding of their *vita*, their labour and poverty was not conceived simply as a redistribution of goods or a battle in favour of the *hominium*,<sup>294</sup> but as an integral component of a life choice rife with meaning, which stifles any purely materialist re-reading of the movement. Astute scholars, *in specie* G. MICCOLI, have underscored the link between the brother's poverty, labour with the poor, and notions of obedience. The brother's labour was service in the name of God, not a mere rendering visible of their message, but a performance and further still an incarnation thereof. Luxury and money were means of *maioritas*,

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<sup>292</sup> *DeInc* 25 (FF 1330) reads, *Solliciti erant cotidie in oratione et labore manuum suarum, ut omnem otiositatem animae inimicam a se penitus effugarent*. See also: *3Soc* 41 (FF 1414-5)

<sup>293</sup> Here, the brothers employ the Pauline passage calling for all to maintain their state in life. However, they limit the principle to the world of work and do not transfer that to certain other social roles.

<sup>294</sup> I mention the possibilities in passing, as there is a divisive tendency among scholars to either socialise or spiritualise the movement and its message. Viewing either torrent in isolation leads to no salutary end. In stating this, I do not intend to downplay the social engagement of the brothers, nor to underestimate the spiritual dimension of their life. The two ought to be viewed alongside one another so as to retrieve an integral vision.

vehicles of the world, and were thus to be avoided at nearly all cost. In fact, Assisi's *maiores* had the broader economy at their whim as they controlled the minting of coined money, and thereby exerted considerable influence on the society.<sup>295</sup> Vs. 14-15 then prescribe an evangelical attitude toward the world and toward one another, which consisted in the disposition and exercise of *minoritas*. *Facere poenitentiam* in the immanent context of active *facere misericordiam* toward the other brings about reconciliation. In the brothers' *ministerium reconciliationis* (II Cor 5, 18), the key to the Gospel manner of living lie in the adverbs *benigne*, *spiritualiter*, and *diligenter*. Seeing *revidere* each other with Gospel eyes, that is in a spirit of love and mercy, leads to consideration with honour, one toward another, in the midst of communal altercation (v. 15) and even with regard for the most extreme *minores* of society (*adversarios, fures, latrones*). The penitential act of self-*minoratio*, mercy, and love toward one's fellow human generates fraternal bond, against which the sin of *maioritas* operates.<sup>296</sup> *Minoritas* begets the virtue of *fraternitas*.<sup>297</sup>

Ch. VII creates a primer that induces ch. XIV's more concrete prescriptions for proper conduct in the world and constitutes a primitive rule for mission "an christliche Menschen in einem christlichen Land."<sup>298</sup> VII 15 indicates that the brothers lead a wandering form of life,<sup>299</sup> *sicut advene et peregrini* (*Test*). XIV requires brothers to move about in a condition of complete vulnerability, risk, and peril, having been disallowed the carrying of satchel, bread, staff, or money (vs. 1-2), giving to those who ask and succumbing to those who steal (vs. 4-6).<sup>300</sup> The first brothers likely resided in ramshackle churches such San Damiano and the Por-

<sup>295</sup> For more on the local economy, power differential, and this aspect of the movement's *propositum*, see: M. Cusato, 'The Renunciation of Power as a Fundamental Theme in Early Franciscan History,' in: Idem. *The Early Franciscan Movement (1205-1239) History, Sources and Hermeneutics* (Spoleto, 2009), 29-47.

<sup>296</sup> Cusato claims that *facere poenitentiam* ultimately brings about the renunciation of power. Cf. 'The Renunciation of Power,' 275. I concur, but also understand a more fundamental, dynamic conceptual undercurrent to the movement's ideal in self-*minoratio* and obedience to all, of which the renunciation of power is a logical consequence.

<sup>297</sup> Desbonnets notes together with De Beer that *fraternitas* is considered a virtue not only in usage of such a substantive, but also and most especially in the multifarious usage of 'frater.' See: *From Intuition to Institution*, 58-63. "The initial affirmation seems to consist of this basic intuition: brotherhood is a reciprocal matter ... Brotherhood does not reside in the bond of each one to the community taken objectively, rather brotherhood exists only through the reciprocal relations of each one as bound to every other one: *alter alterius*. Francis does not speak, as it were, of *fraternitas* as a universal abstract, but always of specific brothers." 'La Genèse de la fraternité franciscaine,' *FranzStud* 49 (1967): 350-72.

<sup>298</sup> Feld, *Franziskus von Assisi und seine Bewegung*, 194. *DeInc* 18 (*FF* 1323-4) provides contextual indications for the early calling to mission.

<sup>299</sup> *Et ubicumque sunt fratres et in quocumque loco se invenerint...*

<sup>300</sup> Conceived in such an interpretive framework, the early movement's poverty and labour did not simply constitute a protest against wealth, and much less a reallocation of resources to the poor; rather, it was chiefly a means of self-abasement and identification with society's *minores*, from which standpoint they approached the question apropos the distribution of wealth. The spiritual dimension of the movement's message stifles a purely Marxist re-reading of their poverty and labour.

tiuncula and as temporary guests in church vestibules, domiciliary porticos, and caves.<sup>301</sup> When they enter a house, they are to issue a blessing of peace and to eat what is placed before them (v. 3). *AP* 17 and *3Soc* 35 report the early movement's justification of wandering possessionless with respect to mutual love.<sup>302</sup> The Lucan passage evoked above and parallel Gospel pericopes<sup>303</sup> offer an ulterior meaning to the blessing. In a subsequent verse (Lk 10, 9), Jesus bids his disciples to heal the sick, *minores*, and proclaim a message that the kingdom of God has come nigh. Walking amongst, interacting with, and serving others in the spirit of *minoritas* is a performative act of penance, out of which arises reconciliation, *pax*, and which renders immanent the presence of Christ, the kingdom of God. We read, *Praeco sum magni Regis*.<sup>304</sup> The fraternal ideal thus persisted, not as a reification *ex nihilo* of the kingdom of God but as an eschatologically charged ideal. In the prophetic language and meaning of the kingdom, all are brothers and sisters. While Vulgate Matt 4, 17 proclaimed, *paenitentiam agite adpropinquavit enim regnum caelorum*, the early movement's ideal aimed even farther at the immanentisation of the kingdom by penitential mercy toward the other in relation to God.

Two narratives from *CAss* ratify the fraternal ideal in the current redactional phase. The brothers' lowly labour and perilous condition of life at Gospel injunction both converge in achieving the fraternal ideal. The sick of Francis' day, whom he and his early companions favoured in their work, were the lepers. *CAss* 64 provides a supplementary link between penitence and self-*minoratio* in the service of lepers.<sup>305</sup> Francis is said to have referred to lepers as *fratres christianos*. Here, Francis eats from the same bowl with his *frater christianus* in a performative act of penance. *CAss* 61 corroborates the fraternal bond gained by the servant of God who gives away his possessions to the poor.<sup>306</sup> In comforting John the Simple's family,

<sup>301</sup> *VbF* 21 (FF 295-6); *DeInc* 20 (FF 1326)

<sup>302</sup> *DeInc* 17 (FF 1322-3): *Quadam vero die cum adisset beatus Franciscus dictum episcopum, Episcopus dixit ei: "Dura multum mihi videtur et aspera vestra visa, nihil possidere in hoc saeculo nec habere". Cui sanctus Dei sic respondit: "Domine, si possessiones aliquas haberemus, arma ad protegendum necessaria nobis essent, quia inde quaestiones oriuntur et lites plurimae, et solet inde dilectio Dei et proximi impediri. 3Soc 35 (FF 1407-8): Episcopus vero civitatis Assisii, ad quem pro concilio frequenter ibat vir Dei, benigne ipsum recipiens dixit ei: "Dura mihi videtur et aspera vita vestra, nihil scilicet in saeculo possidere". Cui sanctus ait: "Domine, si possessiones aliquas haberemus, nobis essent necessaria arma ad protectionem nostram. Nam inde oriuntur quaestiones et lites soletque ex hoc amor Dei et proximi multipliciter impediri. Et ideo nolumus in hoc saeculo aliquid possidere temporale".*

<sup>303</sup> Cf. Mt 10, 8-15

<sup>304</sup> *VbF* 16 (FF 291-2)

<sup>305</sup> *CAss* 64 (FF 1559-62)

<sup>306</sup> *Iste filius vester vult servire Deo, de quo non contristari, sed gaudere debetis; et non solum secundum Deum, verum etiam secundum seculum istud imputatur vobis ad honorem et profectum animarum et corporum, quia de carne vestra honoratur Deus, et omnes fratres nostri erunt vestri filii et fratres. Et quia creatura Dei est et suo Creatori vult servire, cui servire regnare est, non possum nec debeo ipsum reddere vo-*

Francis reassures them that to serve the Creator is to reign,<sup>307</sup> that is the penitential life performed in service of God has precedence over blood-relations and worldly structures.

Contentual echoes in explicit and implied Scriptural and early hagiographical material buttress conceptualisation of the earliest vision in such an optic. Value inversion with specific regard for minority, mercy, peace, reconciliation, and the kingdom of God exhibits striking parallels to the Matthean *beatitudines* and Matt 25, 31ff.<sup>308</sup> Early focus upon the *Our Father* also solidifies the conceptual undergirding of the earliest period. The brothers engaged not only in ushering in the kingdom, but also in its realisation. In addition to corroborative notions in AP 18 just indicated, Thomas of Celano also links *exire de seculo*, a life of penitence, peace, the kingdom of God, and divine inspiration as he praises Francis and the early movement in a telling passage.<sup>309</sup> Under the Father's direction, following Christ and serving in Spirit and in love is what renders men brothers. The group envisioned a familial ideal, whereby brotherhood stemmed from embracing their childhood of God (Matt 5, 9 *beati pacifici quoniam filii Dei vocabuntur*). Thus, *minoritas* consisted in a penitential exercise of mercy, self-*minoratio*, which brings about *fraternitas*. Later redactional phases clarify and detail such a notion. Worthy of note are the penitential roots of the horizontal emphasis upon obedience developed later with more specificity. Loving *obedientia ad invicem* and universal obedience are present, albeit in primitive idiom, from the earliest traces of the movement's *vita*.

#### *Francis as Charismatic and Direct Revelation*

If *Test* 1-3 represents a faithful recall to the earliest days of the movement, it harkens back to the charismatic leadership of Francis, who employs *ego* and *michi*. In his first legend, Thomas of Celano constructs a motif of Francis as hearer of Gospel and charismatic leader. Francis enacted the Gospel injunctions to renounce his possessions and preach the kingdom of God, penance, and peace. He and his early companions thus began to interiorise the Gospel

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*bis.* (FF 1553-6) In the end, Francis opts in a moment of executive decision to have John rid himself of the ox by giving it to his family, but the principle expressed still remains.

<sup>307</sup> ... suo Creatori vult servire, cui servire regnare est ....

<sup>308</sup> See practically all of Mathew chapter 5. In particular, 3-12, 16, 19, & 23-25. In view of such a contentual echos, there is surely also a link between poverty and humility, in as much as *beati pauperes spiritu quoniam ipsorum est regnum caelorum*. Indeed, the binomial appears no less than four times in the writings. *RegNB* IX, 1 (*Scripta*, p. 256); *RegB* VI, 3 & XII, 5 (*Scripta*, p. 252 & p. 262, respectively); *SalVirt* 2 (*Scripta*, p. 46). They are both integral parts of the force of self-*minoratio* and obedience to all. Already treated above, parallels with the parable of the sheep and the goats requires no further mention.

<sup>309</sup> *VbF* 36-7 (FF 310-2): ***Circuibat*** proinde fortissimus miles Christi ***Franciscus*** civitates et castella, non in persuasibilibus humanae sapientiae verbis, sed ***in doctrina et virtute spiritus, annuntians regnum Dei, praedicans pacem, docens salutem et poenitentiam in remissionem peccatorum.*** (...) *Currebant viri, currebant et feminae, festinabant clerici, accelerabant religiosi, ut viderent et audirent sanctum Dei, qui homo alterius saeculi omnibus videbatur.* (...) *Coeperunt multi de populo, nobiles et ignobiles, clerici et laici, divina inspiratione compuncti, ad sanctum Franciscum accedere, cupientes sub eius disciplina et magisterio perpetuo militare.*

and put it into action. As Celano remarks, to those who witnessed Francis *erat verbum eius ignis ardens*. Those who listened became *fili pacis* (Lk 10,16) *et aemuli salutis aeternae* and embraced *pacis legationem*.<sup>310</sup> Yet Francis himself writes *cunduxit* and attributes to God the initiative for conversion. Such may suggest a theological insight that grace is a precondition for *sequela Christi*. Nonetheless, understood in the light of *Test* 14, Francis endeavours to fulfil his role as a charismatic and reasserts the simple charism by which the brothers first lived: *secundum formam sancti Evangelii*, that is in accordance with the model or pattern indicated by the (singular) Gospel, in the Pauline sense of Gospel, which content is the person of Christ. In effect, Francis alludes to a distinction fundamental for early Minorite normative validity. Alongside the brothers' life *secundum formam sancti Evangelii*, priests live *secundum formam sancte Ecclesie Romane* (v. 6).

As AGAMBEN notes, the two constitute spheres of normativity, not unrelated but certainly not reducible one to the other.<sup>311</sup> The dynamic interplay between the two spheres of normativity returns time and again in Minorite contexts. Nonetheless, the brothers' charismatic adherence to Christ comprised a theatrical dimension. Christ is God's unmitigated, incarnate rule of law, which is not a rule of dominance and coercion, but one of love and mercy. In other words, Francis' charismatic authority and the brothers' *vita* called them to perform the Gospel, whereby the Gospel served not so much as script as stage direction for rendering immanent God's kingdom. Election to live by the form of the Gospel suggests that Francis and his companions found little satisfaction offered by life configurations in the pre-established institutional forms prevalent in Italian communes and across Europe.<sup>312</sup> In fact, the three Gospel amalgams in I, 2-3 & XIV, 1 are consistent with those discovered upon the ritual of divination reported in the setting at San Nicolò in Assisi.<sup>313</sup> If the hagiographical accounts are of positivistic value, a sense of direct divine inspiration was a legitimate driving force in the earliest developments of the movement. It is worthy of note that Scripture directs and forges the principal level of meaning in all passages of the *forma vitae*. As God's Word, the Gospel was the ultimate authority. Francis relates a direct form of communication with God that further confirms such a notion, *nemo ostendebat michi quod deberem facere, sed ipse Altissimus revelavit michi*.<sup>314</sup> Thus, *Test* seeks to assign God the initiative, but perhaps

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<sup>310</sup> *VbF* 22-24 (FF 296-9)

<sup>311</sup> G. Agamben, *Altissima povertà: regole monastiche e forma di vita: Homo sacer, IV, I* (Neri Pozza, 2011), 120-4.

<sup>312</sup> *VbF* reports that Francis served as a scullery boy at a Benedictine monastery.

<sup>313</sup> *DeInc* 11 (FF 1317), *3Soc* 28-29 (FF 1400-3).

<sup>314</sup> Other interpretations of the passage do exist. Particular interpretations rests upon translation of 'revelavit,' as the precise action determines the form of communication implied. Esser, Leonardi, Merlo, and Paolazzi

primarily as a pretence for reassertion of the initial charism of *fraternitas*. Indeed, the context for such direct revelation is a fraternal one, *Dominus dedit michi de fratribus*. As *exire de seculo* necessitated abandoning not only self but worldly structures, the Gospel alternative arose in the form of *fraternitas*. *Fraternitas* comes about only after one embraces God as *Dominus* and *Altissimus*, which is to say in the choice of *minoritas*.

#### *Ecclesial Obedience*

An unequivocal dimension of the obedience conceived and embodied in the early movement lies in the ever present effort toward absolute faithfulness to the Church. Given close relations with the Holy See, there is no reason to suspect that seeking papal approval of their way of life was a strategically driven formality. However, even if it had been, later thematic emphasis in the writings would suggest that the movement had integrated a certain ecclesiological element. As mentioned, ecclesial obedience constituted the dividing line among charismatic religious movements of the period. The extra-Franciscan chroniclers all report ecclesial obedience as a prominent feature of the budding movement. Traces of such are detectable at an early stage. The divination indicated occurred in the presence and with the collaboration of a priest in a church. The brothers journeyed to Rome in search of Innocent III's (*vicarius Christi*)<sup>315</sup> approval of their penitential way of life. *Test* reports a prayer of adoration toward Christ recited in every church along their wandering path through Umbria (*Adoremus te*) and reiterates faith in churches and in particular reverence for priests, a verse which echoes throughout Minorite hagiography. A primary motivation in the disposition of reverence for clergymen, Eucharist and Eucharistic devotion provide at once the symbol and embodiment of the kenotic Christology underlying theological notions in the early movement and designates that the primitive notion of obedience, while centred on Christ and *vita apostolica*, was not without an immanent ecclesial dimension. As *Test* declares, the presence of Christ in Eucharist and Scripture, of which the clergy was the sole legitimate administer, the Pope its overseer, also constituted a link between ecclesiology and certain, determined ecclesiastical structures. Nonetheless, the events involved in Francis' repudiation of Pietro di Bernardone, his biological father, provides perhaps the strongest link in the early stages between voluntary *sequela Christi* and ecclesial obedience. Having rejected his father, his inheritance, and therewith also worldly structures at large, the undressed Francis then about-faces toward the

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argue for the translation of 'revealed,' others opt for 'showed,' while Brufani and Vauchez maintain 'inspired.' I submit that the translation 'revealed' is the reasonable one, as it gets to the core of Francis' direct contact with God as a charismatic.

<sup>315</sup> On *vicarius Christi* as *terminus technicus* reserved for Pope at the time, see: M. Maccarrone, '*Vicarius Christi*', *Storia del titolo papale* (Roma, 1953).

Bishop of Assisi, who in turn adorns him with a new garment in a grand, symbolic gesture, thereby receiving him into the life and institution of the Church. Provided that narrative sources relate with a degree of reliability, such an about-face indicates that faithfulness to the Church was integral to the *conversio* of Francis and his companions. Concrete implementation of such notions occurs in later sections of the *RegNB* and in other among the writings. Francis and his brethren had decided unequivocally to couple *vita apostolica* with the Apostolic See in Rome.

***Regula non bullata*** II (ca. 1209/10-1215):

chs. II (in part), III, VII-XIII, XVII (in part)

1. *Sitz im Leben*

The second phase of regular redaction entails a good half decade in which the brothers entered new contexts and in so doing accumulated experiences of both positive and negative nature. New circumstances of fraternal life lead to more detailed expressions of purpose and negative insertions, which reinforced and fortified their *vita*. It is not unreasonable to surmise that the majority of the I-XVII block of text<sup>316</sup> would have been completed by the time of Lateran IV canon promulgations,<sup>317</sup> as hagiographical indications<sup>318</sup> support the presentation of a version of the *RegNB* at the council and much of XV – XX (most notably XVIII-XX) builds upon what preceded it and that under the presumable influence of Lateran IV decrees (Nov 1215).<sup>319</sup> Thus, it appears that the greater part of the *RegNB*<sup>320</sup> would have been written by the close of the council, at which point the Church forbade the creation of new rules of religious life. Additionally, having grown to significant membership, the movement's *vita* must have

<sup>316</sup> Exemptions are part of II, IV-VI, XV, XVI, and part of XVII. Regarding VII, 1-2, Vollot in his study on the 'rule of 1216' affords a semi-concurrent thesis, in which he claims that the verses pertain at the latest to a rule completed in that year. Cf. B. Vollot, 'La règle des frères mineurs de 1216,' *Franciscana* 2 (2000): 137-151, here 146.

<sup>317</sup> Cf. *RegNB* Prol 2 (*Scripta*, p. 242) and Flood, 'The Genesis of the Rule,' 39-40. While I concur at large with Flood, I maintain that three blocks of text in I-XVII did not pertain to the 1215 *propositum*; namely, II (in part), IV-VI, and XV-XVII (in part). Mention of ministers renders the sections' content anachronistic, and strong parallels with Lateran IV canons suggest subsequent insertion. Also, personal tone is common to the content of such chapters (VI, 3; XV, 1; XVII, 5). Additionally, in favour of such an argument, Paolazzi's philological analysis has revealed ch. XVII's 'Amen' to not pertain to the manuscriptal archetype.

<sup>318</sup> The surest of the two indications, *LP 67/CAss 101 (FF 1635-9)* (first of *Intentio Regulae* or c. 3 in Lemmens' version of the text), reads *Unde sicut revelatum fuit beato Francisco ut deberet vocari Religio Minorum fratrum, ita scribi fecit in prima Regula, cum portavit eam coram domino papa Innocentio III, et ipse approbavit et concessit sibi et postea in concilio omnibus annuntiavit.* *3Soc* 51 reports that Pope Innocent III approved the *regula* in a consistory (*consistorio*). However, some manuscripts read council (*consilio*). See: *FA:ED*, vol. II, 98. It is difficult to say with precision whether the inconsistencies were the result of pure copyist error or of some particular influence.

<sup>319</sup> Cf. Flood, 'The Genesis of the Rule,' 40-42. Regardless whether the council decrees were its source, the material parallels in *RegNB* evince conceptual resonance with Lateran IV directives, which suggests composition in conjunction with their promulgation.

<sup>320</sup> Müller claims "die ersten beiden Drittel des Textes" in her *Bettelmönche in islamischer Fremde*, 116.



reflected and matched such a reality. Thus, the date of an official papal approval of the *vita* in a *forma vitae* state immediately prior to or at the time of the council is thinkable, at which point it would have been considered necessary for the movement to take on “die Eigenschaften als approbierter Orden”.<sup>321</sup>

## 2. Thematic-Theological Analysis

### *Chapter Meetings and the Vita*

*DeInc* 19 reads, *in novis rebus novae interrogationes saepius oriuntur*. As is mostly the case in group settings, Francis and his companions defined themselves upon challenge and inquiry. In order to deal with such questions and confront on-coming problems, the brothers would congregate and discuss. According to *VbF* 30<sup>322</sup> and Jacques de Vitry’s early witness, they would gather in order to praise God by giving thanks and to confess shortcomings, but also to render common meaning and identity with greater clarity. In short, they composed their *vita* at chapter. *DeInc* 36 and *3Soc* 57 report that the brothers would meet together twice a year at the Portiuncula.<sup>323</sup> Notably, absence of personal tone in the earliest redactional phases outlined yields only to the exceptions of *rogo* (X, 3) and *deprecor* (XVII, 5).<sup>324</sup> A lack of personal tone infers minimal perceivable emphasis upon Francis’ own voice. However, *DeInc* 37 contains a passage that might appear to undermine such a notion. The text relates:

*In quo Capitulo tractabant qualiter possent melius Regulam observare. Et constituebant fratres per singulas provincias qui populo praedicarent, et qui fratres in sua provincia collocarent. Sanctus autem Franciscus admonitiones, reprehensiones et praecepta fratribus faciebat, sicut ei, prius consulto Domino, videbatur. Omnia autem quae dicebat eis in verbo, affectuose et sollicite prius eis opere ostendebat.*<sup>325</sup>

The writing of such a text is not impervious to conscious or unconscious reinterpretation, as both distant, reminiscent memories and topographical devices<sup>326</sup> can assign initiative and control where it may be unwarranted. Of tantamount importance for the early period are the

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<sup>321</sup> H. Grundmann, *Religiöse Bewegungen im Mittelalter*, 143. Against the claim that the *RegNB* was drawn up at once in 1221, Manselli rightly asserts that at least some of the passages of the text at this stage would have made sense solely insofar as the movement was still “un fenomeno italiano.” *San Francesco*, Roma 1980, 263.

<sup>322</sup> (*FF* 303-4) While clear topographical undertones lead Thomas to attribute a miraculous nature to the event of the brothers gathering together, the lapse into present tense might suggest a sort of ritual reading of the rule and communal confession of shortcomings at chapter. See: *FA:ED* I, p. 209.

<sup>323</sup> *DeInc* 36 (*FF* 1338-9), *3Soc* 57 (*FF* 1428-30). Chapter meetings are said to have occurred once on Pentecost, once on the Dedication of Saint Michael.

<sup>324</sup> Personal use of the verb *rogo*, *rogare* is an appeal resonant of Pauline epistolary style in the Vulgate. See: Rom 16, 17, et al.

<sup>325</sup> *DeInc* 37 (*FF* 1340-1)

<sup>326</sup> The two dynamics also play into the recounting with regard to the rule. Mention of the rule as if it were already an integral text at the time of the initial oral approval supports the fiction of the identity of the two rules, which is detectable in many early Minorite sources.

words, *In quo Capitulo tractabant*. Given that *DeInc* then incorporates not only teachings from *RegNB*, but also several teachings from *Adm* and *Test*, the passage likely refers to both later *RegNB* passages of personal tone and to other texts associated with chapter meetings.<sup>327</sup> The bulk of the early movement's *vita*, represented here, conveys collective statements of purpose, of which the primitive normative structures were a result.

#### *Francis as Caput religionis*

The figure of Francis enters a more prominent role on a textual level. Not only was he a charismatic axis of orientation within the movement, but he was now its leader, *caput*. While it is difficult to say what technical-structural function such a role entailed, at the textual level the post comprises obedience demanded of all the friars in relation to Francis and successors, who in turn provide the liaison for canonical obedience to Pope Innocent and successors. Thus, Francis and his post served as a link between *religio* and Church. The difficulty to determine whether the prologue is a mere formality or a genuine expression of Francis' ascent to obedience-demanding authority. While ESSER affirms that Francis' authority and obedience demand was “*ordensgemäß*” from early on,<sup>328</sup> substantial evidence would appear to contradict his authoritative role at the foremost stages. Mention of Francis among the earliest witnesses is rare, although Jacques de Vitry indicates Francis' sending out of brothers two by two. In the early *legendae*, Thomas of Celano also relays that Francis would send the brothers out by obedience, but he limits the earliest phase to said organisational function.<sup>329</sup> *DeInc* 31 (3*Soc* 46) relates that Francis and the early companions had elected Brother Bernard to serve as leader and *vicarius Christi* on the road to Rome.<sup>330</sup> Indeed, narrative sources often relate that Francis had desired the abiding presence of someone, whom he might obey. Francis' propensity for drama and spectacle, which one author has deemed “A Theatre of Virtue,” plays a role in his charismatic leadership, whereby he would perform enigmatic acts for the edification of his brothers. In addition to the theatrical dimension of Francis' leadership, unique references to Francis not as Father or Saint Francis, but simply *frater* or even *Frater*<sup>331</sup> are revealing both of Francis' identity and message as well as of his perception among the early friars. In the

<sup>327</sup> *FA:ED* editors make a similar observation. See: *FA:ED* II, p. 52.

<sup>328</sup> Esser, *Anfänge*, 64. Esser also deems Francis' rule as *paternum imperium* (63) and affirms that “der Orden – entgegen der heute weit verbreiteten Meinung – am Anfang straff zentralistisch organisiert war,” 65-66. It seems to the present author that Esser explains away the structure of the beginnings with facile generalities.

<sup>329</sup> *VbF* 24 (FF 299): *cum obedientia pii patris ad alias transmissus est regiones* & 29: *„Hoc verbum dicebat quoties ad obedientiam fratres aliquos transmittabat. VbF* 30 reads *correctionem et disciplinam a sancto patre humiliter petunt et diligenter suscipiunt*. However, the shift into present tense and citation of the later *RegNB* XVIII suggests a possible rite integrated at a subsequent stage.

<sup>330</sup> *DeInc* 31 (FF 1335), 3*Soc* 46 (FF 1419)

<sup>331</sup> *DeInc* 36 (FF 1338-9), *CAss* 65 (FF 1562-5). Jordan of Giano (*Chronicon*, 17) reports that Elias had greeted Francis as ‘*Frater*,’ the Brother, upon recognizing him at chapter.

context of Papal obedience, *DeInc* 36 relates that the brothers promised obedience to Francis *secundum praeceptum domini Papae*, which may implicate the Pope's rather than Francis' initiative in establishing and enforcing a central hierarchy in the *vita*.<sup>332</sup>

Nevertheless, if a 1212-13 date proves tenable for *FormViv*, the terse writings offers a clue with regard to obedience to Francis. The inscription affixed above recounts how Clare and her sisters promised obedience to Francis and in turn, moved by their devotion and courageous choice for the Gospel alternative, he wrote to his Damianite sisters. In the writing, Francis promises to care for them as he does his brothers. The writing thus implicates two elements: first, the brothers' promise of obedience to Francis at the time, second, Francis' expressed wish to care for those, who obeyed him. In effect, such recurrent indications suggest that from an early period, although the brothers were most likely bound to obey him, Francis had wished to live out his charismatic authority in performative example of the *fraternitas* ideal, even at an institutional, organisational level. Spiritual mediation 'from below' appears to have preceded imposition 'from above.' Thus, early on in the *vita*'s development, obedience to Francis was likely that proper to maternalistic, transformative spiritual agency. It is reasonable to presume spontaneous *ad hoc* performance of commands and obedience demands if necessary, which thereby required no expression at the level of written culture.

#### *Expansion of the Three Solemn Promises*

Read from the perspective of expansion of or theoretical elaboration upon the three solemn promises,<sup>333</sup> the second redactional phase first introduces *vivere in obedientia, in castitate et sine proprio* and delineates implications of the three solemn promises as a specificity of *sequela Christi*. A relatively recent development in terms of religious rules,<sup>334</sup> the three solemn promises, or later vows, consisted in a life of obedience, chastity, and renunciation of ownership. The triple proposal submits major guiding principles, upon which further chapters elaborate, and affirms values contrary to a worldly mentality of self-assertion, dominion, self-gratification, and ownership. In the mind of AGAMBEN, even the brothers' project of poverty could therefore be conceived as an expression of their obedience. In the categorical denial of possessions, the brothers exited from the worldly structures of law and thus by consequence supplanted the worldly order. Exiting the worldly order *in extremis* freed the brothers up to

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<sup>332</sup> (FF 1338-9)

<sup>333</sup> For a reading on the vows in view of the Gospel in the early writings, see: J. Chinnici, 'More and Greater Things: Notes for the Interpretation of the Vows from the Perspective of the Evangelical Life,' *FrancStud* 64 (2006): 507-35. On the shifting language of life and observance in relation to the Gospel in the thirteenth-century Minorite corpus, see: J. W. Hellmann, 'Gospel: Life or Observance? Observations on a Language Shift in the Early Documents,' *Ibid.*: 281-92.

<sup>334</sup> The first extant mention of the tripartate formula appears in a Premonstratensian text. However, orders in the 12<sup>th</sup> century had already promised obedience, chastity, and poverty in some form or fashion.

better render immanent God's kingdom, his order.<sup>335</sup> In short, the promises were contrary to that espoused by the 1210 pact in Assisi, which endeavoured to reiterate and reinstate feudal logic and societal structure, pitting *maiores* against *minores*, society's powerful and well-to-do against the 'least of these.'<sup>336</sup> Significantly, in a period successive to Francis' repudiation of his biological father, obedience receives primary mention. The renunciation of his father constituted the rejection of the era's social norms, which is to say paternalistic hegemony in virtue of ownership, in favour of an evangelical alternative. The conjunction *et* provides a logical link to following Christ. With particular regard for obedience, Christological focus imbues the *forma vitae*. The living of the Gospel in Christological obedience, or *sequela Christi*, thus fashioned the relational nexus between norm and life in the *forma vitae*.

Viewed through the lens of self-*minoritio*, obedience receives a radical expansion and regards nearly all supplementary material, in particular prol, II (in part), VII (in part), X and XI. The prologue establishes a hierarchical structure of obedience, whereby Francis promises canonical obedience and the friars owe obedience to Francis as *caput religionis*. Yet the mutual dimension of obedience among the brothers, including service and minority toward the world, undercuts that of hierarchical obedience structures. The passage conveys the first instance of explicit measures of reinforcement in the normative structure. Expansion of the solemn promise of poverty enters the material of chapters VIII and IX. Such chapters concern prescriptions regarding money and the begging of alms, the latter of which is conceived as a way to identification with the poor and humble Christ. As does the *vita* with their labour in VII, the remainder (III) regulates the brother's life of prayer, in which liturgical prayer, in particular the *Our Father*, features a main role.

#### *The Logic of Minoritas and Submission to All*

Three negative insertions expound upon the content of Ch. VII (vs. 1-2, 13 & 16).<sup>337</sup> Here, the penitential, reconciliatory task of *minoritas* receives a specification in both theoretical and practical terms. In order to circumvent scandal or danger to the soul, the brother's

<sup>335</sup> This appears to be a central claim in the recent study G. Agamben, *L'altissima povertà*.

<sup>336</sup> For more on the 1210 *Charta franchitatis* and the failed 1203 *Charta pacis*, see: L. A. Bartoli, 'La realtà sociale assisiana e il patto del 1210,' *Assisi al tempo di san Francesco*, Società internazionale di studi francescani, 6 (Assisi, 1978), 271-336; Accrocca, 'Francesco e la sua *fraternitas*,' 67-73; *Sed sint minores*, 113; & M. Cusato, 'Francis and the Franciscan Movement (1181/2-1226),' in: M. Robson (ed.), *The Cambridge Companion to Francis of Assisi*, (Cambridge University Press, 2011), 18-23. For a treatment of the Assisian system of finance read in the optic of power, see: Cusato, 'The Renunciation of Power as a Fundamental Theme in Early Franciscan History,' 268-274.

<sup>337</sup> Lehmann supports the claim that the negative insertion of v. 1-2 stems from the period between 1209/10 and 1215, in all probability with immediate chronological posteriority to the early oral approval. Lehmann, 'Sed sint minores,' 113-6. For an extended treatment of that phase of the rule, see: B. Vollot, 'La règle des frères mineurs de 1216,' *Franciscana* 2 (2000): 137-151.

work must be one of service. They may not assume charges of administration, money-handling, or influence (*camerarium, cellarium*), nor may they preside over a dwelling.<sup>338</sup> *Sed sint minores et subditi omnibus qui in eadem domo sunt*. The passage thus elaborates the logic of self-*minoratio* in connection with submission to all and prohibits types of labour and rank on the basis of said principle with greater specificity.<sup>339</sup> Ch. VII thus forms a literary unit with VIII and IX. Viewed as a unit, the chapters regard not only living in poverty, but also the proper manner of performing penitence and loving mercy in the world as detailed in the next subsection.<sup>340</sup> VIII, 8-12 indicates that the labour proper to the manner of the brothers is that in subordinate roles among the *minores* of society (*leprosaria, eleemosinaria*). Celano reports how Francis lit up with glee at the occasion of being called *rusticum mercenarium et inutilem* (*VbF* 53). VIII, 9 specifies that the brothers may, however, undertake other forms of labour not contrary to the brother's *vita* with the blessing of God. As SHORT points out, appropriate localities would have included places for the poor and sick, such as the Crosiers' place<sup>341</sup> and hospitals.<sup>342</sup> The *vita* thus entrusted brothers with a degree of personal discretion as their conscience saw fit. The brother's labour should entail labour coherent with their unity to Christ and consistent with the immanentisation of God's kingdom. As FLOOD rightly notes, "By such [lowly] labor, the brothers are rendering Christ present in his poverty and humility. Thus united to Christ, they want no more from this world than enough to eat and something to wear."<sup>343</sup> In fact, IX, 1-6 calls the brothers to enjoy the humiliation of impecunious subsist-

<sup>338</sup> Of the two occupations explicated, Manselli states, "Norme di questo tipo avevano una ragione d'essere, finché l'Ordine era stato un fenomeno italiano: era caratteristica proprio dei Comuni italiani l'utilizzazione di religiosi per uffici finanziari, quale era, appunto, la camera e per altri, in cui occorreva cultura e pratica dello scrivere, come le cancellerie. Francesco nell'imporre queste proibizioni aveva senza dubbio la mente rivolta agli Umiliati, i cui membri esercitavano un'intesa attività, appunto, come camerari e cancellieri." See his *San Francesco*, Roma 1980, 263. For further insight into the occupations and the movement's rejection of them, see: Ciceri, 'La Regula non bullata,' 187 & Lehmann, 'Sed sint minores,' 104-7. In particular, Lehmann's analysis of the manuscriptal variants reveals the occasional appearance of the classical monastic *cellerarii*, which induces a distinction from typical Western monastic customs as seen, for instance, in RB XXXI. For a lexical treatment of the Medieval Latin terms, see: *Mediae latinitas lexicon minus*, ed. J. F. Niermeyer (Leiden, 1984), 120 (*camerarius*) and 163 (*cellarius*).

<sup>339</sup> A passage from *Vita beati Francisci* confirms the fraternal context of self-*minoratio* and lowly tasks. *VbF* 38: *Quid enim? Ordinem Fratrum Minorum primitus ipse plantavit, et ea scilicet 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 haec vocetur". Et vere minores, qui 'omnibus subditi' existentes, semper quaerebant locum vilitatis, et officium exercere, et in quo quaedam fore iniuria videretur, ut sic solido verae humilitatis fundari mererentur, ut felici dispositione in eis con-surgeret omnium virtutum fabrica spiritalis.*

<sup>340</sup> In such a lens, poverty is viewed as important (cf. VIII, 3), but not principally as a virtue in and of itself, rather as an outer performance to the ways contrary to the world.

<sup>341</sup> „The Crosiers were instituted as a hospital order in Italy in 1169. In Francis' time, they ran a leper hospital, located mid-way between Assisi and the Portiuncula." *François d'Assise*, *Écrits*, 121, note 2.

<sup>342</sup> *The Writings*, 78. Short takes indications from *VPLet (Scripta)*, p. 416 (*locum Cruciferorum*) and *CAss* 64 (*FF* 1560) (*hospitale*).

<sup>343</sup> Flood, 'The Genesis of the Rule,' 33.

ence by labour and alms<sup>344</sup> among the extreme *minores* of society, whom LEHMANN deems “non-cittadini, senza volto e senza voce....”<sup>345</sup> The brother’s calling required them to act in a manner just as Christ, his blessed mother, and his disciples had done, for the view of the world in a Gospel lens upsets the worldly values and transforms that which might be cause for shame into a sign of triumph and that which might occasion pain into pleasure.

Ch. XVII confirms the theological, spiritual roots of the movement’s principal charge and commitment as glorification not of themselves, but of God. As vs. 17-19 attests,<sup>346</sup> the chapter’s subtitle is a misnomer. The core message treated under the present redactional phase (vs. 5-8, 11-19)<sup>347</sup> constitutes an early attempt at summary with respect to the brothers’ life, which has less to do with preaching than with a declared statement of purpose. The section draws together principles crafted especially in the essential chs. I, VII, XI, XVI. Vs. 5-8 remind the brothers that they are ever in need of divine love and mercy and must glorify God rather than themselves. In a spirit of divine love, Francis beseeches (*deprecor in caritate, que Deus est*) his brothers engaged in all occupations (*predicatores, oratores, laboratores*)<sup>348</sup> to self-*minoratio* (*ut studeant se humiliare in omnibus*) by seeking neither glory, nor exaltation in their successes, but rather by recognising divine initiative and operation in and by means of them. In such a way, the brothers firmly avoid sin and vice and undergo tribulations with perseverance. Vs. 11-16 further reflection and illuminate the concept of spiritual integrity as an immanentisation of the principle introduced. The spirit of the flesh is in contradistinction to genuine religiosity and the interior sanctity of the spirit. The former glories in religious words and empty self-service, the latter, *spiritus Domini*, desires the mortification and depreciation

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<sup>344</sup> IX, 8 conceives alms as the *hereditas et iustitia que debetur pauperibus, quam nobis acquisivit Dominus noster Jesus Christus*. It is difficult not to see the brother’s early project as ushering in the kingdom of God in light of such passages. However, initiative assigned to God in this and many other passages provides both legitimation and theological undergirding for their project.

<sup>345</sup> ‘*Sed sint minores*,’ 113. Here, he refers once again in particular to the *hominium*.

<sup>346</sup> “*Et omnia bona Domino Deo altissimo et summo reddamus et omnia bona ipsius esse recognoscamus et de omnibus ei gratias referamus, a quo bona cuncta procedunt. Et ipse altissimus et summus, solus verus Deus habeat et ei reddantur et ipse recipiat omnes honores et reverentias, omnes laudes et benedictiones, omnes gratias et omnem gloriam, cuius est omne bonum, qui solus est bonus. Et quando videmus vel audimus malum dici vel fieri vel blasphemari Deum, nos bene dicamus et bene faciamus et laudemus Deum, qui est benedictus in secula.*” *RegNB XVII, 17-19 (Scripta, p. 270)*

<sup>347</sup> Vs. 1-4 are clear examples of negative insertions and pertain to the post-Lateran IV period, more precisely to that subsequent to the institution of the ministerial office. The remaining material grants only consequential treatment to preaching. Viewed in such a light, v. 5’s *Unde* is not a logical continuation of the previous verses (1-4); rather, it is a rhetorical device, which attempts to sum up the brother’s statement of purpose. Vs. 9-10 are also negative insertions, added during a later period, perhaps at the or just before the period of the vs. 1-4 insertion. XVII, 17-19 and Flood, *Die Regula non bullata der Minderbrueder*, 38.

<sup>348</sup> The explicit listing of three callings within the movement suggests that the brothers had already diversified and taken on specific roles according to personal gift or to communal need. Such a thesis would support the possibility of a growing hermitical current in the movement already at this early stage.

of the flesh, and instead seeks the virtues proper to the movement's message and identity; namely, *humilitas, patientia, pura simplicitas, and vera pax spiritus*.

The verses offer a Christological insight into the general attitude proper to the movement's concept of obedience. The Gospel manner of vision demands disdain of the flesh, or worldly mentality, and a simple, humble, laudatory posture, which results from aligning oneself with the divine will in pursuit of the fear, wisdom, and love of the triune God. The main statement of purpose then arrives in vs. 17-19, which reveal the ultimate goal of the movement, which is to say praise, service, and obedience to the Lord, who alone is good and under whose reign they gladly live. The passage and its scriptural echoes (Matt 18, 25-35) conceive the penitential performance of labour and service as gesture of gratitude but couched in a metaphor of servile requital to a lord. The logic of the Matthean passage links the pardoning of dues owed to a lord to the mercy owed to fellow persons as a response to God's loving mercy. The movement's conception of God is thus that of a merciful and powerful ruler, worthy of all glory, the source and proper end of all good.<sup>349</sup>

#### *Obedience and the Fraternal Ideal*

At the textual level, the reciprocal, horizontal dimension of obedience forms the primary extension of obedience structures at the present stage of redaction. As outlined above, obedience to all encompasses theoretical expansion in II (in part), X, and XI as an extension of *minoritas* and self-*minoratio*. Within the community, mutual obedience and service begins to take a more concrete shape in the group's early normative structure. The Matthean 'golden rule' (*serviant ei sicut vellent sibi serviri*), underlined with frequency in the monastic tradition, receives mention in ch. X and enters radical expression in the form of self-sacrificial care and love of other in various theoretical and practical domains of communal life. Ch. XI urges the brothers to be mindful of the Johannine pericope, by which Christ issues the commandment of the new covenant, the reign of God in fraternal charity, which Christ himself embodied. *Hoc est preceptum meum, ut diligatis invicem, sicut dilexi vos*. The words of 1 Peter 1:22 resound in this and other passages (*Adm.* 3) and provide a rich insight related to the fraternal notions of self-*minoratio* and charitable obedience. *Animas vestras castificantes in oboedientia caritatis in fraternitatis amore simplici ex corde invicem diligite adtentius*. Provided a cer-

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<sup>349</sup> On the topic, see: 1 Cor 8, 4b-6: *...scimus quia nihil est idolum in mundo et quod nullus Deus nisi unus nam et si sunt qui dicantur dii sive in caelo sive in terra siquidem sunt dii multi et domini multi nobis tamen unus Deus Pater ex quo omnia et nos in illum et unus Dominus Iesus Christus per quem omnia et nos per ipsum*.

tain genitive rendering of *fraternitatis*,<sup>350</sup> the phrase bears particular significance for the conceptualization of obedience in a communal context, whereby the brothers sought to bring about *fraternitas* as a virtue.

Understood as fraternal union under the Lordship of God, *fraternitas* constituted a fundamental ideal of the brothers' ambitious project. The early movement's fraternal structures of obedience stem from direct implementation of penitential *minoritas* in the community with collective import at all levels. The goal of *minoritas* was of course the achievement of such fraternal union, both within the movement and beyond. *Fraternitas* was not only a label or symbol in the early movement; rather, it was above all an ideal. Hence, the early teleological insight of obedience structures appears to have centred on *fraternitas* achieved by penitential self-*minoratio* through subordination and service in relation to others. Apparent communal determination of the *RegNB* up to the present stage establishes parallels between the approach to *vita* and reciprocal obedience called for by its demands.

The ideal of *fraternitas* consisted in mutual responsibility and constant support among the friars. Such guiding principles determine the brother's response to questions of those who have express need of material goods (IX), regarding those who have fallen ill (X), and harsh words and conflict in the community (XI). IX 10 exhibits a particular focus upon mutual care, which resonates in later passages. *Et secure manifestet unus alteri necessitatem suam, ut sibi necessaria inveniatur et ministret. Et quilibet diligat et nutriat fratrem suum sicut mater diligit et nutrit filium suum, in quibus eis Deus gratiam largietur.* Though the passage refers to material resources, further theoretical elaboration bespeaks a strong link to a broader notion of mutual service. The same applies to the case of brothers who fall ill. With respect to such brothers, one ought to treat them with merciful love, seeing to their needs. Manifest necessity in such cases even overrode the strict forbiddance of money (VIII, 3). Ch. XI builds upon such guiding principles in particular the counsel elaborated in VII, 12-16. Christ's law of love relates to God, but also concerns the domain of horizontal relations. Not only ought the brothers to relate one to another in an air of love with words; rather, at the behest of a Pauline appeal, they should show their love above all in works (v.6). The brothers' self-*minoratio* pronounced and elaborated in ch. VII must assume a proper Christian posture driven by an attitude of love already alluded to with the adverbs *benigne, spiritualiter, diligenter*. Col 3, 17-25 bears striking conceptual and lexical parallels and perhaps illuminates early guiding principles

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<sup>350</sup> A reading of the passage in the objective genitive rendering rather than genitive of source gleans a compelling sense of the words. An English translation relevant to such a reading would resemble: "Chastising your souls in the obedience of charity, love one another attentively with a simple heart in the love for (and/or) related to fraternity."



with particular emphasis upon virtues of self-*minoratio*, peace, and in particular love as a binding force.<sup>351</sup>

Of notable significance, the fraternal model of obedience structures in the present phase of the *vita* implies a certain allowance for individual conscience and personal initiative in decision reflected in the dynamic model of acceptance into the movement. Another such glaring instance, VIII, 9 specifies that the brothers may undertake forms of labour not discussed in their *vita*, which were not contrary to its contents. We read, *Alia autem servitia que non sunt contraria vite nostre, possunt fratres locis facere cum benedictione Dei*. Despite the mandate to assume roles of abasement and submission (VII 1), the *vita* thus entrusted brothers with a degree of personal discretion as their conscience saw fit. In particular, endowed with legitimate personal initiative, the brothers had the right to choose a form of labour not in violation of, that is consistent with, the *vita* they had promised. More so than the *caput religionis*, two formidable axes of orientation within the primitive movement, receiving explicit treatment in the present redactional phase of the *RegNB*, arise in the conscience and the *vita*. At the textual level, Francis' post served no function other than demanding nondescript obedience of the brothers. Further chapter insertions elaborate upon such concepts. A basic permission of the early statement of purpose, personal initiative is nevertheless enshrined and safeguarded by the duty to protect own soul and that of other (XI). Their primitive normative structure, indeed, the very fabric of their emerging *vita*, testify to the utmost responsibility and concern for protecting their souls. The Gospel nature of *caveat* lies in ch. VIII's double Lucan citation, which induces an interpretive framework proper to the movement and its developing *vita*.<sup>352</sup>

#### *Scripture as vox filii Dei and the Christology of Minoritas*

A perceivable current of thought marks the early movement's interpretation of and attitude toward the Scriptures. Francis and his first companions heard the words of the Gospel, the word of God, which entered into their hearts, and as it did so they came to see the

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<sup>351</sup> 12 *induite vos ergo sicut electi Dei sancti et dilecti viscera misericordiae benignitatem humilitatem modestiam patientiam* 13 *subportantes invicem et donantes vobis ipsis si quis adversus aliquem habet querellam sicut et Dominus donavit vobis ita et vos* 14 *super omnia autem haec caritatem quod est vinculum perfectionis* 15 *et pax Christi exultet in cordibus vestris in qua et vocati estis in uno corpore et grati estote* 16 *verbum Christi habitet in vobis abundanter in omni sapientia docentes et commonentes vosmet ipsos psalmis hymnis canticis spiritalibus in gratia cantantes in cordibus vestris Deo* 17 *omne quodcumque facitis in verbo aut in opere omnia in nomine Domini Iesu gratias agentes Deo et Patri per ipsum.*

<sup>352</sup> VIII, 1-2 (*Scripta*, p. 254) read, *Dominus precipit in Evangelio: Videte et cavete ab omni malitia et avaritia* (Lk 12, 15); *et: Attendite vobis a sollicitudinibus huius seculi et a curis huius vite* (Lk 21, 34). A nearby *caveat* verse (v.5) delivers the drasticity of their message and the care with which they aim to guard their souls. We read, *Caveamus ergo nos qui omnia reliquimus, ne pro tam modico regnum celorum perdamus.*

world anew, with the eyes of mercy, with the eyes of minority. Through the interiorisation of God's word, the first brothers underwent a *conversio*, if perhaps by increments. Therein lies the initial significance of their obedience. They listened to the voice of the transcendent, almighty God, the ultimate object component of obedience. The next step arrived in their radical response to the Gospel, which they outline in their *vita*. After the early formative divination event, the textual community forged its meaning by adherence to the Scriptures and engagement in the world, what Ciceri deems “un circolo ermeneutico sanfrancescano” of ‘vita-lettera-vita’ or as in the more extensive texts ‘Parola-Spirito-Vita.’<sup>353</sup> Textuality appears to have proceeded in large part as such and doubled back in recurrent circularity following a process of admiration, emulation, assimilation, and innovation.

As the *RegNB* shows in concrete terms, an ever-present dynamic in the textual community remained active engagement. Obedience is thus not only a consequence of the manner in which the early movement read the Scriptures; rather, it is also the cause, insofar as it provides the lens for their interpretation of and interaction with the content of Scripture in their fundamental life choices. They thus create a circular logic of obedience in interaction with the Scriptures. In fulfilment of scriptural injunctions, the brothers listened to and heeded the *vox filii Dei*, who is the very embodiment of God's will. Doing Christ's bidding and following his example assures their performance of God's will. Gospel words came alive when received with reverence as they revealed God's nature and his plan. In satisfying the demands of Scripture, they attempted to embody and bring about *fraternitas* by way of *minoritas* as Christ, *autobasileia*, had embodied the kingdom of God by way of his humbling incarnation and in particular his death on the cross (I, 3). Thus, kenotic Christology operational in texts of the early movement establishes Christ's self-*minoratio* as the model and mediator of their own *vita*. The Christ the brothers embraced was indeed the Christ of the beatitudes, who called his disciples to love all and to be perfect as their Father is perfect.<sup>354</sup>

### *Ecclesial Obedience*

As mentioned, the group was not immediately granted *ordo* status, but for a time bore a sort of ambiguous canonical status, during which period designations varied from *fraterni-*

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<sup>353</sup> Ciceri, ‘La Regula non bullata,’ 151.

<sup>354</sup> A passage of the beatitudes referenced 6 times in the writings, Matt 5, 43-8 reads, 43 *audistis quia dictum est diliges proximum tuum et odio habebis inimicum tuum 44 ego autem dico vobis diligite inimicos vestros benefacite his qui oderunt vos et orate pro persequentibus et calumniantibus vos 45 ut sitis filii Patris vestri qui in caelis est qui solem suum oriri facit super bonos et malos et pluit super iustos et iniustos 46 si enim diligatis eos qui vos diligunt quam mercedem habebitis nonne et publicani hoc faciunt 47 et si salutaveritis fratres vestros tantum quid amplius facitis nonne et ethnici hoc faciunt 48 estote ergo vos perfecti sicut et Pater vester caelestis perfectus est.*

*tas, religio, or collegium fratrum.* The *fraternitas* had become a *religio* of sorts. *DeInc* 19 provides context for the shift in terminology,<sup>355</sup> which, as DESBONNETS has demonstrated with estimable competence, corresponded to a certain shift in status and organisation. We read, *Adhuc enim Religio fratrum non nominabatur Ordo.* Nevertheless, the Pope had approved the movement's *vita* as a *forma vitae* at the latest in 1215. Worthy of note, the *RegNB*'s explicated statement of canonical obedience to the Papacy amounted to a complete novelty among religious rules.<sup>356</sup> At the textual level, the statement of canonical obedience appears to be the lone aspect of ecclesial import regarding the early movement's obedience structure during the period, aside from perhaps the religious undercurrent present in the choice of the three solemn promises. It is, however, a groundbreaking aspect. What exact motivations lie behind the choice to explicate papal allegiance in the *vita* is difficult to determine with any degree of certainty, as no systematic ecclesiology appears at this stage. In any event, the prologue's meaning originates in its rhetorical structure. The cascade structure of the prologue implies descendent derivation of authority-obedience relations beginning with the triune God and ending with all the brothers. The statement of canonical obedience follows upon the initial evocation of the Trinity. The prologue not only defines the *vita* as a binding contract with the papacy with perennial force of validity, *et eius successoribus*, it also presents an integral vision of a *religio* subordinate to the Church of God, whose head is the Pope. In addition, hagiographical accounts unanimously relate the brothers' collaboration with and reverence for clerics and church hierarchy. Two especial cases arise in the persons of Bishop Guido of Assisi and Cardinal John of St. Paul.<sup>357</sup> As the *Test* attests, the brothers, in their wandering, possessionless way of life, would often reside for short periods in church vestibules, showing reverence for priests, and glorifying God in work and prayer all the while prayerfully chanting *Adoremus te.* It is presumable that the passages reporting previous experience refer to those years, yet the *RegNB* in the redactional phase at hand offers little supplementary insight into the ecclesial engagement of the friars.

### ***Forma vivendi ad Claram et sorores***

#### 1. Authenticity and *Sitz im Leben*

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<sup>355</sup> The work's full title reads, *De inceptione vel fundamento Ordinis et actibus illorum fratrum Minorum qui fuerunt primi in religione et socii B. Francisci.* Such passages sparked the magisterial study of Th. Desbonnets, *From Intuition to Institution: The Franciscans* (Franciscan Herald Press, 1988).

<sup>356</sup> Cf. Quaglia, *L'originalità della Regola francescana* (Scuola Tip. Francescana, 1943). Interestingly, although they did not vow obedience to the Papacy in their rule, the Gilbertine and Cistercians were exempt from episcopal control and under the papacy alone. H. Workman, *The Evolution of the Monastic Ideal*, 264.

<sup>357</sup> *DeInc* 42 (FF 1345-6) For a more detailed discussion of these two figures, see: Feld, *Franziskus von Assisi und seine Bewegung*, 130-5 & 167-172.

The *Forma vivendi ad Claram et sorores* is a writing cited in the *Testamentum* long ascribed to her and transcribed in full in ch. VI of her *Regula*.<sup>358</sup> It is generally believed to be authentic and original as well as having survived as a fragment. Most scholars maintain an approximate date of 1212-1213, just at the beginning of their stay at San Damiano.<sup>359</sup> Scholars of recent decades have lent attentive study to the possibility that Francis and his movement underwent influence at the encounter with the Damianites, not only vice-versa. Scholars have even purported inspiration for the *RegEr* appealing to the context of *FormViv* and the early exchanges between the two movements. Nevertheless, inclusion in the *Regula sanctae Clarae* attests to mutual respect and admiration and a general sense of awe at their intuition of the divine, (*divina revelatione*).

## 2. Thematic-Theological Analysis

While *FormViv* might appear at first a simple admonition or *vita* granted to the sisters of San Damiano, a closer glance reveals that is among the earliest written clues that Francis was an engaged, perceptive, and gentle charismatic and not a megalomaniac, to use modern psychoanalytic jargon. In the *FormViv*, Francis views the sisters of Damiano with high regard and would later address them with the honorific title of *dominas meas* (*UltVol* 2). Francis' unmistakable affinity for the divine and for the feminine<sup>360</sup> drew him to Clare and then to her Damianite sisters, giving way to reverence for their way of life. Clare's prefix to the writing indicates that the sisters had promised obedience to Francis.<sup>361</sup> Francis in turn extols their radical adherence to the Gospel, *elegendo vivere secundum perfectionem sancti Evangelii*, which Clare explains in more specific terms as embracing *paupertatem, laborem, tribulationem, vilitatem et contemptum seculi*. Francis adorns their exceptional faithfulness to God with recognizable familial and regal imagery. Transforming themselves into daughters and maidservants of God, they embraced him as Father and heavenly King. Cavalier honour and charm shines through in the writing, but transposed onto the plane of the kingdom of God. As did Mary, the sisters have bore Christ in their works by wedding the Holy Spirit. *FormViv* thus constitutes a gesture of gratitude and exhortation that the Damianites had awakened in Francis and his brothers a new receptivity to the presence of God in such an unexpected place, which

<sup>358</sup> See: Esser, *Die Opuscula*, 296-9; Kuster, 'Gli scritti di Francesco e Chiara,' 370-375; & Paolazzi, *Scripta*, pp. 378-9.

<sup>359</sup> Paolazzi, *Scripta*, p. 379. For a list of varying opinions and where to find them, see: Kuster, 'Gli scritti di Francesco e Chiara,' 373.

<sup>360</sup> *RegNB* XII (*Scripta*, p. 262) hints at Francis' healthy affection for women. There he implies that religious women should be permitted to lead their lives without always having to answer to the brothers.

<sup>361</sup> For juridical perspective on Clare and her sisters' profession of obedience to Francis and its legitimacy, see: A. Boni, *La questione del potere nell'ordine dei Frati Minori*, 38-44.

is to say among women, whom the society and Church of the time considered suspect at best. The engagement and receptivity of Francis and his brethren appears to have led to mutual inspiration and edification, which are the fruit of loving self-*minoratio* and universal obedience conveyed in the second redactional phase of *RegNB* and in other writings.

***Regula non bullata*** III (ca. 1215-1217):  
chs. XV, XVII (in part), XIX-XXI

1. *Sitz im Leben*

A third *RegNB* strata forms a literary unit which corresponds to a successive phase of redactional elaboration. Such material includes that introduced at the inspiration and behest of Lateran IV decrees<sup>362</sup> but prior to the delegation of provincial authority in the form of ministerialship.<sup>363</sup> Significantly, the council's decrees articulate explicit concerns for clerical ownership of animals used for the hunt, for prelatory sanction to the office of preaching, for doctrinal catholicity amongst its members, and in particular for liturgical reform regarding the sacraments of Eucharist and confession. With regard for Eucharistic decrees, Lateran IV canons aimed to reiterate Catholic doctrinal matters with undeniable clarity over and against the beliefs and teachings of heretical groups, such as the Cathars. The unit is a case of what Flood terms theoretical elaboration, but a case of a particular nature.<sup>364</sup> Despite the difficulty of determining direct consultation of Lateran IV as a source for the present phase of regular redaction, substantial material parallels and close previous collaboration with Innocent III render the presupposition reasonable.

2. Thematic-Theological Analysis

*The Fraternal Ideal and the Case of Riding Horseback*

D. FLOOD has long asserted that XV was a negative insertion,<sup>365</sup> as its contents are not of primary significance to the brothers' statement of purpose. It is thus proper that it receives secondary treatment in a subsequent phase, although scholars disagree as to the exact period to which it pertains. The present author views the insertion as the movement's radical assimilation of Lateran IV legislation. Canon 15 prohibited clerics from the keeping of animals for

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<sup>362</sup> To say that Lateran IV legislation influenced the movement does not infer that the movement adopted a stance implemented by the canons in an empty gesture. It is not unreasonable that if the brothers were inspired by Lateran IV decrees, then they incorporated such directives into their *vita* because it resonated with their emerging culture.

<sup>363</sup> XVIII (*Scripta*, pp. 270-2) is certainly post-Lateran IV. Given that the role of the minister is intimately linked with the chapter's core message, however, one must date it to post-1217.

<sup>364</sup> 'The Genesis of the Rule,' 35-6.

<sup>365</sup> 'The Genesis of the Rule,' 38.

hunting purposes, specifically dogs and birds of prey. For the early movement, self-*minoratio* and universal obedience required the renunciation of those things, which would associate one with self-aggrandising *maioritas* and high societal structures in light of their Gospel ideal. The movement appears to have taken the Lat IV decree to an extreme conclusion, to the point of prohibiting riding horseback.<sup>366</sup> Importantly, ch. XV appears just after the essential ch. XIV entitled *Quomodo fratres debeant ire per mundum*. Of particular significance in the Middle Ages, an epoch of high symbolism, the horse bore specific meaning. During a period in which travel, agriculture, hunting, sporting competition, and chivalrous pageantry were all desirable activities dependent in part or entirely upon equinity, possession of a horse was a luxury available to few, among which clergymen at times.<sup>367</sup> In fact, it was not an infrequent occurrence for Cluniac and Cistercian abbots to own horses,<sup>368</sup> and in this regard (as in others) co-terminous perception was not without its critique of their religious pomp and circumstance.<sup>369</sup> Refusal to ride horseback and thus travel on foot amounted to renunciation of convenience, luxury, high ranking in social order as well as of war and violence, none of which Francis and his brothers intended to endorse. Rather than a horse, Francis is said to have ridden another animal of highly symbolic meaning on his preaching tour through central Italy; namely, a donkey. In stark contrast to knights and their Christian counterparts, crusaders and military religious,<sup>370</sup> Francis and his companions sought to undermine the current *Zeitgeist* of dominance, coercion, and all manner of forcible influence in order to advance their Gospel alternative.

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<sup>366</sup> In fact, Lateran III decrees had forbidden clerics to have animals for the purpose of hunting and were also critical of the participation in jousting and combative tournaments. Also, Bernard of Clairvaux (*De laude novae militiae*) was highly critical of favourite decorative effects and activities among secular knights, thereby contrasting them with Templar knights; namely, costly silk horse blankets, armour, and hunting, in particular falconry. In addition, Jacques de Vitry wrote in his sermon *Ad potentes et milites* that tournament combatants were guilty of committing the seven deadly sins, first among which pride. Fleckenstein, *Rittertum und ritterliche Welt* (Siedler, 2002), 214-15 and 208 respectively.

<sup>367</sup> *DeInc* 37 (FF 1340-1), *3Soc* 57 (FF 1428-30) passages relates priests riding horseback in relation to reverence for clergymen. *CAss* 74 (FF 1578-83) tells of Hugo bishop of Ostia and his entourage of knights, monks, and other clerics.

<sup>368</sup> *CAss* 76 (FF 1585-6) relates that Francis meets an abbot who arrives to him on horseback.

<sup>369</sup> The Cluniac Statutes of 1200 (n. 61) seek to limit the number of servants and horses that an abbot or prior might bring to chapter meetings. *Statuts, chapitres généraux et visites de l'ordre de Cluny*, Tome I (Paris, Éditions E. De Boccard, 1965), 51-2. The Cistercian Constitutions of 1202, relevant passages originating in the 1180's, also contain restrictions on the number of horses allotted an abbot *en route* to general chapter (V, 6) and forbid cellarers from the riding of horses (IX, 9) but also include a provision that monks see to the procuring of sufficient feed for the horses (XIII, 26). B. Lucet, *La codification cistercienne de 1202 et son évolution ultérieure* (Roma, Editiones cistercienses, 1964), 64, 108 & 152 respectively. On this point, see: F. Cygler, *Das Generalkapitel im hohen Mittelalter*, Vita regularis 12 (Münster, Lit Verlag, 2002), 54-5. There is a famous story of Dominic, who is shocked as he sees Cistercians riding horses.

<sup>370</sup> It bears mention that Templar knights rode in twos on horseback, or at least were depicted as doing so in art, as a sign of humility.

Not only did the possession of beasts, in particular horses, symbolise principles of *maioritas* and dominance over humans, it represented a clear subdual of a living being created by God. In addition, as *SalVirt* and *Cantico* later attest, the early movement's vision, in particular in this instance that of Francis, extended being *subditi omnibus* to the animal kingdom. For the brothers, being-in-the-world was inseparable from being-with-the-animal.<sup>371</sup> Such a notion appears to undermine divine sanction to rule over creation in the Genesis narrative.<sup>372</sup> Nonetheless, notions gleaned from *SalVirt*, *Cantico*, and the current chapter subscribe to the goodness of creation to such an extent as to ostensibly countermand divine order to subdue and dominate (*domino, dominare*) the creatures, or rather transform it, as the polyvalent wordplay of the *Cantico*'s verb *governare* suggests. In addition to the model of leader as *minister et servus* delineated below, OT scriptural pericopes also provide a background for the nurturing relational paradigm required of those in positions of influence.<sup>373</sup> The attitude toward animals is among the many paradoxical notions with regard to the concept of obedience in the writings.<sup>374</sup> Not only were the brothers, Francis in particular, attentive to the creatures' existence and worth, but they envisioned a world in which all God's creatures were sacred and worthy of obedience.

#### *Francis, Paternalism, and Personal Structures of Obedience*

During the current redactional phase, perhaps shortly after 1215, Francis began to assert a greater degree of central authority, which affected the structures of obedience and organisation. As before, he sent brothers under obedience two by two out into the world, but he

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<sup>371</sup> "Is being-with-the-animal a fundamental and irreducible structure of being-in-the-world, so much so that the idea of a world without animals could not even function as a methodological fiction?" Jacques Derrida, *L'animal que donc je suis* (éditions Galilée, 2006). One thinks of the scene of Francis at the table being fed chicken, which he was permitted to eat by the rule, which holds to the Gospel injunction that 'you may eat that which is placed before you,' where he pretends to eat it but in reality lets it fall to the floor. Also pertinent is the scene where he goes about in a public display of penitence for having eaten a piece of chicken meat while ill, which is also permitted according to the rule. Are the accounts indicative of a respect for living beings that carried over into his eating habits? Could it be indicative of a dietary tendency that derives from the care for living beings as divine creation? Perhaps one may also investigate the social dimension of eating the flesh of animals.

<sup>372</sup> Genesis 1, 28: *benedixitque illis Deus et ait crescite et multiplicamini et replete terram et subicite eam et dominamini piscibus maris et volatilibus caeli et universis animantibus quae moventur super terram.*

<sup>373</sup> Cf. Ps. 71, Ps 9, Prov. 19 and Tobit 4

<sup>374</sup> Other such instances include disobedience to his biological father, a direct transgression of a commandment (Deut, Malachias 1). The vision espoused in the writings and Francis' example are counter-cultural to societal norms espoused in OT (Book of Wisdom 33, 20-33) and NT and in particular Pauline notions of apocalyptic Christian maintenance of such norms including the suppression of women (1 Cor 7, 17-24; Eph 6, 1-9; Col 3, 18-25; Col 4, 1; 1 Tim 2; 1 Pet 3, 1-6, etc.) to which the early movement was diametrically opposed. On the point of women, see: *RegNB XII (Scripta, p. 262)* and *FormViv (Scripta, p. 380)*. Indeed, God's commandments require radical change. In addition, Francis abdicated post as head of the order yet continues to demand obedience. Speaks often of obedience in a highly patriarchal societal setting, but reveres and honours Clare and her sisters contrary to Pauline notions that women should not have authority and should remain silent and submissive. (1 Tim 2.) On the paradoxes of 'franziskanische Demut,' see: Feld, 208.

instated (ostensibly) new measures in order to exert influence upon the movement. He proofed the brother's catholicity (*RegNB* XIX), issuing a strong, personal order in the *vita* (*RegNB* XV). Hagiographical passages<sup>375</sup> regarding the early traces of Francis' correction at chapter meetings also pertain to this period. The structures of obedience began to assume a more paternalist component, whereby central authority demanded obedience, albeit of a personal nature, and insisted upon control of the movement's members and offered correction when brothers did not make the grade. Juxtaposition of the fraternal ideal and Francis' nascent centralising organisational praxis reveals a paradox. The far-reaching model of universal obedience and self-*minoratio* espoused in the brothers' *vita* and other writings appear to clash with Francis' own leadership praxis. Nonetheless, the personal nature of obedience structures centred on Francis, even though they were absolute for the entire movement, possess a transinstitutional justification. Not only a leader but a charismatic authority, Francis and his actions possessed normative value. A seeming theoretical rift thus arises between *vita* and charismatic, between transpersonal and personal normative force. The dialectic between transpersonal and personal norm underscores the enigmatic nature of the early structure of obedience. Due to his post as *caput religionis*, Francis assumed responsible for the movement. Perhaps Francis had come to terms with the realisation that rendering immanent the kingdom of God requires a firm hand at times. Perhaps he saw the occasion to enforce the fraternal ideal 'from above' as a labour of love, a service to the brothers.

#### *Ecclesial Obedience*

Radical assimilation of conciliar directives occasions a brief comment on the ecclesial dimension of obedience concepts in the *vita*. In the brothers' vision and plan, was the kingdom of God compatible with the Church of the day? All except for the martial crusade initiative, to which the brothers' would soon propose their own Gospel alternative. Not unrelated to crusades, the brothers chose to promote Eucharistic devotion and praxis according to proper ecclesiastical forms by word and example as an alternative to the Albigensian crusade. Just goes to show that while the movement was devoted to Church, it was not blindly obsequious in taking up every initiative called for by papal wish.

In ch. XVII, sanction to the office of preaching may only be granted according to ecclesiastical procedure, for which prelatory permission was obligatory. Such was the degree of obedience to bishops and diocesan protocol instituted by the Church. Ch. XIX prescribes controlling for catholicity of members by the canons 1-3 of the Lateran IV promulgation. By that

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<sup>375</sup> *DeInc* 37 (*FF* 1340-1), *3Soc* 57 (*FF* 1428-30)



reasoning, the brothers considered catholicity a criterion for idoneity of the *officium praedicationis* and beyond that as an express criterion for inclusion in the movement.

According to ch. XIX, 3-4, each cleric and religious constitutes a lord (*dominus*) in all that regards the salvation of the soul and does not deviate from their religion. The same criteria, which will later concern the minister's legitimate command and sanctioned disobedience to a faulty command. The lordship of clerics arises again as a concept in further writings. Ch. XX articulates the earliest written traces of the movement's growing concern with the Eucharist, which receives reinforcement and more definitive expression in other writings *EpFid*, *EpCler*, *EpOrd*, *Adm. Test* echoes themes of XIX and relays honour for priests based upon administering of word and sacrament. V. 4 reads *quia potestas ligandi et solvendi solis sacerdotibus est concessa. Dominus/domnus* was a 'honorific' title.<sup>376</sup> The principle that underlay the lordship of clerics is that of paying tribute to the Lord by honouring in particular his lesser lords and servants, in this case priests. A subtle, yet important link between *penitentia* and sacraments of confession and Eucharist lie in the background amplified in other writings (*EpCler*, *EpFid*, *EpOrd*). The current redaction of *RegNB* relays the centrality of God's word and of the sacraments, in particular the Eucharist. In such a view, the above indications refute claims to the early movement as a Church unto itself; they were rather admittedly a church within a Church, but one that lived by the prescriptions of the Church.

#### ***Regula non bullata* IV (1217-1219):**

II (in part), IV-VI, XVI (in part), XVII (in part), XVIII, XXII

#### 1. Literary Unit and *Sitz im Leben*

It is the general postulation of scholars that a 1217 chapter meeting marked the official expansion of the movement into novel geographical regions.<sup>377</sup> By now its numbers and mission inclination were in remarkable upsurge. Francis personally commission provincial overseers, and the *vita* assigned specific jurisdiction to the respective minister of each region or province.<sup>378</sup> With the division of the *fraternitas* into provinces and the concomitant delegation

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<sup>376</sup> Sykes, *Inventing Sempringham*, 33.

<sup>377</sup> Many authors simply cite Esser, who cites Holzapfel's *Handbuch* (1909). Holzapfel provides neither source nor justification for his claim. Upon reading the studies of Brooke and Dalarun, I discovered that there are two relevant hagiographical references (*DeInc* 44: *FF* 1347-8 & *3Soc* 62: *FF* 1435), which relate that *Expletis autem annis XI ab inceptione Religionis et multiplicato fratrum numero, electi fuerunt Ministri et missi cum aliquantis fratribus quasi per universas mundi provincias, ubi fides catholica colebatur* and three studies that corroborate its statement by tracing the evolution of provinces. See: G. de Paris, *Histoire de la fondation*, 522-26; J. Moorman, *Medieval Franciscan Houses* (New York, 1983), 691-2; L. Pellegrini, 'I quadri e i tempi dell'espansione dell'Ordine,' in: *Francesco d'Assisi e il primo secolo di storia francescana*, 166-201.

<sup>378</sup> Cf. Esser, *Origins*, 64.

of the provincial minister office, regional governance and responsibility according to the *vita* centred on the new ministerial office, of which Francis was *minister et servus totius fraternitatis* (XVIII, 2). The authority of the initial *minister et servus* embodied by Francis became vested with certain limitations in lesser, provincial authorities, proper duties in turn assigned. The expansion of the normative structures correlates to the endeavour to maintain a centralized, yet fraternal structure of obedience with each brother at once also bearing responsibility, one for the other. While the brother's proper attitude in the world received extended treatment, the mission to Syria also most likely began in this period.

## 2. Thematic-Theological Analysis

Much of the content in the present redactional phase regards activities, in which the brothers had long been engaged prior to textualisation. As Flood notes, "...the brothers were living their project before they later deepened it through reflection."<sup>379</sup> An instance in which such an assertion is perhaps somewhat less applicable, however, regards the institution of provincial ministers. A 1217 chapter saw division of the movement into geographically determined domains or provinces. Chronological proximity to Lateran IV legislation (can. 12) and to customs associated therewith bespeak a probable influence upon the movement's policy of provincial division. On the Cistercian model, the council's canon 12 prescribes triennial general chapters for orders by geographical districts (*In singulis regnis sive provinciis*). With an overwhelming quantitative membership and the growing mission impulse in the movement, the brothers saw fit to expand their mission from Italy to far-off lands undertaking journeys across Europe and beyond, taking to mountaineering and seafare.<sup>380</sup> As CUSATO notes, decisions made in 1217 had tangible consequences for structures of obedience.<sup>381</sup>

### *Leaders as Ministers and Servants*

The ca. 1217 division of provinces and delegation of provincial ministers preceded the addenda of *RegNB* IV-VI, which treat the proper relationship between brothers and ministers. The literary block's opening exclamation – *In nomine Domini!* – is attention-inducing; its message, clear and resolute. No one must overlook the words that follow. Significantly, whereas traditional monastic contexts entailed a slew of nominations, implying either pater-

<sup>379</sup> 'The Genesis of the Rule,' 32.

<sup>380</sup> Jordan of Giano, *Chronica*, 3-9 & 16-18. Giano claims that more than 3,000 brothers were present already at the Pentecost chapter of 1217. For a more detailed analysis of the movement's geographic expansion, see: J. Moorman, *A History of the Franciscan Order*, 62-80; R. Brooke, 'La prima espansione Francescana in Europa,' in: *Espansione del Francescanismo tra Occidente e Oriente nel secolo XIII*. Atti del VI Convegno internazionale, Assisi, 12-14 ottobre 1978, R. Rusconi, Assisi 1979, 123-150 & L. Pellegrini, 'I quadri e i tempi dell'espansione dell'Ordine,' in: M.P. Alberzoni (ed.), *Francesco d'Assisi e il primo secolo di storia francescana*, Turino 1997 (Biblioteca Einaudi, 1), 165-200.

<sup>381</sup> Cf. Cusato, Foreword to Dalarun, *Francis of Assisi and Power*, 11.

nalism or superordination, among which *abbas*, *magister*, *praelatus*, *prior*, or *superior*, the brothers' *vita* deems leaders *ministri et servi*, and refers to them if anything in somewhat feminised terms considering the era. An extreme contrary instance, the abbots of Cluny and their aristocratic monks were renowned for having servants to perform menial tasks, thus freeing them up to pray and conduct their lavish liturgical ceremonies.<sup>382</sup>

Similar to such terms as *misericordia*, *caritas*, *gratia*, and *pax*, *servus* was a central term in the Vulgate lexicon, rich in semantic import. Francis and his brothers had surely absorbed the NT logic of servitude. The dynamic NT vision of servitude in its broadest meaning entailed *a quo enim quis superatus est huius et servus est* (II Pet 2, 19b), which of course includes all manner of sin. While the NT frequently contrasts the status of *servus* with that of non-slaves (*servus et liber*) (Col 3, 11; Rev 6, 15), slaves of Christ gain a freedom incomparable to any other, freedom from sin. OT and Pauline NT passages outline the proper relationship of masters to their servants, while exhorting all to remain in their respective stage in life. The brothers usurp even the notion of proper lordship, thereby renouncing power and embracing a vocation of extraordinary obedience. A fundamental Christological principle transformed the brother's conception of servitude and proper power relations in the kingdom of God. *RegNB* IV, 6 urges the brothers with a Matthean verse to lead as Christ lead. *Non veni ministrari, sed ministrare*. Other Gospel pericopes outline a holy transformation of the relations between kings and servants.<sup>383</sup> Herein lies a potential link to the attitude of mercy outlined in *EpMin*. Nonetheless, in light of the fraternal ideal, the early movement's *vita* urged all brothers, ministers in particular, to take the biblical model of lordship and slavery<sup>384</sup> to an extreme conclusion, transforming it, and in so doing to adorn one another's feet not with shackles but with kindly gestures (*alter alterius lavet pedes*, *RegNB* VI, 4). The brothers had thus projected the inversion of values instilled by a penitential Gospel vision of the world onto the role of leadership. Their *vita* called superiors to be subordinate, masters to be servants. As servants, the *vita* required of them the total embodiment of service, in title, deed, word, and duty.

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<sup>382</sup> After a time of reform, the Cluniac Statutes of 1200 (n. 61) seek to limit the number of servants and horses that an abbot or prior might bring to chapter meetings. *Status, chapitres généraux et visites de l'ordre de Cluny*, Tome I (Paris, Éditions E. De Boccard, 1965), 51-2. A similar policy appears in the Cistercian Constitutions of 1202 (V, 7). See: B. Lucet, *La codification cistercienne de 1202 et son évolution ultérieure* (Roma, Editiones cistercienses, 1964), 64.

<sup>383</sup> See especially: Matt 10, 24; Matt 18; Matt 20; Mk 10.

<sup>384</sup> OT attitude toward slaves (Wis 33, 25-33) was not to free them but to put them to work, ensuring their obedience with the threat of harsh punishment (*si non obaudierit grava illum conpedibus*), while at once also treating them as a brother due to their utility. NT conveys a not so dissimilar message to slave-owners, albeit perhaps with more concerted emphasis upon mercy and charity (cf. Philemon).

Understood in the broader context of the *vita* as a whole, *RegNB* IV-VI carries over the duty of mutual obedience outlined in prior sections of the *vita* into the realm of duties proper to provincial ministership. *RegNB*, XI urged the brothers to be mindful of Christ's command, the commandment of the new covenant, the reign of God in fraternal charity, which Christ himself embodied: *Hoc est preceptum meum, ut diligatis invicem, sicut dilexi vos*. On the basis of such an all-encompassing precept, *RegNB* couples once again love and the mutual obedience owed to one's confrere. *RegNB*, V thus exhorts the brothers *per caritatem spiritus voluntarie serviant et obedient invicem*. The Golden Rule proposed in relation to brothers having fallen ill in ch. X, 1 is then repeated as a model for responsibility of ministers to confreres, vice-versa. Nevertheless, it is not only out of a sense of charity that ministers serve the other brothers, it is also a qualifiable duty owed directly to God, which is their charge and for which they are accountable. The Lord has entrusted them with *cura animarum* of the other brothers. If even a single brother were to go lost on their watch due to their indiscretion, they will have to render an account before the Lord.<sup>385</sup> A pastoral motif portrays the ministers as shepherds charged with the duty of tending to their sheepfold.

A product of the earliest attempts at regionalised governance and organisation fitting of the brother's penitential ideal, the text defined roles by designated spheres of duty. It stands to reason that the movement would charge its leaders (*ministri et servi*) with exceptional duties. After calling the brothers to obey ministers and one another, *RegNB* IV lists a minister's duties to his confreres, among which assignment to localities, guarding a brother's idoneity to go into mission (XVI, 3-4) and preach (XVII, 1-2), and care of souls, that is visiting, exhorting, and comforting *spiritualiter*, that is according to the Spirit, not the flesh. Other instances of *spiritualiter* in *RegNB* provide a context for the passage and suggest a link between the minister's duties and an attitude of humility and charity. Ch. VI calls the minister to endeavour to provide or make provisions for (*studeat providere*) brothers unable to observe the *vita*, a certain 'recourse to ministers clause,' implying the minister's active procuring of necessary material goods. While some authors understand the passage as a reference to a brother's conflicted conscience, interpreting it in light of its similarity to *RegB* X, 4, usage of active language, reference to the state of itinerancy (*in quibuscumque locis sunt*), and plural *fratres* implies the organised procuring of material goods in times of necessity. The passage leaves the

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<sup>385</sup> *RegNB* IV, 5 (*Scripta*, p. 248): *...et quod commissa est eis cura animarum fratrum, de quibus, si aliquis perderetur propter eorum culpam malum exemplum, in die iudicii oportebit eos reddere rationem coram Domino Jesu Christo*. The mission chapter XVI also warns against sending unsuitable brothers into mission, reading, *Minister vero det eis licentiam et non contradicat, si viderit eos esse idoneos ad mittendum; nam tenebitur Domino reddere rationem, si in hoc vel in aliis processerit indiscrete*.

discretion in the hands of the minister, exhorting him to treat the brothers on a case-by-case basis and to act in accordance with the Golden Rule, thereby accommodating the brothers as he saw fit. On the basis of mutuality and within the limits already established by the *vita*, that is *preter pecuniam* (VII, 7), the *vita* permitted provisions for necessities, a congruency with the principle put forth in a prior section: *quia necessitas non habet legem* (IX, 16). Of particular note, *RegNB* VI, 1 introduces the term of observance (*observare vitam nostram*) with regard to the *vita*, which would reappear in more official capacity and come to denote the object of profession in *RegB* I.

### *Structures of Minority*

The *vita*'s call to renunciation of earthly power structures and the total embracing of an extraordinary vocation to obedience were not mere abstract whimsicality; rather, the brothers enacted concrete measures congruent with the movement's penitential, fraternal principles. Ch. V grants brothers the 'right to dissent' to a minister's illegitimate command regarding matters of the soul and of the *vita*. The 'right to dissent clause' suggests three things. Firstly, not only the act of commanding, but the content of a command was relevant. Next, the minister's authority was thereby not absolute, but limited to the proper exercise of a role. Finally, two things intrinsic to that role overruled the authority of the minister, namely care of a brother's soul and observance of their life. *RegNB* V thus sets the limits of obedience in relation to an authority, which was non-absolute.

Furthermore, brothers took measures ensuring that ministers satisfied their role as servants. Chief among such measures was the ch. V passage, a certain 'fraternal control of authority clause,' whereby brothers were to watch over their ministers, guaranteeing their abiding idoneity. Criteria for such idoneity were *ambulare spiritualiter* or *carnaliter*, which is to say living conformably with the integrity of the *vita* or not. Unsuitable ministers met censure at the hand of the *minister et servus totius fraternitatis*, which implies the possible relieving of one's charge. Understood in the context of fraternal correction more broadly, the 'fraternal control of authority clause' is an extension of that fundamental responsibility of each Minorite to guard his own soul and that of his brother (V, 1). If read in isolation, however, the criteria for a minister's idoneity may appear of a dim or abstract nature. Nonetheless, *RegNB* VII and XVII aid in contextualising the *carnaliter-spiritualiter* dichotomy. Ch. VII delineates that proper Christian posture of mutuality driven by an attitude of love characterised with the adverbs *benigne*, *spiritualiter*, and *diligenter*. In ch. XVII, 5-16, *spiritus carnis* represents that empty religiosity, that *sapientia huius mundi*, which favours grandiose displays of holiness but lavishes in the sin of *superbia* and self-aggrandisement. Conversely, *spiritus Domini* en-

deavours to subordinate the flesh to the spirit and seeks the virtues of *humilitas*, *patientia*, *pura simplicitas*, *vera pax spiritus*.<sup>386</sup> One may thus conclude that the decisive gauge for idoneity beyond a minister's blatant disregard for *vita* norms was a brother's conscience or set of consciences judging according to the spirit of the *vita*.

Coupled with the brother's 'right to dissent,' the minister's 'supervised residence'<sup>387</sup> set up a system which granted authority based solely upon the legitimate realisation of a role, kept in check by the *vita* and the conscience of the other friars. Ministers ought to help the brothers avoid sin and accomplish the *vita*, the *vita* precluded them from doing otherwise, and the other brothers ensured that they lived accordingly. In such a way, the fraternal relations of mutual love and obedience assumed a responsibility of ample magnitude and put into act a system to absorb sinful structures, thereby dissolving them with the force of self-*minoratio* and fraternal correction. The ministers thus were subject not only to the *vita* in living and preserving its integrity but also to the other brothers in the responsibility to and control by their consciences. *RegNB*'s precedence to *vita* and to conscience therefore constituted a capsized order hierarchy, which served to foster the care of the brother's soul and ensure a domain for his fraternally mediated journey with God that all might 'persevere in the Lord's commands, as they have promised by the Gospel and their life.'<sup>388</sup> A possible hint to primitive Minorite profession, the line indicates that the Gospel was part of the professed object, which the brothers promised to God, although the *RegNB* appears to constitute more a safeguard against sin rather than an equivalency of rule transgression with sinfulness.

Thus the ideal form of influence espoused in the *RegNB* corresponds with maternalist power relations in WARTENBERG's analysis. Dissimilar to paternalistic power, the brother's ideal power relation was not absolute, not condescending, and not all-pervasive. The model minister was not an overbearing, life-long presence; rather, he was a self-transcending presence, meant to foster the other's well-being in creating a good example and empowering others to guard their own soul and that of their brothers in observance of the *vita*. The *vita* ensured that such was the case. Read in conjunction with Matt 18, 15-20, *RegNB* shows that

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<sup>386</sup> Incoincidentally, these are the same virtues found listed in Col 3, 12-17: <sup>12</sup> *induite vos ergo sicut electi Dei sancti et dilecti viscera misericordiae benignitatem humilitatem modestiam patientiam* <sup>13</sup> *subportantes invicem et donantes vobis ipsis si quis adversus aliquem habet querellam sicut et Dominus donavit vobis ita et vos* <sup>14</sup> *super omnia autem haec caritatem quod est vinculum perfectionis* <sup>15</sup> *et pax Christi exultet in cordibus vestris in qua et vocati estis in uno corpore et grati estote* <sup>16</sup> *verbum Christi habitet in vobis abundanter in omni sapientia docentes et commonentes vosmet ipsos psalmis hymnis canticis spiritualibus in gratia cantantes in cordibus vestris Deo* <sup>17</sup> *omne quodcumque facitis in verbo aut in opere omnia in nomine Domini Iesu gratias agentes Deo et Patri per ipsum.*

<sup>387</sup> Desbonnet, *From Intuition to Institution*, 53

<sup>388</sup> *RegNB* V, 17 (*Scripta*, p. 250) : *Et quando perverant in mandatis Domini que promiserunt per sanctum evangelium et vitam ipsorum, sciant se in vera obedientia stare, et benedicti sin a Domino.*

brotherhood must be attained and protected. The *vita* prescribes measures to be taken, whereby the brother's were empowered to protect their conscience in striving for the salvation of their own soul and the integrity of the *vita* and depose an unfit minister. *Fraternitas* is an ideal state, a model for relationality. The above verses constitute another definitive statement indicating that a primary goal of the brothers' project was the salvation of their own souls. However, the *vita* is always mentioned alongside *anima*. It is thus presumable that there was a double purpose to the brothers' project, to which one must add the achievement of the fraternal ideal, the rendering immanent of God's kingdom in the world.

In broad functional, political terms, the system enacted in the *vita* by the brothers' 'right to dissent,' the 'fraternal control of authority,' and the consequential 'supervised residence' of leaders contains a hint of what DALARUN astutely coins as "potentialité démocratique," whereby "Le pasteur est toujours à la limite de la résignation. Le gouvernement, c'est un pouvoir par avance résigné."<sup>389</sup> Such a system of governance at once empowered the brothers to protect against faulty governors as an extension of the responsibility granted them to guard their souls and those of their confreres. The system of fraternal control with regard to leaders emphasised a principle of idoneity on the basis of competence over that of inherited status and implicated all in the complicity of its protection. The significance of such 'democratic potential' or mutual co-responsability on a functional level with regard to authority positions cannot be overstated, as it dissipates to an appreciable degree with the onset of the *RegB*. As a consequence, the fraternity also entails the dissident spirit of its origins.

A supplement to such traces of a democratic tendency is the appreciable parity of laity and priesthood, rustic beginners and cultured elites that would also begin to diminish in both mentality and legislation further on in the order's history. The reverence for priests detectable in the writings does not infiltrate at the level of policy, for laity were allowed ministerial positions (Elias). Francis, the movement's founder, was not himself a priest. The criteria of distinction were other than the societal or ecclesiastical traditions. Such is reflected in the movement's models of recruitment.<sup>390</sup> That is to say, the principle of idoneity on the basis of competence – in the sense outlined in the *RegNB* – was not yet that principle, which under Gregory IX and then in a more extreme form under Haymo of Faversham would become the dividing line that would judge competence on the basis of priestly status.

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<sup>389</sup> *Gouverner c'est servir*, 360.

<sup>390</sup> M. T. Dolso, *Et sint minores. Modelli di vocazione e reclutamento dei frati nel primo secolo francescano* (Milan, 2001).

### *Mission to the Infidels and the Universalisation of the Fraternal Ideal*

Ch. XIV is a mission rule, which the brothers' ideal and various brothers' experience (and imagination) of the East implored them to write. The majority of scholars retain a probable date of composition after Francis' return from the East. However, the chapter shows signs of having undergone heavy revisional work. Thus, although in its final form the text may well originate from 1220, the core teaching of the chapter was in place perhaps already near the end of the current redactional phase.<sup>391</sup> Ch. XVI handles the brothers' ideal in the instance of mission among non-Christian peoples. It reflects the heightened awareness of non-Christian peoples, expressly the Saracenes, throughout Latin Christendom in particular in the wake of Lateran IV conciliar decrees. The chapter shares conceptual consonance and thus logical coherence with XVII concerning preference for preaching with works by example over preaching with words alone. The chapter's final section reflects apprehensions perhaps more appropriate to negative experiences, such as those of the movement's first martyrs (1220).<sup>392</sup>

### *Francis and the Structures of Obedience*

The structures of obedience intrinsic to the period were the result of the combined force of the brother's carrying out of charismatic ideals, penitential self-*minoratio* toward all, etc., and emerging organisational structures either deemed necessary over time, dictated by practicality, or implemented as a gesture of ecclesial allegiance or devotion. A now regionalised, yet still centralised, system of governance required a basic level of organisation, legislative adaptation, and communication. One may rightly wonder, in what sense was the movement still "straff zentralistisch organisiert."<sup>393</sup> Formulated with greater precision, with the onset of regionalised governance, what exclusive rights did Francis retain and what rights did he delegate to provincials?

In the available sources, Francis himself conducted the selection and commission of provincial ministers.<sup>394</sup> Whether or not he retained the right to assign ministers is unclear. We know that Francis personally assigned Peter of Catania and Elias of Cortona as his *vicarii*

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<sup>391</sup> While most scholars believe ch. XVI to be a written accumulation of Francis' own experience, it is not unreasonable to surmise that the brothers had already begun to reflect upon the proper attitude of mission to non-Christians prior to Francis' journey.

<sup>392</sup> G. G. Merlo, *Nel nome di san Francesco*, 34.

<sup>393</sup> Esser, *Anfänge*, 65-66.

<sup>394</sup> *VbF* 48 & 77 (*FF* 322-3 & 352-3) report Francis' assignment of various ministers (John of Florence *a sancto Francisco minister fratrum in Provincia constitutus* and Lord Paul *quem ministrum constituerat omnium fratrum in eadem provincia*). Jordan of Giano writes, (*Chronicon*, 9) *Frater autem Helyas miniser provincialis est institutus ultra mare a beato Francisco*. Thomas of Eccleston (I, 3f) also supports the notion as he writes *frater Agnellus Pisanus...qui a beato Francisco in proximo capitulo generali destinatus erat provincialis ministers in Angliam*. Less specific and therefore less helpful, on the other hand, are *DeInc* 44: *electi fuerunt Ministri et missi* and *3Soc* 62: *electi fuerunt ministri et missi*. The Latin *electio* and *electus* signify in semantic terms the non-specific act of selection, which does not perforce denote a democratic process.



*generali* after his abdication; thus, it would not be absurd to posit that Francis may have also retained the exclusive right to assign provincial ministers after his abdication. As to the question of the acceptance of new recruits, all extant accounts assert that he retained the exclusive right until he left for his sojourn in the East in the year 1219, at which point Francis appointed two *vicarii*, who then overtook the responsibility. Upon Francis's return, whether he liked it or not, the noviciate year would soon be installed and the provincial ministers would oversee its execution, the brothers having requested the curia for a definitive decree concerning an institutionalised noviciate in Francis' absence. With that, the chapter of 1220 entered the policy into legislation.<sup>395</sup> *RegNB* II, 8-13 post-dates *Cum secundum concilium* (1220). It is likely that either in Francis' absence or upon Francis' return from the East and his abdication, the provincials were entrusted with the right of admittance regarding new recruits, which became the beginning step of a noviciate year on Papal decree.

As indicated, provincial ministers would take on more quotidian tasks, such as assignment to localities and care of souls, that is visiting, exhorting, and comforting *spiritualiter*, that is according to the Spirit, ensuring observance of their life, dealing with wayward brothers, and making provisions for brothers in times of necessity (*RegNB* IV-VI). The exclusive right granted to *minister totius fraternitatis* remains that of receiving and presumably exerting censure on recalcitrant provincial ministers by the 'fraternal control of authority clause' (V, 3-4).

Regarding the attainment of permission (*licentia*) to journey abroad into mission, *RegNB* XVI binds the brothers to have recourse to their minister (*suus minister et servus*) again specifying provincial minister, who in turn would then examine the idoneity of the aspirant to mission work, granting him permission on his discretion. In kind, XVII 1-2 delineates the manner in which brothers must seek permission *a ministro suo* to preach in addition to following ecclesiastical procedure in accordance with Lateran IV canons for the acquisition of the *officium praedicationis*. Once again, the invocation *minister suus* indicates provincial minister and not *minister totius fraternitatis*. *RegNB* XVIII institutes the provincial chapter, assigning to all ministers the duty to convene with his brothers *de his que ad Deum pertinent tractaturus* once each year at the feast of Saint Michael Archangel. In addition, ministers were obliged to attend the general chapter of Pentecost once a year, except those ministers outside of the peninsula (*in ultramarinis et ultramontanis partibus*), whose presence was expected triennially. Again, the potential influence of Lateran IV's canon 12 and customs associated therewith is impossible to ignore. The frequency of the general chapter meeting, however,

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<sup>395</sup> On the constitutions drawn up in Francis' absence, see: G. G. Merlo, *Nel nome di san Francesco*, 34.

was subject to the order and discretion of the *minister et servus totius fraternitatis*. If the present author's assertion that Francis' abdication of minister generalship occurred in 1220 holds true, it stands to reason that Francis was still head of the movement during the current regular redaction, and therefore retained such a right.

Thus, while DALARUN uses Francis' insistence on retaining the exclusive right to the admittance of new recruits until 1219 as a sign of his alleged despotic tendency, such duties were legitimate to the exercise of pastoral power by the canon law of the period.<sup>396</sup> Therefore, although the movement remained largely (not absolutely) centralistic in organisational terms, Francis did not rule as a despot in canonical terms. Nevertheless, while the movement remained "straff zentralistisch organisiert" in principle, it appears inevitable that as the movement expanded and became a more complex social organism, in terms of mundane situational indications, it would also become centred largely more on the *vita* and the provincials than around Francis himself. The exigencies of a three-thousand-member movement required normative structures appropriate to the demands of the state of affairs. While Francis and the movement's constantly emerging culture informed the *vita* and gave it meaning, it was nevertheless the *vita* and the ministers that regulated the lives of the brothers in a practical sense. Appraisal of what was deemed proper or 'necessary' were left to individual or ministerial discretion at the text-level. Thus, while institutional necessity began to ensue, its inevitable tension with the movement's charismatic spirit had not yet proven excessively problematic.

#### *Ecclesial Obedience*

Developments with regard to the movement's ecclesial obedience in the period at hand are few. *RegNB XVII*, 1-2 delineates that brothers must seek permission *a ministro suo* to preach in addition to following ecclesiastical procedure in accordance with Lateran IV canons 3 and 10 for the acquisition of the *officium praedicationis*. *Nullus fratrum predicet contra formam institutionem sancte Ecclesie et nisi concessum sibi fuerit a ministro suo* (ch. XVII, 1). In accordance with canonical procedure, one required prelatory concession to receive *officium praelationis*. As with many prior instance, the brother took steps to ensure the abiding reverence for Bishops and Church hierarchy in keeping with ecclesiastical protocol proper to their authority.

#### *Francis' Parting Admonition*

*RegNB XXII* is long thought to have been composed just prior to Francis' departure for the East in 1219. The chapter contains a reiteration of the brother's *vita* delivered with a

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<sup>396</sup> Boni, *La questione del potere nell'ordine dei Frati Minori*, 31-8.

slew of direct Biblical citations and coloured with a particular spiritualised, fraternal tone. On the example of Christ, the chapter calls the brothers to love one's enemies to attain eternal life and to hate one's body and its vices and sins, life according to which (*carnaliter vivendi*) separates one from the love of God. The central message of the admonition is that the heart of man is the root either of his salvation or of his doom. Left to its sinful devices, the heart produces all manner of vice in man. Words of particular poignancy then reaffirm the brother's mission. *Nunc autem, postquam dimisimus mundum, nichil aliud habemus facere, nisi ut solliciti simus sequi voluntatem Domini et placere ipsi* (XXII, 9). The proper way to prosper such a life is the reception of God's Word in one's heart. Only in obedience, that is in the disposition of receptivity and auscultation, to the Word of God can the brothers live *spiritualiter* as alluded to in prior chapters. If one gives in to the malice and subtlety (*malitia et subtilitas*, v. 19) of Satan, then one is already his servant and he his lord. That is how the word of God is suffocated and in turn the precepts of the Lord forgotten. The brothers are to construct an inner habitation (*habitaculum et mansio*) for the triune God, in whom the brothers are to confide as their spiritual pastor and patriarch (*pastor et episcopus*). Then comes an element that links the spiritualised message with structures of obedience. *Omnes vos fratres estis* (v. 33). To solidify the fraternal ideal, the admonition continues with a Mathean injunction:

*et patrem nolite vobis vocare super terram, unus est enim Pater verster qui in celis est. Nec vocemini magistri; unus est enim magister vester qui in celis est, Christus.*<sup>397</sup>

The titles listed here are all significant, inasmuch as they are exclusive to God in both theory and practice within the writings. The systematic application of *Pastor*, *Pater*, and *Magister* to God alone implies that the 'fraternal spirituality' or fraternal model of spiritual agency rooted in the Scriptures proposed in the writings also translated into structures of obedience within the movement, as RegNB deemed leaders *ministri et servi*, a significant redundancy. The categorical negation of earthly fatherhood amounted to the super-affirmation of Celestial Fatherhood. In principle, God the Father was their lone commander, Christ the only true master and teacher of the Father's will. The admonition thus evinces the spirited wish that in Francis' absence the fraternity remain fraternal not only in name.

### ***Illi qui volunt religiose stare in eremis (Regula pro eremitoriis data)***

#### 1. Authenticity and *Sitz im Leben*

Of undoubted authenticity<sup>398</sup> and originality, the text bearing the Esserian designation *Regula pro eremitoriis data* is not a rule in the proper canonical sense of the period; rather, it

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<sup>397</sup> RegNB XXII, 33 (*Scripta*, p. 280)

is a set of regulations or ‘precise stipulations’<sup>399</sup> intended for those residing in a place of contemplative solitude and retreat from the world – *eremus* – not equatable with the precise designation *eremitorium*, which would have constituted property and thus a transgression of the *vita*.<sup>400</sup> Hence, the name-change enacted above. Rather than simply desert, *eremus* had obtained a meaning similar to that of the Camaldolese hermits, who sought out a deserted place in a setting proper to northern Italy. Since the studies of Esser, scholars have garnered a wealth of insight with regard to the movement’s abiding affinity for a sort of *vita passiva* or *contemplativa* to which Francis himself also took refuge in times of difficulty. A passage from Thomas of Celano’s *Memoriale* offers context for the writing.<sup>401</sup>

It appears that the dilemma testified in *VbF* 35 (*Inter homines conversari* or *ad loca solitaria se conferre*) following papal sanction of their life had become a twofold life configuration, a proclivity of commuting between city and solitary place.<sup>402</sup> Jacques de Vitry’s 1216 letter also attests to the group’s oscillation between *vita activa* and *contemplativa*. A compliment to the brothers’ lowly labour and service in the world, the movement’s eremitical undercurrent had become so wide-spread that it occasioned a regulatory text.<sup>403</sup> *3Soc* attests to the existence of multiple rules (*plures regulas fecit*), among which one may situate the present writing.<sup>404</sup> Dating the *RegEr* proves a task of deceptive difficulty. Whereas reference to the office of ministers (v. 8, *per obedientiam sui ministri*) ensures a *terminus post quem* of 1217, scholars dispute a *terminus ante quem*.<sup>405</sup> Paolazzi has suggested 1221, as *RegNB* VII, 13 mentions those staying *in eremis*.<sup>406</sup> A date of 1209/10-1215 for *RegNB* VII, 13 based on a stratified redaction as that proposed by the present study would render Paolazzi’s argument irrelevant. Nevertheless, even in the remote unlikelihood of a 1221 dating of VII, 13, the

<sup>398</sup> While some manuscripts exclude the writing’s final verse (v. 10), undeniable thematic consonance with the *RegNB* supports the case for authenticity. See: Esser, *Die Opuscula*, 408-9.

<sup>399</sup> Esser, „The *Regula*,“ in Cirino-Raischl, *Franciscan Solitude*, 174.

<sup>400</sup> On the history of places of prayer, see: C. Cagnoni, OFM Cap, ‘Houses of Prayer in the History of the Franciscan Order,’ in *Franciscan Solitude*, 211-257.

<sup>401</sup> “*Fratres tui, in terra nostra pauperculo quodam eremitorio commorantes, ita vivendi modum sibi statuerant, ut media pars domesticis curis intenderet, media contemplationi vacaret. Hoc modo qualibet hebdomada in contemplativam activa transibat, et contemplantium quies ad laborum exercitia recurrebat.*” *Memoriale* 178 (*FF*, 600)

<sup>402</sup> G.G. Merlo, ‘Eremitism in Medieval Franciscanism,’ in: Andre Cirino and Josef Raischl (eds.), *Franciscan Solitude* (St. Bonaventure: Franciscan Institute Press, 1995), 266.

<sup>403</sup> The mention of *sorores minores* in Jacques de Vitry’s letter and the insistence of author’s support a sort of mutual influence between the Damianite community and that of the male movement. See: Niklaus Kuster, ‘Gli scritti di Francesco e Chiara. Autenticità e importanza,’ in *Verba Domini mei*, 366-369.

<sup>404</sup> *3Soc* 35: *Intantum ut in omnibus regulis suis commendaret potissime paupertatem et omnes fratres sollicitos redderet de pecunia evitanda. Plures enim regulas fecit et eas expertus est priusquam faceret illam quam ultimo reliquit fratribus.*

<sup>405</sup> Esser argues that *RegEr* predates *Devotionis vestrae* (29 Mar 1222) with its prescription of oratories for the brothers, mention of which is absent in the *RegEr*. Esser, ‘The *Regula*,’ in Cirino-Raischl, *Franciscan Solitude*, 178. He opted ultimately for a 1217/18-1221 date of composition. Esser, *Die Opuscula*, 410-1.

<sup>406</sup> Paolazzi, *Scripta*, p. 342.

probability that the brothers sought solitude *in eremis* before the writing and implementation of the *RegEr* does not necessarily undercut the probability of the opposite case. In fact, the former case appears more likely upon consideration of Jacque de Vitry's 1216 witness. In addition, *RegEr* prescribes a shift in attitude toward people around the *eremus*,<sup>407</sup> one which implies heavy traffic due to the movement's enhanced popularity and thus also buttresses the chronological posteriority of *RegEr* relative to *RegNB* VII, 13-14. *EpMin* remarks of an *eremitorium*, (again, distinct from *eremus*) a further development instituted by the bull *Devotionis vestrae* (29 Mar 1222) and settled in by the letter's late-1222, early-1223 date of composition. Also, thematic emphasis upon reciprocal relations and mutual obedience and responsibility harmonises with *RegNB* passages.<sup>408</sup> Hence, prior attestation to the praxis of contemplative solitude, the institution of provincial ministers, and contentual consonance with certain decisive chapters of *RegNB* lend credence to a date of ca. 1217-1219.<sup>409</sup>

## 2. Thematic-Theological Analysis

Dated ca. 1215 in the present author's estimation, ch. XVII, 5-8 provides a glimpse into the diversification of the brothers in terms of chief occupational task – *praedicatores, oratores, laboratores*.<sup>410</sup> The burgeoning Minorite culture began to generate a micro-society, a society within a society. In tandem with extra-Franciscan witnesses to the early movement, such an indication points to the existence of an emerging eremitic current within the movement. Hagiographical sources confirm with one voice that Francis himself often enjoyed the solace of solitude. Nevertheless, for the brothers, the solitary place was no refuge impeding the engagement in the vocation to lowly work. To be sure, not only did Mary and Martha symbolise *vita contemplativa* and *vita activa*,<sup>411</sup> they were also sisters of Lazarus, who symbolised the plight of the leper with immodest frequency in medieval texts. In addition, as other

<sup>407</sup> *RegNB* VII, 13-4 (*Scripta*, p. 254) reads *Caveant sibi fratres, ubicumque fuerint in eremis vel in aliis locis, quod nullum locum sibi approprient nec alicui defendant. Et quicumque ad eos venerit, amicus vel adversarius, fur vel latro, benigne recipiatur. RegEr* prescribes a greater degree of vigilance toward anyone disturbing silent prayer, which is an unequivocal indication that disturbances to contemplative solitude were becoming a problem. *RegEr* 7-8, *Et in claustro ubi moruntur, non permittant aliquam personam introire et neque ibi comedant. Et illi fratres qui sunt matres, studeant manere remote ab omni persona, et per obedientiam sui ministri custodiant filios suos ab omni persona, ut nemo possit loqui cum eis.* The change in harshness regarding the policy evinces the high level of priority attributed to eremitical praxis in the movement.

<sup>408</sup> See in particular *RegNB* chs. IV, VI, VII & XI (*Scripta*, pp. 248, 252, 252-4 & 260-2, respectively)

<sup>409</sup> Merten makes a similar case. B. Merten, 'Introduction to Critical Considerations of the *Regula Pro Eremiticis Data*,' in *Franciscan Solitude*, 145-6. What Ehrle says, however, holds true. "It is indeed very possible that these regulations touch upon the tradition reaching back to the first years of the foundation of the Order." 'Die Spiritualien, ihr Verständnis zum Franziskanerorden und zu den Fraticellen,' *ArchLitKir-Gesch* III, 604.

<sup>410</sup> Interestingly, *predicatores* replaces the common medieval category of *pugnatores* or *bellatores*. Fleckenstein, 105.

<sup>411</sup> Gregory, VI, *Moral.*, c. 23, n. 61.

writings have attested, the strong current of eremitic life with its focus upon direct contact with God, prayer, penance, and praise, flowed seamlessly into submission and service to all in the world. *LaudHor* and *RegNB* XVII, 17-19 constitute definitive mission statements, whereby the contemplative life of contrite and laudatory prayer affects the active life of service. The two thus enter into veritable oscillation between contrition, compunction, praise, and the working out of one's penance in the world by becoming God's hands of mercy in lowly labour.

Frequent scholarly attention to *RegEr* as a spiritual text has been supplemented with Dalarun's assertion of *RegEr* as a model of governance.<sup>412</sup> He correctly claims that the text is the charismatic prism through which Francis and his early companions viewed ideal power relations. Read in conjunction with the mutual relations and service to all called for in *RegNB*, with the conceptual undercurrent proffered in the aversion to dominance and paternalism and the propensity for servitude and maternalism, and with Francis' abdication of leadership responsibilities, the early movement's charismatic vision of obedience structures begins to cohere. In order to probe the validity of DALARUN's thesis, let us play out the scenario idealised in the *RegEr*'s 'precise stipulations.'

*RegEr* prescribes the brothers present at the *eremus* to be three, at most four, in number. The *eremus* must include ample space to facilitate optimal conditions for solitary prayer, that is, an isolated, enclosed area (*claustrum*), within which individual, celled-off spaces for praying and eating. Two brothers were to play the role of mother (Maria), the other(s), that of child (Martha). It was the mother's duty to do everything possible to ensure an atmosphere ideal for solitude and prayer, such as procuring and granting alms (*elemosyna*) to those children who begged *sicut parvuli pauperes* and guarding the enclosure from the disturbance of outsiders. Accountability for the latter task was ensured in the duty to one's minister *per obedientiam*. All the while, the brothers in the role of children must concentrate exclusively on prayer channelled through the medium of the liturgical hours, alongside which the brother presumably prayed *LaudHor*. Also, children were to uphold silence (until Terce) and seek first the kingdom of God and his justice (*primum querant regnum Dei et iustitiam eius*, v. 3). The Matthean biblical allusion employed here invokes eschatological urgency to render present the kingdom, for the wider pericope on discreet prayer and the 'Our Father' and giving no thought for the morrow contends and justifies the brothers' solitary yet solidary existence in interiorising and bringing forth God's reign at their own expense. For sustenance, the Mar-

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<sup>412</sup> J. Dalarun, *Francis and Assisi and Power*, 51-61, Idem., *Francis of Assisi and the Feminine*, 30-2, 263-6 & 273-4, & Idem., 'Sicut mater,' 19-51.

thas were to entreat Maries for alms *propter amorem Domini Dei*. In effect, the mothers fostered the conditions of resolute, silent prayer and the children focused upon praising God with their whole being and entering his kingdom. On the verse, PAOLAZZI notes, “*Soprende ... la capacità di armonizzare ricerca orante di Dio, ricchezza di rapporti umani vicendevoli (dei quali il rapporto madre-figli è forse il paradigma più alto), [e] povertà vissuta nella gratitudine al ‘grande Elimosiniere.’* (cfr. 2Cel, 77).” Indeed, *RegER* couples and synthesises the preference for genuine, inner receptivity of the Word over exterior observance expressly articulated in other writings with the ministry of guarding and overseeing the other brothers and ensuring their spiritual well-being.

The role of mother, designated as an office (*officium*), thus constituted a guardian and overseer, who exerted the most minimal form of influence whatsoever over the child, other than facilitating ideal conditions. They were to lead by serving. Nonetheless, the text’s final verse radicalises the mutual quality of relations envisioned in *RegEr*. We read, *Filii vero quandoque officium matrum assumant, sicut vicissitudinaliter eis pro tempore visum fuerit disponendum, quod omnia supradicta sollicite et studiose studeant observare*. Not only were power relations all but eliminated in the idealised world of *RegEr*, but when it appeared best to the children, they would assume the role of mother. The oscillation of mother-child roles constitutes the epitome of what scholars rightly deem the early Minorite renunciation of power, which itself became a form of self-transcending governance, or governance without power. The office of mother outlined in *RegEr* is a precursor to the later development of local house authorities or guardians, insofar as the mother’s duty-bound task was to guard and oversee the other brothers and guarantee the conditions for their spiritual well-being. Thus, charismatic ideals exerted at least some form of influence on emerging institutional structures.

***Regula non bullata* V (1220/1221): II (in part), XVI (in part), XXIII, & XXIV**

*Ch. II and the Institution of the Noviciate*

The arguments in favour of the later additions of chs. XXIII and XXIV are many, and corroborant. Chief among such arguments, Flood writes, “Neither Clarenus in his rule commentary nor the Little manuscript, an important witness for the rule’s wording, contain chapter 23 or the conclusion, chapter 24. The best manuscripts end here [chapter 22] with an Amen.” As the 1220 bull *Cum secundum* and Jacques de Vitry’s letter of the same year attest, an evident crisis had occurred in the view of the canonically minded, which involved ostensibly unqualified membership and mission at the overabundance of recruits. With Francis having been away in the East, the brothers had inquired the curia as to a definitive answer on a

noviciate and a norm regarding the standardisation of a habit. Having held the exclusive right until the time of his departure of the East (1219), at which point he assigned two vicars to manage the task for him, Francis appears to have had little to nothing to do with the institution of the new policy toward novices. On Papal decree, new recruits were now to be brought straight to their provincial minister, who in turn would oversee their probational year from beginning to end. A basic facet of the movement's *vita* already present in *RegNB* I, the distribution of all possessions to the poor became a *conditio sine qua non* for entrance into the noviciate year. As codified by the new chapter, for a year, the novice was bound to wear a specific habit proper to the probational year. At the termination of the noviciate year, the movement then received him into obedience. The *vita* thus framed the very acceptance of a full member into the movement as being accepted into obedience, that is, into a state of all-pervasive obedience. A supplementary clause to ensure an element of ecclesiality to the noviciate read *nullus recipiatur contra formam et institutionem sancte Ecclesie* (II, 12).

What is the object of controversy in wandering outside of obedience, the habit or wandering? In either meaning, the passage reflects non-conformity and potential confusion internally. Wandering outside of obedience enters a spatial dimension and in so doing is evocative of pastoral metaphor, in particular of the evangelical parable of the good shepherd, who cares for his sheepfold. Scholars seem at times to misguidedly emphasise the phrase *extra obedientiam evagari*, claiming that its usage of spatial metaphor regards a Franciscan alternative to *stabilitas loci*. In such a content, those who take up tasks on their own volition or without permission in a more general sense wander outside of their guardian's care and thus potentially outside of the Lord's will. Nevertheless, BONI has corrected the misguided notion in arguing for phrase's reference to the normalisation of the habit and those recalcitrant brothers who refuse to live in conformity with such norms.<sup>413</sup> With a keen eye for context, he views the passage in light of the codification of a noviciate and standard habit controlled by pre-established institutional mechanisms. *Cum secundum* was not an imposition from on high. It was rather decreed and incorporated at the brothers' request in Francis' absence. In essence, the brothers' first canonical noviciate put into place in Francis' absence. The promulgation of *Cum secundum* occurred but a week prior to the chapter 1220, at which Francis was present.

#### *Ch. XXIII – Gratias agimus tibi*

Most likely composed some time after Francis' return from the East, *RegNB* XXIII constitutes an expansive exhortation and call to render thanks to God. The formula *gratias*

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<sup>413</sup> Boni, *La questione del potere nell'ordine dei Frati Minori*, 35-8.



*agimus tibi* occurs a total of five times creating a refrain in the ten verse chapter. As in other writings (*ExhLD*, *LaudHor*, and *Cantico*), the call to praise and thanksgiving reach universal proportions, whereby the chapter invokes all manner of being, both Celestial and earth-bound, both those at the beginning of salvation history and at the then present stage. A follow-up to the call to praise is the exhortation to penance. *RegNB* XIII does not quite attain the same institutional force that other writings would with their call to Eucharistic crusade. The vision proposed in the supplication to prayer is rather a spiritualised, not to say anti-institutional, one, perhaps the product of Francis' time among Muslims and possibly Orthodox Christians. Concepts regarding God's transcendent, exclusive goodness and his universal paternal reign buttress the categorical refusal of legitimate earthly fatherhood and priority articulated in prior chapters (VI, XXII). An onslaught of divine names accompanies a list of members of the Triumphant Church and an injunction to all levels of institutional and extra-institutional hierarchy that is worth dwelling upon.<sup>414</sup>

Importantly, the universalisation of the brothers' mission coupled with the listing of *fratres minores, servi inutiles* at the end of the entreaty solidifies notions such as the expansion of the *fraternitas* to a universal level and the call to self-*minoratio* and obedience to all intrinsic to the movement's meaning as they had forged it. The universalisation of their message amounts to an obedience to the Gospel missive to reach the four corners of the earth.

#### *RegNB XXIV and Francis' Role in the Order*

Francis abdicated his post as formal leader of the movement. Most likely contemporaneous to Francis' abdication (1220), Jordan of Giano reports that Francis goes directly to the Pope, demanding a private audience, and requests the appointment of Hugo of Ostia as Cardinal Protector as an extra measure for ensuring the fraternal ideal. Francis was no longer at administrative head, but it appears that he wished to remain a maternalist influence 'from below'<sup>415</sup> in such a way that he did not leave the movement without a safeguard. On a textual level, the role of Francis as leader of the movement had become ever more pronounced until the ch. XXII, which attempts to reassert a fraternal model with little to no perceivable empha-

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<sup>414</sup> “*Et Domino Deo universos intra sanctam ecclesiam catholicam et apostolicam servire volentes, et omnes ecclesiasticos ordines, sacerdotes, diaconos, subdiaconos, acolythos, exorcistas, lectores, ostiarios et omnes clericos, universos religiosos et universas religiosas, omnes pueres et parvulos, pauperes et egenos, reges et principes, laboratores et agricolas, servos et dominos, omnes virgines, continentes et maritatas, laicos, masculos et feminas, omnes infantes, adolescentes, iuvenes et senes, sanos et infirmos, omnes pusillos et magnos, et omnes populos, gentes, tribus et linguas, omnes nationes et omnes homines ubique terrarum, qui sunt et erunt, humiliter rogamus et supplicamus nos omnes fratres minores, servi inutiles, ut omnes in vera fide et penitentia perseveremus, quia aliter nullus salvari potest.*” *RegNB* XXIII, 7 (*Scripta*, 284)

<sup>415</sup> 3*Soc* 62-63 (*FF* 1435-6) as lens. *CAs* 97 (*FF* 1626-31)

sis upon centralized leadership. Ch. XXIII presents an equally idyllic fraternal vision. Nonetheless, once we arrive at the twenty-fourth chapter, the dynamic changes somewhat. As with the literary unit *RegNB* IV-VI regarding ministers, the *vita*'s concluding chapter begins with the daunting words *In nomine Domini!* A fivefold first person verb usage<sup>416</sup> renders with abundant clarity who is the driving force behind the chapter's conceptual composition. Francis asserts his charismatic authority, supplicating those who read the *vita* recall its contents often and put them into act for the salvation of their soul. Simultaneous firmness and excessive self-abasement colour Francis' bidding.<sup>417</sup> In one verse, he appeals to the *vita*'s readers while kissing their feet; in the next, he commands with the full force of Almighty God, the Lord Pope, and himself *per obedientiam* that no one add or subtract to the writing and that the brothers have no other Rule, the latter a likely reference to precipitating tensions as to whether the community ought to adopt a pre-established Rule. At the chapter of Mats (ca. 1222), Francis would later utter his definitive response to such a proposal.

### *Admonitio ad omnes clericos (Epistola ad Clericos I & II)*

#### 1. Authenticity and *Sitz im Leben*

Despite MENESTÒ's argument that the texts bearing the Esserian designation *Epistola ad Clericos* I & II,<sup>418</sup> along with *EpFid* I & II, pertain to the epistolary genre,<sup>419</sup> the present section considers the following four texts under the primary genre of admonition,<sup>420</sup> thus *Admonitio ad omnes clericos*.<sup>421</sup> Unanimously judged as authentic and original,<sup>422</sup> the *redactio*

<sup>416</sup> *Rogo, exoro, deprecor, precipio, iniungo.*

<sup>417</sup> On graphical depictions of medieval self-abasement rituals, see: U. Kuder, „Mittelalterliche Selbstminderungsriten im Bild,“ in Tobias Frese and Annette Hoffmann (eds.), *Habitus: Norm und Transgression in Text und Bild*, 37-57.

<sup>418</sup> Wadding published a third text in his edition, but he admittedly added the formal characteristics of a medieval letter. It goes without saying that such a text cannot be regarded as authentic. Wadding, *Opuscula*, 43-45.

<sup>419</sup> Menestò, *Le lettere*, 163. He writes, “... *si è posto ed è stato definitivamente risolto anche un altro problema: quello della reale appartenenza al genere epistolare. Infatti, nonostante le iscrizioni presenti in molti testimoni (iscrizioni che non sono originali, ma dovute – è bene ricordarlo – ai copisti), come “Opusculum commonitorium et exhortatorium” della redazione maior dell’epistola ad fideles e “De reverentia corporis Domini et de munditia altaris” dell’epistola ad clericos che fanno pensare a trattati esortativi, e malgrado manchi in esse l’indicazione del destinatario (cosicché non sarebbero lettere in senso stretto ma testi tipologicamente assimilabili ad altri scritti di Francesco come le Admonitiones o perfino il Testamento), anche queste due epistole possono essere collocate nel genere in questione. Del resto si sa come già prima e pure dopo Francesco fossero redatti sub specie epistolarum non solo carte e atti privati, diplomi imperiali e bolle papali, ma anche trattati teologici, morali e didattici.*”

<sup>420</sup> Just as *AdmCler* lacks the typical characteristics of Francis' letters (Bartoli Langeli), it is also does not have the manuscriptal label of a letter. Dissimilar to other writings, which lack such characteristics and are nevertheless letters, *AdmCler* assumes rather the form of an admonition.

<sup>421</sup> Some manuscriptal rubrics read, “*De reverentia corporis domini et de munditia altaris: ad omnes clericos.*” Hence, the title *Admonitio ad omnes clericos*. Indeed, the editors of *FA:ED* (I, 52) elected for the title, “Exhortations to the Clergy,” and M. Blastic for the title “Admonition to the Clergy.” See: *The Writings*, 102-3.

<sup>422</sup> While there is evidence of manipulation, the variations are “*facilmente riconducibili ai meccanismi di riproduzione.*” Menestò, *Le lettere*, 166-7.

*prior*<sup>423</sup> was discovered as a transcription (dated at the latest 1238) in a single missal manuscript at the abbey of St. Benedict in Subiaco<sup>424</sup> and is therefore “la più antica copia di uno scritto di Francesco.”<sup>425</sup> The *prior* reflects liturgical concerns expressed in the reforms of Lateran Council IV, with particular regard for the Eucharist.<sup>426</sup> While Esser and other scholars have argued for a pre-1219 date of composition, conclusive philological analysis has fixed an unequivocal *terminus post quem* of Nov 1219, due to the citation of Honorius III’s *Sane cum olim* in both texts.<sup>427</sup> The approximate situation of Francis’ return from the East in 1220 appears a probable *Sitz im Leben* for both redactions.<sup>428</sup> Likewise authentic and original, the *redactio posterior* sports similar, more specified Eucharistic themes, which are attributable to more focused attention to and direct acknowledgement of *Sane cum olim* and the liturgical directives of Lateran conciliar decrees.<sup>429</sup> Indeed, the council’s emphatic declaration of the divine presence of Christ in the Eucharist and the priest’s ordained right in consecration *in persona Christi* reflects doctrinal concerns with heretical and semi-heretical groups such as the Cathars and the Waldensians. Lastly, the opening words (*A[d-prior, t-post.]tendamus, omnes clerici*) raise a series of questions, which shall only receive secondary mention.<sup>430</sup>

## 2. Thematic-theological Analysis

### *Lordship of Clerics*

*EpCler* contains early traces of the conceptual undergirding regarding the lordship of clerics. Since the writing’s main author includes himself in the exhortation (*A[d-prior, t-*

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<sup>423</sup> It is proper here to speak of two redactions of the same writing, the differences between which are minimal and constitute a more literal citation of *Sane cum olim*. “...pur riconoscendo che i ritocchi redazionali sono di portata ridotta, tuttavia essa appaiono sufficienti per distinguere i due testi...” Paolazzi, *Scripta*, 136. The editors of the 1981 French and 2002 Italian editions of the writings opted only to include the *redactio posterior*, citing the negligibility of the differences between the two texts. See: *François d’Assise: Écrits*, Texte latin de l’édition Kajetan Esser, introduction, traduction, notes et index by Theophile Desbonnets, Thaddée Matura, Jean François Godet, and Damien Vorreux (Paris: Éditions du Cerf, 1981), 32; *Francesco d’Assisi: Scritti*, Testo latino e traduzione italiana, ed. Aristide Cabassi (Padua: Editrici Francescane, 2002), 319-20.

<sup>424</sup> For an edition of codex B. 24 Vallicellanus, see: L. Oligier, ‘Textus antiquissimus epistolae s. Francisci de reverentia Corporis Domini in missali Sublacensi (cod. B. 24 Vallicellanus),’ *AFH* 6 (1913), 3-12. The same complex also sports a unique fresco: the earliest depiction of Francis without the Stigmata.

<sup>425</sup> Menestò, *Le lettere*, 166.

<sup>426</sup> See especially canons 19 & 20. *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner, Volume I (Washington DC: Georgetown University Press, 1990), 244-45.

<sup>427</sup> Paolazzi, ‘Le *Epistole* maggiori di frate Francesco,’ 15.

<sup>428</sup> Supplementary to an approximate date of 1220, Hoerberichts has also put forth an argument in favour of ca. 1220 date based both upon citations of *Sane cum olim* and upon the emphasis of the “words and names” of Christ reflective of Muslim influence. See: J. Hoerberichts, ‘The Authenticity of Admonition 27 of Francis of Assisi: A Discussion with Carlo Paolazzi and Beyond,’ *CollFran* 75 (2005): 508-22.

<sup>429</sup> For a synoptic representation of the writing with *Sane cum olim* and Lat. IV constitutions, see: Paolazzi, ‘Le *Epistole* maggiori di frate Francesco,’ 16-18.

<sup>430</sup> The passage begs questions regarding addressee, Francis’ status as cleric, and date of composition, which are all of an unresolved and likely insoluble nature.

*post.]tendamus, omnes clerici*), clerics here denote not only priests, but also deacons, a title which Francis most likely enjoyed. Those entrusted with the ministry of administering word and sacrament have a distinct place in the kingdom of God. That position – more of a responsibility-laden privilege than a right – implies serious responsibility, as the sanctified instruments of redemption (*corpus et sanguis, nomina et verba*, v. 3), by which we come to see the Most High, are worthy of the utmost care and attention. Thus, all clerics are to avoid unfit conditions of their transport, reception, and administering (*miserabiliter portatur et indigne sumitur et indiscrete aliis ministratur*, v. 5). The writing warns that the instruments of Eucharistic mystery have been mistreated, labelling such neglect as *peccatus et ignorantia*, v. 1. Clerics owe an extraordinary duty to the God to stow the sacred instruments of the Mass in fitting places and to conduct liturgical ceremonies in a fashion worthy of the Most High, who humbles himself by placing himself in their hands on a daily basis (v. 8). The writing calls to mind that as a sign of gratitude to their Lord who humbles himself, the minimal effort required of the clerics should be self-evident (vs. 8-9). Those clerics who do not observe the letter's contents *usque in finem* shall have to render an account before the Lord Jesus Christ. The command to observe the writing *usque in finem* and to circulate the writing are marked characteristics of Francis' written exercise of his authority as charismatic and leader of the movement.

#### *Ecclesial Obedience*

Detectable are the traces of the message, which constitutes not a call to a martial crusade but to a Eucharistic crusade, upon which later writings expand and which they bring to a more universal level. Eucharist is the sacrament of obedience, as it is the absolute symbol and nexus of their ideal. The Most High God humbles himself by becoming human, sacrificing himself on the cross, and now appearing in one's hand to be touched and consumed to the edification of those who see and believe – *spiritualiter* – in Christ their Lord. It is a performative gesture of mutual self-*minoratio* between God and man, to which man is called to respond in kind.

In an early Minorite context, it is difficult to determine whether Eucharistic emphasis derives from or was reiterated by Lat. IV and *Sane cum alim*. The two are not mutually exclusive. Recurrent accent of the centrality of the Eucharist reveals a strong undercurrent of spiritual devotion and conceptual orientation regarding the sacrament. In the *redactio posterior*, explicit theological and ecclesiastical force supplements Francis' appeal to charismatic authority in delivering the message. *Et scimus quia hec monia tenemur super omnia observare*

*secundum precepta Domini et constitutiones sancte Matris Ecclesie* (v. 13). PAOLAZZI notes that key verses are indicative of the violation of a norm (*illicite*, I, 4; *indiscrete*, I, 5, II, 4 &5), which implies a reference to Lat. IV canons and later to Honorius III' bull *Sane cum olim* calling for liturgical reform. Implementation of conciliar norms and papal directives provides additional testimony to ecclesial obedience.

### ***Opusculum Commonitorium et Exhortatorium (Epistola ad Fideles II)***

#### 1. Authenticity and *Sitz im Leben*

The classically titled *Epistola ad Fideles II* is of undisputed authenticity and originality. A vast bibliography evinces that the two recensions of *EpFid* are among the most discussed and scrutinised of the writings. Such painstaking effort has, however, brought about little consensus in terms of the text's intended audience, purpose, and date of composition. It is a matter of great complexity. Complexity necessitates summary.<sup>431</sup> For reasons of manuscript evidence resurfaced by FLOOD<sup>432</sup> and focused, succinct thematic composition relative to the *ampla*, the *recensio brevis* appears in all probability to be of chronological priority. While precise chronological situation of the two writings is a disputed and therefore unrequited question,<sup>433</sup> it appears most reasonable in agreement with CUSATO to date the texts in close proximity one to the other following Francis' return from the East. The *ampla* thus has the date of late-1220 to summer 1221, the *brevis* that of late-1221. Context for the *brevis* is present in the relevant section. By the present author's judgment, the *Sitz im Leben* of the *ampla* is the increased literary production accompanied by several correlative factors. Such factors include but are not limited to an enhanced attitude of universal consciousness following his sojourn on foreign soil among non-Christians, Francis' abdication of his administrative duties at the chapter of 1220, his inability to travel due to bodily infirmity, his disillusionment at the misguided direction of the order, and his continued desire to play a charismatic role in the

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<sup>431</sup> As Cusato points out, there are essentially two major currents of thought with regard to the *EpFid* I & II. Despite Esser's stamp upon the tradition, diplomatic titles of *brevis* and *ampla* are preferable. Studies representative of the first current, most notable among which Esser, Lehmann, and Paolazzi, hold that the *recensio brevis* is of chronological priority and that for reasons of broader addressee-ship was then elaborated and expanded into the *recensio ampla*. There is in turn another view on the matter, the representatives of which (Flood and Cusato) assert that the *brevis* was in actuality a successive work comprising a more streamlined compendium of the *ampla*.

<sup>432</sup> Flood writes, „In reality, the Volterra text consists of excerpts from the original text. It contains a passage which betrays an incomplete transposition of its source. In that passage, the text describes an individual's death without having first introduced the individual. When I read Esser's edition of the short Latin text, I recognized that something was lacking in the passage. The complete text explains what happened: Volterra did not compose the excerpts successfully at that point. (...) This is not the only argument against Esser's position. It is conclusive and therefore suffices.” ‘The *Commonitorium* I,’ 23.

<sup>433</sup> Proposed dating for the *ampla*: FA:ED 1220?; Paolazzi, def. 1224-; Pazzelli, 1220-21; Menestò, large following, not before 1222-23, p. 173. Those for the *brevis*: FA:ED I 1209-1215, Paolazzi, I perhaps 1224-, Menestò, I def. chron. Priority, uncertain of date.

order. Additionally, Francis now had access to scriptural and Latin assistance at the hand of his companion Caesar of Speyer.<sup>434</sup>

While LACHMANN's method has shown that the oldest extant manuscripts do not of necessity offer the most faithful representation of a writing's potential *Urtext*, it must be contended that rubric indications may offer a key to interpreting a text's ultimate nature. The present study thus also elects to utilise the designation of *Commonitorium* in the current section in the place of *EpFid* II, while otherwise retaining *EpFid* II for practical reference.

## 2. Thematic-theological Analysis

### *A Spiritualised Abbreviation of the Brother's Penitential Vision*

Despite ESSER's marked comma insertion delimiting the recipients as Christian religious alone, scholars have since belied the untenable assertion as the addressee-ship of *Commonitorium* is not only Christian religious of the world; rather, in a literal sense the entire world.<sup>435</sup> Having withdrawn from formal order administration, it appears that Francis wished to have the simple vision of the penitential life of the Gospel, out of which the early movement grew and in which its roots lie, brought to parchment but in a manner likewise palpable for those not intimately acquainted with its meaningful message and at once also contrarian to Catharism. If dating and audience have proven correct, the same period also delivered *RegNB* XXIII, which discloses similar concerns. V. 7 in particular shows exceptional conceptual consonance with the universal call by all Minorites, *servi inutiles*, to all nations and all manner of people on the earth that they might persevere in the true faith and in penance.<sup>436</sup>

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<sup>434</sup> Jordan of Giano, *Chronicon*, c. 15, 30. Thematic consonance with *RegNB* XXII & XXIII, two chapters of the same period (1220-1), not seen in earlier writings, such as the Trinity with enhanced stress upon Holy Spirit, divine inhabitation, reception of the Word of God, and the universal call to penance, corroborate the collaboration with Caesar of Speyer in its composition.

<sup>435</sup> The earliest manuscripts report, *Universis christianis religiosi clericis et laicis masculis et feminis omnibus qui habitant in universo mundo*. In his edition, Esser had inserted a comma after "*religiosi*" and not after "*christianis*," thereby rendering the addressee-ship of Christian religious rather than all Christians, lay and cleric, as well as all men and women, who inhabit the world. I opt for the latter rendering as it is more consistent both with the writings contents and message and with that which I perceive to be the wider vision detectable in the writings. See also Cusato, *Writings*, 173 & *FA:ED*, 45. Against this translation, Lehmann argues that the eschatocol, which reads *Omnes ad quos littere iste pervenerint...*, thus suggests that there was a more selective intended audience. I disagree, referring to the convincing intertextual analysis of Cusato with Joachim of Fiore's *Epistola universis Christi fidelibus*.

<sup>436</sup> *Et Domino Deo universos intra sanctam ecclesiam catholicam et apostolicam servire volentes, et omnes ecclesiasticos ordines, sacerdotes, diaconos, subdiaconos, acolythos, exorcistas, lectores, ostiarios et omnes clericos, universos religiosos et universas religiosas, omnes pueros et parvulos, pauperes et egenos, reges et principes, laboratores et agricolas, servos et dominos, omnes virgines, continentes et maritatas, laicos, masculos et feminas, omnes infantes, adolescentes, iuvenes et senes, sanos et infirmos, omnes pusillos et magnos, et omnes populos, gentes, tribus et linguas, omnes nationes et omnes homines ubique terrarum, qui sunt et erunt, humiliter rogamus et supplicamus nos omnes fratres minores, servi inutiles, ut omnes in vera fide et penitentia perseveremus, quia aliter nullus salvari potest. RegNB XXIII, 7.*

In particular, the all-encompassing vision of obedience articulated in the writings at large infiltrates the *Commonitorium*, albeit in somewhat spiritualised form applicable to all people under the reign of God, non-religious faithful as well as unbelievers. With regard to concepts of self-*minoratio* and obedience to all as expressed in prior writings, the *Commonitorium* fosters and reiterates direct, vertical obedience to God in the form of reverence for the Word as the living will of God (vs. 4-15), adhesion to God's commandments, the spirit and truth of the Father, out of deep-seated love (16-21, 39), and universal call to praise with allusion to divine universal paternity (61-62). Nevertheless, the writings does not neglect to accentuate obedience on the horizontal plane, such as observance of ecclesiastical norms regarding sacramental praxis (22-25, 33-36), a penitential call to mutual relations on the basis of the Golden Rule (25-27, 43), a challenge to those in positions of power to enter a spirit of mercy and self-*minoratio* as they serve others (28-31, 42-44), veneration of churches and reverence of clerics (33), charitable, servile disposition toward enemies as an expression of obedience (38), denial of oneself and subjection of the body to the goad of service and holy obedience on the example of Christ (14, 40), the limit of obedience at commands ordering sin or crime (41), and self-*minoratio* and obedience to all by the wisdom of the spirit, not of the flesh (45-47).

There are, however, a few nuanced and innovative elements introduced in the text. *Commonitorium* entreats all manner of faithful, *servi fideles*, to become a dwelling place (*habitaculum*) of the Trinity. In order to at once garner interiorisation of the Word into one's heart, the human centre seat from which the entirety of life flows, and engender a usurpation of worldly standards both in terms of familial and power relations as well as virtue from the view of spiritual wisdom. The fruition of the movement's Gospel alternative – that penitential venture into the world, that merciful seeing, hearing, and doing – lie in the assimilation of Christ, who is the wisdom of the Father. The writing employs ambivalent familial imagery in order to capture the receptivity of spirit with which one relates to Christ by each member of the Trinity. If they will have accomplished all that which has been listed above, suggests the *Commonitorium*, that is self-*minoratio* and obedience to all in virtually every respect, then the Spirit of the Lord shall rest over them and they shall become as a divine abode.<sup>437</sup>

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<sup>437</sup> *EpFid* II, 49-53 (*Scripta*, p. 194): *Et erunt filii Patris celestis, cuius opera faciunt. Et sunt sponsi, fratres et matres Domini nostri Jesu Christi. Sponsi sumus, quando Spiritu Sancto coniungitur fidelis anima Jesu Christo; fratres eius sumus, quando facimus voluntatem Patris eius qui est in celo; matres, quando portamus eum in corde et corpore nostro per amorem et puram et sinceram conscientiam et parturimus eum per sanctam operationem, que lucere debet aliis in exemplum.*

In the roles as centre of the metaphorical domicile and pastor, who sacrifices his life for his sheepfold, Christ provides the channel by which familial relations and power structures transform and by which one accomplishes the will of the Father. For wandering, possession-less mendicants, both domicilial and pastoral imagery must have rung true. Conversely, viewing the world *carnaliter* may appear to endow one with the desire for wisdom, talent, and power, but the optic of the kingdom, acquired by penance and *sequela Christi*, renders clear the vain, trivial nature of such illusions.<sup>438</sup> A subtle Marian allusion supplements the Christology interrelated with obedience, linking obedience to the feminine and thereby to receptivity and servitude. V. 51 remarks that spousal relations toward God occur when in the Holy Spirit the faithful soul unites himself to Christ. In v. 53, relational imagery turns to motherhood, whereby one bears Christ in heart and body through love and pure conscience and in turn generates him through holy activity or service (*per sanctam operationem*). The dwelling place for the Spirit of the Lord thus comes to signify none other than Mary, the mother and maid-servant of God, the virgin made Church. Explicit mention of the annunciation and birth of Christ in v. 4 corroborates such a notion. Such imagery solidifies a Mariological link to obedience and the appeal to espousal of maternal and fraternal models of relationality with their complicit refusal of paternal models under God's reign.

#### *Francis' Radical Assumption of Deaconate and Charismatic Leader*

Due to the fading of his health and the abdication of formal leadership, Francis took to charismatic appeal within the order and beyond the confines of the order to radical assumption of his presumed deaconate, pronouncing the word, which is to say the Word, of God with vast impact. To his wide-ranging audience, Francis explicates his charge: *Cum sim servus omnium, omnibus servire teneor et administrare odorifera verba Domini mei* (v. 2). Characteristics features of Francis' literary appeal to his own charismatic authority are not lacking, such as his humble self-proclamation, *eorum servus et subditus* (v. 1), *servus omnium* (v. 2), *minor servus vester* (v. 86), the call to observe the words contained therein *usque in finem* (vs. 87 & 88), and the warning that those who refuse to heed its message shall have to render an account before God, an implicit appeal to the direct, divine force of obedience. Perhaps the epistle may offer insight into the role sought by Francis in abdicating his post.

#### *Eucharistic Crusade*

The conceptual torrent, deemed here the Eucharistic crusade, underscored in other writings achieves a keystone moment in *Commonitorium*. Ultimate symbol and instrument of

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<sup>438</sup> *EpFid* II, 72-85 (*Scripta*, pp. 198-200)



the above project's completion is the Eucharist, the sacrament of obedience. Allusion to Christ's humble incarnation and obedient sacrifice leads to a listing of part of the Eucharistic prayer and by direct consequence provides a theoretical link to the sacramental presence of Christ in the Eucharist (v. 4-10). Mention of Christ's being gifted to us, offering himself, and acting as sacrifice and victim on the altar of the cross in expiation for our sins synthesises God's own self-*minoratio* toward humankind and follows with the appropriate response to God's relation to humans, that is a supplication to receiving Christ with a pure heart (v. 14). The implicit call to partake in the Eucharistic sacrament turns to a genuine vocation to become Eucharist, to perform the Gospel way of life in *sequela Christi* by taking on the same goad that he did, which is to say total self-sacrifice for others. *Communitorium* thus forms a theological connection between the expiatory sacrifice of Christ, the institution of the Eucharist (cherished and administered with orthopraxy, 22-25 & 33-36), and the all-pervasive obedience demanded of the *servus fidelis*.

### ***Regula bullata***

Of indisputable authenticity even if not entirely original, the very 29 Nov 1223 bull *Solet annuere* of Honorius III, which first promulgated the new rule, conserves the *Regula bullata*; a strong manuscript tradition confirms it. Over a decade of collective work, experience, and thought infused the *RegNB*, the product of a charismatic current inspired 'from below' more so than imposed 'from above.' The tables soon turned. The friars composed a new *vita* in the form of a canonical *regula* under the guise of the Roman Curia.<sup>439</sup> The precise manner in which the *RegB* arrived to parchment and under whose initiative are matters of speculation. Though *Solet annuere* is addressed "to Brother Francis and the other brothers of the OFM," modern scholarship has cast serious doubt on the possibility of Francis' solicitation of the bull. BARTOLI LANGELI asserts the position that "The apparently uncomplicated adoption of a standardised formula conceals a process that was anything but unproblematic."<sup>440</sup> He insists, the *Test* forbiddance passage regarding the requesting of letters from the curia educes the unlikely possibility that Francis solicited *Solet annuere*.<sup>441</sup> A recent contribution has proposed a thesis that might substantiate BARTOLI LANGELI's assertion in virtue of textual analysis. WEAVER persuasively claims that curial officials imposed upon the brothers

<sup>439</sup> *DeInc* 44 (FF 1347-8) and *3Soc* 62 (FF 1435) provide conflicting accounts. *DeInc* reads *Qui [Cardinalis Ostiensis], vocato ad se beato Francisco, duxit eum ad dominum Papam Honorium quoniam dominus Innocentius fuerat iam defunctus, et fecit scribi sibi aliam Regulam et confirmari, et dicti Papae sigilli munimine roborari.* On the other hand, *3Soc* reads, '*Et aliam regulam, a beato Francisco Christo docente compositam, fecit per eundem dominum Honorium cum bulla pendente solemniter confirmari.*

<sup>440</sup> *Francesco d'Assisi, Documenti e Archivi, Codici e Biblioteche, Miniature* (Milano: Electa, 1982), 15. See Debonnets, pg. 103.

<sup>441</sup> *Ibid.*

an outlined, twelve-chapter text divided according to pre-determined topic, which the friars had to then flesh out with relevant content.<sup>442</sup> A case for WEAVER's assertion is a defensible and viable possibility. In the current state of research, however, certain residual perplexities prevent the hypothesis from becoming anything more.

Yet, despite the state of scholarship, the present study operates with the basic presuppositions that a group, of which Francis and at least one curial official were a part, redacted the document together, and that Francis' stamp on the document is evident. The study therefore rests upon the notion that Francis had a substantial, albeit not sovereign, role in the *RegB*'s composition, which canonists rendered suitable for a particular ecclesiastical framework. The appearance of *ego* in the text and certain thematic parallels reveal Francis' mark and corroborate such a notion. It is, however, clear that Francis' notable role in voicing the charismatic message in sessions, which produced *RegB* legislation, does not infer his lone authorship. Curial officials undoubtedly had to render the *vita* what MALECZEK terms "*kanzleigemäß*." In effect, they approached it as an administrative text in the church, not as a movement's organic locus of meaning. Omission of entire sections of the *RegNB* and comparatively more structured, morally-verifiable norms reveal a possible aim at terseness and stream-lined normative structures. In other words, the canonical standard for a legislative text in the Church was also contingent at least in part upon the optimisation of functionality and accountability, as such it demanded that rule norms be visibly observable in execution 'from below' and that observation of such norms be enforceable 'from above.' In the language of coetaneous canon law, what once concerned the *forum internum* now shifted to the *forum externum*. Therefore, it appears a near inevitability that the canonist would subject content to form to some extent. At an organisational and functional level, such mechanisms, with which the curia of the great 13<sup>th</sup> century canonist popes were so familiar, served to increase efficacy of institutions. As a consequence, curial officials embedded residua of *RegNB* content in canonist terms and thus in a canonist mentality foreign to many friars, in particular to those among the first companions. The canonist mentality thus denotes a certain degree of desacralisation with regard to regular texts, which permits the sacrifice of legitimate Gospel literalness in favour of pre-established, ecclesiastically sanctioned practices thus rendering of evangelical law better applicable to a given context. It was a diplomatic measure at once preserving the purity of a rule without also requiring the necessity of Gospel attainability.<sup>443</sup> In

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<sup>442</sup> Weaver identifies "patches" of material at the end of chs. III, VI, X, and XII, thereby affirming that there was a restrictive adumbration by twelve topics to which the friars attempted to add significant material. See: M. Weaver, 'The Rule of St. Francis: What was Lost?', *FrancStud* 69 (2011): 31-52.

<sup>443</sup> So much is clear in Gregory IX's comment in *Quo elongati*.

other words, it had been transformed into a text circumscribable and therefore able to be manipulated by canonists. The canonists subordinated its intrinsic content to ecclesiastical meaning and procedure.

## 1. Thematic-theological Analysis

### *Order Structures, Roles, and Functions*

*RegB* explicates a centralised hierarchical structure complete with a hint of top-down, functional chain-of-command. The office at the head of the order, now with the title *minister generalis*, had supreme voice, whereas provincial ministers answered to the minister general and acted as ministers to the other brothers. Local authorities, or guardians, in turn were at the service of the provincials and of their house. As the order underwent incremental domestication, its members entered more and more often into permanent domicilial settings, itself a potential transgression of poverty norms, which highlights the contrast between norm and reality even at an early stage in the order's development. Nonetheless, the relative undefined nature of general ministership was marked by ambiguity vis-à-vis task and tenure. While the general minister would take office at the election of his confreres, tasks proper to its operation and conditions of his tenure would go largely untreated. Prior criteria for determination of a minister general's idoneity supported by the *spiritualiter-carnaliter* logic intrinsic to *RegNB* were absent *in toto*. The minister general's realm of official duty included examination and approval of aspirants to the *officium praedicationis* (IX, 2) and election of occasion and locality for general chapter meetings (VIII, 2-3).<sup>444</sup> Regardless of probable curial ignorance of Francis' abdication, *RegB* I, 3 binds all brothers to obey Francis and his successors as minister general. Beyond that, the tasks and limits of the office receive no mention.

Provincial ministers, on the other hand, in addition to overseeing the entire noviciate process from beginning to end, ministers are bidden to be watchful of sin in self and other, as it impedes charity (VII). Provincials also overtook the task of visitation, and in their visits were to admonish and correct their fellow brothers (X), ensure the idoneity of brothers sent into mission and conduct ascension of permission (*licentia*) (XII). *RegB* binds ministers to request and ever maintain a Cardinal Protector as safeguard of their mission and its ecclesiality (XII). As indicated, ministers possess the exclusive right to oversee acceptance and admittance of new recruits and must diligently conduct an examination with regard to orthodoxy

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<sup>444</sup> *RegB* IX, 2 (*Scripta*, pp. 332-4) and VIII, 2-3 (*Scripta*, p. 332), which reads, *...in capitulo Pentecostes, in quo provinciales ministri teneantur semper insimul convenire, ubicumque a generali ministro fuerit constitutum; et hoc semel in tribus annis, vel ad alium terminum maiorem vel minorem, sicut a predicto ministro fuerit ordinatum.*

and orthopraxy, see to the candidate's prior marital, ecclesiastical, and religious status, secure the proper consignment of possessions to the poor, arrange the distribution of habit and hood, and supervise their noviciate, and upon its completion, administer profession, accepting them into obedience.

Provincial ministers and guardians are collectively entrusted with selection of office holder at general chapter meeting (VIII, 2) and with dealing *per amicos spirituales* regarding the non-coined acquisition of necessities such as life-threatening disease and clothing (IV), charged with the task of determining whether the minister generalis was sufficient to the service and common utility of the brothers. In the event that he was adjudicated unfit by that standard, an election would take place to choose a new leader (VII). Also, if they saw fit, provincials and guardians could call the brothers of their district (*custodia*) to convene at a local chapter that same year. This is the second appearance of Latin *custodia* (also, *EpCust* I, 9), which carries both spatial and juridical meaning, designated either province or office. Here, it seems to mean province. Of note, the issue regarding the selection of provincial ministers and guardians receives no treatment.

The sole task granted exclusively to guardians was the reception of brothers unable to observe the rule *spiritualiter*. *RegB* bids guardians to receive brothers conflicted in spirit and unable to observe the rule (X).<sup>445</sup> A notable difference in jurisdiction between provincial and guardian evinces the further distinction in office and elucidation with regard to the equivalency or not of rule transgression and sin. *RegB* VII deals with the case of a brother having committed mortal sin.<sup>446</sup> Although *guardianus* had become an office distinct from *custos* or provincial minister around time of *EpMin*'s composition, *RegB* employs *custos* to signify guardian or local authority and minister for provincial. Here, *RegB* assigns provincials the task of dealing with recalcitrant brothers in mortal sin. The gap between provincial ministers and guardians thus widens more noticeably, as *RegB* prescribes recourse to either guardian or provincial, depending upon the gravity of the transgression.<sup>447</sup> Whereas *RegB* X prescribes recourse to guardians (*ad suos ministros*) for issues regarding lesser rule transgressions, ch. VII specifies recourse to the provincial (*ad solos ministros provinciales*) in case of mortal sin. As Esser has pointed out, *Legenda Assidua* (*minister loci*, VIII, 3) and developments in *VbF*,

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<sup>445</sup> *RegB* X (*Scripta*, p. 334)

<sup>446</sup> *RegB* VII (*Scripta*, p. 330). Whereas *RegNB* V, 5-6 (*Scripta*, p. 250) bound the brothers to present confreres in mortal sin to their provincial minister, *EpMin* introduces a new policy, which bound the sinful brother *per obedientiam* to have recourse to his *guardianus*, or local house authority (vs. 12, 14), for reason of non-canonical pardon and redirection to the provincial. In any event, the letter then reiterates prior policy (*RegNB* V) binding brothers *per obedientiam* to send the sinful confreres *custodi suo*, to the provincial minister.

<sup>447</sup> Cusato, *Guardians*, 255.

*Memoriale*, and *Legenda major* reveal that the term *minister* was after a time employed to mean local authority or guardian.<sup>448</sup> It is consequentially the identical contention put forward also in David of Augsburg's rule commentary.<sup>449</sup> Thus, while *minister suus* denoted provincial minister in *RegNB*, it can also signify rather guardian in *RegB*. Overall, communal mechanisms thus come into play as the handling of rule transgression and sin in the order becomes more specific to levels of hierarchy, the process as a whole more streamlined.

#### *Regula bullata and Democratic Potential*

The tables soon would turn, as the *RegNB* and the *RegEr* displayed elements of 'democratic potential.' The friars composed a new *vita* (1223) in the form of a canonical *Regula* under the guise of the Roman Curia. While in *RegNB*, *vita* and *regula* were all but inseparable, the rule of 1223 subjected *vita* to *regula*. Even by a simple comparison of the formulation of the statement of purpose and three solemn promises reveals that *regula* and *vita* are at odds.<sup>450</sup> Commands to disregard are now *contraria anime et Regule nostre* (*RegB* X, 3)<sup>451</sup> rather than *contra animam et vitam nostram* (*RegNB* V). Importantly, *RegB*'s statement of purpose adopts the official term of observance (*observare*) introduced with *RegNB* VI, 1 into early Minorite vocabulary regarding the object of profession. The term would soon be of standard, albeit somewhat multifarious usage. Although Francis likely had a notable role in the sessions which produced the legislation, curial officials had to render the *vita* what MALECZECK terms *kanzleigemäß*, thereby approaching it as an administrative text in the church, not as a movement's organic locus of meaning. Aiming at terseness, they omitted entire sections of *RegNB*; what was left they couched in canonist terms and thus in a canonist mentality foreign to many friars. Therefore, *RegB*'s authors enacted a sort of charisma-redressing neutralization and as a result reframed Minorite structures of obedience.

In the drawing up of the 1223 rule, canonist mentality filtered out much of its previous democratic potential. Subdual of mutual responsibility<sup>452</sup> and individual conscience gave way to the strengthened, rather indefinite authority of the ministerial office. The 'right to dissent clause' shifted in focus from the agency of dissent to that of subordination, effectively weak-

<sup>448</sup> Esser, *Anfänge*, 191.

<sup>449</sup> D. Flood (ed.), 'Die Regelerklärung des Davids von Augsburg,' *FranzStud* 75 (1993): 201-42, here 207.

<sup>450</sup> Whereas with *RegNB* *vita* outnumbers and encapsulates *regula* (*Hec est vita.... Regula et vita istorum fratrum hec est, vivere in obedientia, in castitate et sine proprio...*), in *RegB*, *vita* is no longer lived but observed with its leader and official escort *regula* (*Regula et vita Minorum Fratrum hec est, scilicet Domini nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate.*)

<sup>451</sup> *RegB* X, 3 (*Scripta*, p. 334)

<sup>452</sup> What is there is limited to the discourse of poverty and humility, and at that to relations between equal friars. It is separate from discourse on ministers.

ening its previous force.<sup>453</sup> Although *contra animam* no longer regarded explicit committing of a sin, but could perhaps signify the violation of a friar's conscience.<sup>454</sup> Ministers called to be watchful of sin in self and others, as it impedes charity (VII). Ministers thus principal guarantors of soul's well-being. The fundamental responsibility to guard one's own soul and that of one's brother underlying a certain independence and mutual duty in *RegNB* relegated to ministers. Brothers are duty-bound to expedite their recalcitrant confrere's private audience with the provincial, but the appeal to conscience and guarding one's soul is subordinated and fragile (see X, 3). Analogous to the removal of the *RegNB*'s language of *spiritualiter*, the new redaction bereaved the *RegB* of the spirit infusing the earlier rule.

The 'fraternal control of authority clause' vanished altogether. In what was an incomparable concession of *RegNB*'s 'fraternal control clause,' *RegB* VIII nondescriptly permitted provincial ministers to depose a minister general who was *non sufficientem*.<sup>455</sup> What was once a necessary condition for the office of minister, idoneity now concerned solely the realm of the other friars' pastoral activities,<sup>456</sup> with ministers as the guarantors of such idoneity. Activities left in the *RegNB* to the friar's own initiative were now put under the control and restriction of the ministers according to pre-set norms. Greater focus on the minister's duty to correct friars and omission of the contrast between *dominatio* or *potestas* and mutual obedience also served to sway the order's ideal power differential. Above all the authority of the minister general increased as his office entailed a great freedom of discretion, including calling general chapters and appointing provincial ministers.

The 'recourse to ministers clause' did, however, assume a novel form of expression. Whereas *RegNB* VI, 1-2 bid a minister to provide material goods for needy brothers, *RegB* X<sup>457</sup> urged ministers to attend to brothers with a conflicted conscience and thus favoured subordinate friars. As indicated, *RegB* relegated the duty to guardians. Thus, minister here denotes local house authority. As evidenced in the rule *fragmenta*,<sup>458</sup> the new version of the 'recourse to ministers clause' had most likely begun to take shape as a spiritual guidance matter shortly before regular composition under the curia. Thus, a dutiful call for ministers, that is, guardians to console conflicted brothers, the clause came to address those unable to observe

<sup>453</sup> *RegB* X, 3 (*Scripta*, p. 334)

<sup>454</sup> On the conscience, see: 1 Cor 8, 12.

<sup>455</sup> *RegB* VIII (*Scripta*, p. 332)

<sup>456</sup> *RegB* IX (*Scripta*, pp. 256-8) treats preaching, ch. XII (*Scripta*, pp. 336-8) mission.

<sup>457</sup> *RegB* X (*Scripta*, p. 334-6)

<sup>458</sup> *RegNB* VI (*Scripta*, p. 252), reads: *Fratres, in quibuscumque locis sunt, si non possunt vitam nostram observare, quam citius possunt, recurrant ad suum ministrum hoc ipsa significantes*; *Fragmenta (Expositio, Hugo de Digna) VI, 1 (Scripta, p. 306) reads: Fratres, in quibuscumque locis sunt, qui non possunt spiritualiter vitam nostram servare, idipsum suo ministro significant.*

the Rule *spiritualiter*, implying an individual's conflict of conscience. Here, the *RegB* calls the guardian to receive (*recipere*, notice passive language) conflicted friars in such a way that they might speak and deal with them as masters with their servants.

The *RegB*'s principal outlet for the friar's conscience and the guardian's service thus converged in a single clause. While ecclesial confirmation of the Rule as *propositum vitae* enhanced the text's authority and thus normative force, it at once also circumscribed the reciprocity, fraternal control, and space for conscience intrinsic to the primitive *vita* in virtue of the heightened authority of the ministers. The scope of minister-non minister relations thus became the minister and his authority to examine and correct the other friars by canonically established guidelines, with particular accent on orthodoxy and orthopraxy. In general terms, the *RegB* also housed the office of minister less in a semantic of relationality and servitude and more so in one of functionality and authority. The idyllic reality reflected in dynamic interplay of the *vita*, the ministers, and the conscience of the *RegNB* was no longer in play. The landscape of obedience had changed. The *vita* and the conscience were no longer privileged objects of a friar's obedience; rather, the canonical Rule assigned ministers an authority comparable to its own and diminished the role of conscience. The increasingly hegemonic face of the Minorite structure of obedience greatly favoured ministers concerning interpretation of the Rule and therefore also violation of the soul. The responsibility of the ministers to the other friars, now subject to the minister's authority, became secondary to that of the other friars to the ministers. Whether the greater served the lesser was susceptible to neglect.

#### *Francis' Role in RegB*

*RegB* I highlights the ambiguity of Francis' position in the order at the time. While Francis had abdicated his post as formal leader of the movement, the bull *Solet annuere* addresses Francis by name as the order's general minister, it indicates his canonical obedience to the Pope, and Francis' voice is present throughout. Esser's assertion regarding curial unawareness of Francis' abdication is the only way to reconcile the data at hand if one posits an actual abdication. Although Francis was not its sole author, numerous injunctions in the first person singular (12 in total)<sup>459</sup> evince Francis' notable contribution to the drawing up of *RegB*, and thus his mark on it. Significantly, first person commands appear many times on the exact occasion that a chapter contained extra material,<sup>460</sup> the so-called "patches" in Weaver's theory, that the curia's strict rubric would not permit to address in chapter form. Overlap be-

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<sup>459</sup> *Moneo* (II, 17), *consulo*, *moneo*, *exhortor* (III, 10), *precipio* (IV, 1), *moneo*, *exhortor* (IX, 3), *precipio* (X, 3), *moneo*, *exhortor* (X, 7), *precipio* (XI, 1), *iniungo* (XII, 3).

<sup>460</sup> *RegB* Chs. III (*Scripta*, p. 326), VI (*Scripta*, pp. 328-30), X (*Scripta*, pp. 334-6), and XII (*Scripta*, pp. 336-8).

tween Francis' commands and supplementary material in *RegB* represents charismatic insistence and effort to remain true – and to ensure others did so as well – to God's mission, which he believed to be his special calling. Alas, despite Francis' good intentions, it would appear that the *RegB* would occasion a degree of compromise vis-à-vis charismatic principles. Interestingly, ground may have been yielded as an expression of ecclesial obedience. Otherwise there would scarcely have been a reason to send out such firm and insistent writings as the *EpOrd* and the *Test*. Thus, it is of equal importance to examine not only that which is present in the rule, but also that which is absent. To that we now turn.

*Regula bullata and the Penitential Ideal of Obedience: Extract and Residua*

Importantly, select hermeneutical keys for the movement's ideal regarding obedience receive a striking lack of attention in *RegB*. Chief among such elements is the *spiritualiter-carnaliter* dichotomy. An essential lens for the penitential outlook of *RegNB*, in brief for the primitive movement's charismatic and organic self-understanding at large, the dichotomy bears lexical scarcity in *RegB* and the notable dearth of conceptual representation nearly matches that scarcity. The most notable of the few exceptions appears at X, 7-12,<sup>461</sup> which outlines avoidance of those vices associated with flesh and pursuit of regular observance *spiritualiter*. The Rule calls ministers to desire above all things possession of the Spirit of Lord, thus referencing concepts of divine inhabitation of particular interest in writings of that period (*RegNB* XXII and *EpFid*).

The mutuality ever-present in *RegNB* recedes almost to the point of nothing in *RegB*, and what little that remains is not framed by a relationality of obedience. Brothers are to show motherly affection (of equal, not superior) and see to the sick on basis of the Golden Rule (VI, 7-8).<sup>462</sup> When the brothers venture into world, they are not to bicker amongst one another and ought not to judge others *sed sint mites, pacifici et modesti, mansueti et humiles, honeste loquentes omnibus sicut decet* (III, 11).<sup>463</sup> Ministers are called to be watchful of sin in self and others, as it impedes charity (VII). Ministers thus emerged as the principal guarantors of soul's well-being, admitting negligible space for the fundamental responsibility to guard one's own soul and that of one's brother underlying a certain independence and mutual duty in *RegNB* relegated to ministers. Brothers are duty-bound to expedite their recalcitrant confrere's private audience with the provincial, but the appeal to conscience and protecting one's soul and that of one's brother disappears, except for the subordinated clause on disregarding a min-

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<sup>461</sup> *RegB* X, 7-12 (*Scripta*, pp. 334-6)

<sup>462</sup> *RegB* VI, 7-8 (*Scripta*, p. 330)

<sup>463</sup> *RegB* III, 11 (*Scripta*, p. 326)



ister's order. Thus, despite being present in the lexicon of *RegB*, *fraternitas* was absent in spirit.

Moreover, *RegB* loses the universal spirit of obedience. Abbreviated parts at the end of II and III treat proper manner of comportment in the world, whereby personal injunction demands of the brothers' nonjudgmental, humble, and benevolent attitude toward others.<sup>464</sup> Also, there is no riding of horses unless out of manifest necessity. While the blessing of peace (III) appears, love of enemies is primarily reserved to ministers in dealing with troublesome brothers (X). *RegB* downplays labour, regarding it as a grace, but one which should not detract from a life of prayer and devotion, as if the two were somehow in contrast, one with the other. Rather than underlining the normative obligation and spiritual benefit of self-*minoratio* and obedience to all in brother's lowly labour, the *RegB*'s norms refer to humbly accepting due recompense in corporal necessities and preservation of most high poverty by the refusal of coined money in exchange for labour.<sup>465</sup> Prior depiction of the brother's vocation to the rendering present the kingdom of God by lowly labour is one of at best minimal priority in the *RegB*. In its stead, the new Rule underscores the salvific value of alms and its role in the acquisition of heredity and kingship of God's reign in the afterlife.<sup>466</sup> The precious indications regarding proper approach to non-Christian peoples and self-*minoratio* and obedience to all mankind fall by the wayside. With respect to the servitude of ministers, the guardian's reception of conflicted brothers (X) contains a hint of and perhaps even an improvement upon the prior ideal as detailed in the *RegNB*. Here, the new rule prescribes the merciful reception of other, not only by the Golden Rule, but as a master would with his servant.

#### *Ecclesial Obedience*

*Solet annuere* solidified the official status of the order in the Church with a 'bullified' rule to prove their official sanction. Not a single person in Christendom could hold a legitimate doubt as to the group's ecclesial standing. Like book ends, both the initial and concluding chapter explicate patent attention to matters of ecclesiality and catholicity. Ch. I's profession of canonical obedience by Francis and successors to the Pope and successors already present in *RegNB* is supplemented with twofold profession to the Roman Church. Ch. II continued implementation of the noviciate according to the bull *Cum secundum*.

The new rule reinstates adherence to ecclesiastical procedure, now involving the complicity of ministers. They were to conduct a thorough examination of novices' on the basis of their orthodoxy, orthopraxy, and familial, ecclesiastical, and religious standing, safeguard

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<sup>464</sup> *RegB* III (*Scripta*, p. 326)

<sup>465</sup> *RegB* V (*Scripta*, p. 328)

<sup>466</sup> *RegB* VI (*Scripta*, p. 328-30)

against brothers preaching in diocesan domain without prelatory license, and encourage others to heed the demand for special licence granted directly by the Holy See for the licit entrance into a convent of women religious. In addition, *RegB* goes on to introduce an innovative level of co-involvement between order and Holy See in the command that ministers request the abiding oversight of a Cardinal Protector in addition to defining his role in the life of order. Although the group had most likely had close ties with Hugo of Ostia (soon to be Pope Gregory IX) at that point, *RegB* seizes the opportunity to clarify the Cardinal's official function at XII, 3-4.<sup>467</sup> The new policy thus demanded the vigilance of a Cardinal as safeguard complicit in governing, protecting, and correcting the order with specific regard for securing their obedience and subjection to the Roman Church, their catholicity, and their authentic observance of poverty, humility, and Gospel, all of which combine in the collective object of profession (*promisimus*). Constant curial engagement in the life of the order would provide yet another solid anchor point in devotion and reverence for the Church.

### *Admonitiones*

#### 1. Authenticity and *Sitz im Leben*

A topic of episodic debate, the authenticity, originality, and integrity of the *Admonitiones* are in large part tenable. Thus, while unrequited questions prevail,<sup>468</sup> the majority of scholars retain its status as an integral, genuine writing.<sup>469</sup> Near concordant representation of *Adm* in each of the four canonical collections of the manuscript tradition testifies to their authenticity.<sup>470</sup> As part of his extensive theological and exegetical study, KARRIS purports the

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<sup>467</sup> “*Ad hec per obedientiam iniungo ministris, ut petant a domino papa unum de sancte Romane Ecclesie cardinalibus, qui sit gubernator, protector et corrector istius fraternitatis, ut sempre subditi et subiecti pedibus eiusdem sancte Ecclesie, stabiles in fide catholica, paupertatem et humilitatem et sanctum Evangelium Domini nostri Jesu Christi, quod firmiter promisimus, observemus.*” *RegB* XII, 3-4 (*Scripta*, p. 338)

<sup>468</sup> Chapters 1 and 27 have most often been the topic of dispute. In particular, ch. 1 has strong parallels with another document, *Tractatus de corpore Domini*, and ch. 27 appears to sport lexical usage, which differs from that in the other writings. On ch. 1, see: E. Grau, „Zur Authentizität der ersten Admonitio des heiligen Franziskus“ in: *FranzStud* 52 (1970) S. 120-136; A. Jansen, “Traduction, sens et structure de la 27e admonition v. 4-6,” *CollFran*, 64 (1982):111-27; Nguyen-Van-Khanh, *The Teacher of His Heart: Jesus Christ in the Thought and Writings of St. Francis* (St. Bonaventure, NY: The Franciscan Institute, 1994), 159-69; P. Messa, *Le fonti patristiche negli scritti di Francesco di Assisi* (Assisi: Edizioni Porziuncula, 1999), 273-76 & R. Karris, *The Admonitions*, 32. For the current debate concerning ch. 17, see: C. Paolazzi, ‘Gli ‘scritti’ tra Francesco e i suoi scrivani: un nodo da sciogliere,’ *Antoniano* 75 (2000): 481-97; J. Hoerberichts, ‘The Authenticity of Admonition 27 of Francis of Assisi. A Discussion with Carlo Paolazzi and Beyond,’ *Coll-Fran* 75 (2005): 499-523 & C. Paolazzi, ‘Per l’autenticità della Admonitio XXVII e il lessico di frate Francesco: una risposta a Jan Hoerberichts,’ *CollFran* 76 (2006): 475-505.

<sup>469</sup> Due to manuscript evidence, J. Poulenc has suggested that *Adm* first took its final form in the early 14<sup>th</sup> century. (See P. Brunette, *Essai d’Analyse symbolique*, 46). G. Merlo points out that manuscriptal rubrics present the text as *dicta et verba*. See: *Francesco d’Assisi: Scritti*, 444-5. However, the thesis of R. Karris substantiates that the final redaction must have been written in collaboration between Francis and other brothers and therefore renders tenable the proposal in favour of their status as *scripta* mislabelled as *dicta*.

<sup>470</sup> ‘Introduction,’ *FE:ED*, Vol. 1., 36-37.

thesis that the core teaching of each admonition appears from a contentual perspective to be of ‘Franciscan’ authenticity. The logic, he argues, of each core teaching, however, does not function properly in the absence of erudite citations.<sup>471</sup> He, therefore, reasonably concludes that the texts were likely composed in their final redaction with the collaboration of Francis and therefore during Francis’ lifetime. Such would explain PAOLAZZI’s detection of *usus loquendi* typical in the other writings,<sup>472</sup> and thereby provides a supplement to the claim to textual integrity. In accord with KARRIS’ exegesis, internal evidence supports the authenticity of the text by way of integrity. Due to their nature as a compilation, dating *Adm* is difficult. Nevertheless, a date between 1223 and 1226 of a final redaction is thinkable as concerted emphasis upon matters of obedience, discipline, self-assertion, and humility reflect the thematic refrain of such later writings as *SalVirt*, *EpOrd*, and *Test*.<sup>473</sup> Considerable parallels with *RegNB* also exist, which might situate the writing more precisely in the realm of Francis’ charismatic teaching in particular after the charism-redressing neutralisation enacted by the composition of the *RegB* and the changing demographics of the order. Reading the texts in the context of the *RegNB*, scholars have correctly accented that the texts represent at once Francis’ teachings at general chapter meetings<sup>474</sup> and the meaning forged by the early movement. In particular, *DeInc* 37 relays how Francis would issue *admonitiones, reprehensiones et praecepta* to the brothers at chapter.<sup>475</sup> Not only that, but as FLOOD recalls, they are also “productions of meaning on the historical field opened by the early brothers.”<sup>476</sup> Therefore, the texts, rich in

<sup>471</sup> Of Francis’ authorship, Karris argues against L. Hardick’s assertion that the *Adm* were compiled after Francis’ death: “I believe that it is more probable that the compilation of Francis’ earlier admonitions into his Admonitions took place while he was alive and under his direction.” *The Admonitions*, 2. He goes on to argue of the traces of biblical, patristic, and monastic authorities detectable in the text that they “must be part and parcel of the first draft and cannot be effectively added at a later stage. And my analysis of the vast majority of Francis’ Admonitions will bear me out, for their ‘authorities’ can only be separated from the admonition by destroying it completely.” *Op. cit.*, 12-3.

<sup>472</sup> Paolazzi, ‘Gli “scritti” tra Francesco e i suoi scrivani: un modo da sciogliere,’ *Antoniano* 75 (2000): 485-7.

<sup>473</sup> Proponent of the most ambitious of dating theories, J. Poulanc dates the text between *EpOrd* and *Test*, “perhaps during his stay in Sienna six months before his death.” *Les Admonitions de Saint François: Édition critique et commentaire* (Doctral dissertation. Rome: Pontifical Gregorian University, 1962), 72. Karris proposes a similar date to the present study. *The Admonitions*, 3.

<sup>474</sup> P. Sabatier links *Adm* and *RegNB*, writing of them that they are “a series of spiritual counsels with regard to the religious life. ...we find in the Admonitions all the anxieties with which the soul of Francis was assailed in that uncertain and troubled hour. Some of these counsels sound like bits from a private journal.” Sabatier, *The Life of St. Francis of Assisi*, trans. Louise Symour Houghton (London: Hodder & Stoughton, 1925), 252. [Vie de s. François d’Assise. Paris: Librairie Fischbacher, 1894, 297-8].

<sup>475</sup> *In quo Capitulo tractabant qualiter possent melius Regulam observare. Et constituebant fratres per singulas provincias qui populo praedicarent, et qui fratres in sua provincia collocarent. Sanctus autem Franciscus admonitiones, reprehensiones et praecepta fratribus faciebat, sicut ei, prius consulto Domino, videbatur. Omnia autem quae dicebat eis in verbo, affectuose et sollicitè prius eis opere ostendebat.*

<sup>476</sup> D. Flood, ‘And Never Talk to Strangers! Admonition Twenty-Eight,’ *Frate Francesco* 71 (2005): 7-8. On the subject, see also: Flood, *Francis of Assisi and the Franciscan Movement* (Quezon City, Philippines: FIA Contact Publications, 1989), 139-141 and 151-53.

literary value constitute a veritable “Cantico della fraternità,”<sup>477</sup> a Franciscan Beatitude, a coursing vein, that once pierced, leads straight to the heart of the early Minorite charism.

## 2. Thematic-theological Analysis

### *Core Teachings in the Admonitiones*

Regardless of the current literary arrangement of the *Adm*, it is the submission of the present author that the writing is comprised of a core set of teachings (I-XI) combined with more specified instruction (XII-XXVI), which serves to expand and compliment the initial section. In particular, the interplay between obedience and self-*minoratio* lays the dynamic groundwork for the entire writing, upon which follows the more detailed instruction directed at those who aspire to be *servi Dei*. *Adm* I-III underlay a wealth of insight into the charism, with particular accent upon obedience and self-*minoratio*. Treating the theme of the Lord’s body, *Adm* I references the human’s proper relationship to the triune God and the penitential, spiritual vision suitable thereto. Positing the centrality of Eucharist as the sacrament of obedience, the teaching calls to mind that only in seeing with spiritual eyes and hearing with spiritual ears can one believe and receive the Almighty, Inaccessible God, who has humbled himself in the bread and wine turned body and blood. Trinitarian inhabitation as prerequisite for spiritual vision and contemplation with spiritual eyes combine to support the early movement’s emphasis upon penitential transformation, whereby conceptual contrast between *vedere et credere secundum spiritum* and *secundum humanitatem, carnaliter* as in other writings, centres the mechanism for and mentality behind true Eucharistic devotion as the presence of Christ. The way to the Father and true obedience is through Christ; the way to Christ is through the Spirit. *Adm* II then extends instruction to self-*minoratio* and obedience, linking one’s duty to renounce one’s own will with questions of sin and the Lord’s commandments. The image of the Tree of Good and Evil enters the realm of metaphor, symbolising the will and its capacity to achieve good and evil, to exalt oneself for the good things that are rightly God’s by transgression on pride and self-assertion and (a link suggested but not explicated until *Adm* VII, 4; XI, 4; XVIII, 2) the restitution of those good things to their rightful origin by preserving in the Lord’s commandments and self-*minoratio*.<sup>478</sup>

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<sup>477</sup> P. Messa & L. Profili, *Il Cantico della fraternità: Le Ammonizioni di Francesco d’Assisi* (Assisi: Edizioni Porziuncula, 2003).

<sup>478</sup> Paolazzi comments that the tree of good and evil symbolizes the will “che deve produrre il bene: ma quando l’uomo ne usa contro il comando del Signore, la fa sua, la ruba al Signore, ed essa produce ‘il pomo della scienza del male’. Di colpa uguale si macchia chi in qualche modo attribuisce a sé (si esalta) beni che appartengono al Signore.” *Lettura degli “Scritti” di Francesco d’Assisi*, 121.

*Adm* III then brings the theme of obedience to thematic focus upon obedience in religious life. A general call to abandon one's self to obedience in the prelate's hands is followed by a proposal of three levels of obedience. Worthy of note, a lexical oddity occurs in the wider context of the writings in the quizzical phenomena of change in lexical usage from the designation of Minorite superiors as *minister et servus* to *praelatus*, a term of predominance in its semantic origin, but otherwise generally used to signify anyone in the role of *cura animarum*.<sup>479</sup> A rare occurrence of casuistry in the writings, the following verses form "if-then" statements.<sup>480</sup> The first level of obedience is true obedience, wherein one accomplishes that which is not contrary to their superior's will. Obedience of the second level is charitable obedience, whereby the subject wilfully sacrifices himself for God in obeying a superior despite cognisance of a more salutary alternative (*quando ... videat meliora et utiliora anime sue*). *Nam hec est caritativa obedientia, quia Deo et proximo satisfacit. Perfecta obedientia* sets the highest level of obedience. The perfection of obedience consists in the deferability of obedience to direct orders that are contrary to the soul (*contra animam suam*), but not the full dismissal of the prelate; rather, he who follows his duty to love others and not separate himself from his brothers even in the face of persecution, his obedience has attained perfection, as he gives his soul for the other.<sup>481</sup> PAOLAZZI remarks that obedience reaches the perfect level of expression "quando non si accetta di fare il 'male' richiesto, ma si affronta la persecuzione pur di non rinnegare i propri fratelli. Sullo sfondo si profila l'obbedienza fino alla morte del Signore Gesù, che ha dato la vita per tutti, amici e crocifissori." Violation of the fraternal bond induces religious to *retro aspiciunt et ad vomitum proprie voluntatis redeunt*. A rich analogical device, the passage evokes both the evil in pride and appropriation of the will in *Adm* II and, as the Petrine Scripture quote suggests, graphic indication of a disobedient, thus spiritually deaf and blind, beast (here, a canine) returning to the remains of something that his body has rejected.<sup>482</sup> The loss of such souls is equated with death (*homicida*). Thematic con-

<sup>479</sup> Paolazzi, *Scripta*, p. 357, note 1.

<sup>480</sup> Karris, *Admonitions*, 63.

<sup>481</sup> On the notion of perfect obedience in the early writings, see: Kajetan Esser, OFM, 'La perfecta obediencia (Adm. 3 de san Francisco),' *Selecciones de Franciscanismo* XIII, 38 (1984): 232-242. For a broader perspective, see: Cándido Aniz, OP, 'Concepto de obediencia perfecta,' *Ciencia tomista* 83, 258 (1957): 305-336.

<sup>482</sup> II Pet 2, 17-22 reads: <sup>17</sup> *hii sunt fontes sine aqua et nebulae turbinibus exagitatae quibus caligo tenebrarum reservatur* <sup>18</sup> *superba enim vanitatis loquentes pellicent in desiderii carnis luxuriae eos qui paululum effugiunt qui in errore conversantur* <sup>19</sup> *libertatem illis promittentes cum ipsi servi sint corruptionis a quo enim quis superatus est huius et servus est* <sup>20</sup> *si enim refugientes coinquinationes mundi in cognitione Domini nostri et salvatoris Iesu Christi his rursus impliciti superantur facta sunt eis posteriora deteriora prioribus* <sup>21</sup> *melius enim erat illis non cognoscere viam iustitiae quam post agnitionem retrorsum converti ab eo quod illis traditum est sancto mandato* <sup>22</sup> *contigit enim eis illud veri proverbii canis reversus ad suum vomitum et sus lota in volutabro luti*. "Dogs turning back to the vomit (of own will)" also recurs in II Cel and *CAss* 74.

sonance with the movement's fraternal ideal and the connection to charity and self-sacrifice occasion both integral textual interplay and novel insight. The fraternal ideal must be preserved and thus has precedence over being right in a dispute between minister and brother. If one were to disobey, one should not break the greater bond created in fraternal obedience by abandoning the other. By the paradigm of obedience, he who relinquishes his will, body, and soul to his prelate and ultimately to the greater group of brothers to the extent of self-sacrifice can thus be sure that he walks on the path of the Lord together with his brothers in *sequela Christi*. As HAMMOND notes, "Obedience to Christ blurs into imitation of him."<sup>483</sup> *Adm III* thus calls for a state of pre-emptive obedience to superiors, which is nevertheless vigilant against sin, and therefore not without limits. It seems a paradoxical state of subservience and vigilance.

*Adm IV-IX* entail a theoretical expansion upon that *sequela Christi* in obedience. *Adm IV* substantiates that the vocation to self-*minoratio* and obedience to all necessitates a challenge to all in authority. In thematic consonance with *RegNB IV-VI*, the fourth teaching calls prelates on the example of Christ to become servants, whose duty it is, not to glory in his post, but to humble himself and show mercy to his brothers by washing their feet.<sup>484</sup> Evoking once more Paradise and Adam, *Adm V* exhorts brothers, having lost the sublime condition that was their original created state, not to be prideful in wisdom or knowledge of the flesh, but to obey in the spirit by delighting in the Cross of Christ. Even the demons possess more knowledge than any human person, but all the creatures on earth serve, recognise, and obey the Lord better than humankind. Thus, the sinner must take up his cross each day and follow Christ, leads straight into *Adm VI*. Proposing once again the model of Christ on the Cross, the pastor who tends to his sheepfold in self-sacrifice and humility, the sixth teaching chastises those who wish to glory in recounting and preaching the works of the saints, but not in achieving them in person. Echoing somewhat *Adm V*, *VII* warns against knowledge and wisdom of the flesh (of the letter) and urges genuine spiritual devotion, which only comes from interiorising the Scriptures and wishing to follow them in rendering good things by word and example to their proper source the Most High Lord. Consonant with the developed statement of purpose in *RegNB XVII*, the seventh admonition recalls the brothers' vocation to performative obedience

<sup>483</sup> *The Writings*, 271-2, note 55.

<sup>484</sup> Of *Adm 4*, J. Hammond notes that "For the first times, verse 2 introduces a positive comparative contrast that utilizes *tantum/quantum*: a superior office should be valued only as much as a lesser office, that is, the office of feet washing.... In effect, one should only glory in being 'lesser.' Verse 3 follows with the negative comparative contrast of *quanto/tanto*: the more a superior is upset about losing an office of superiority than losing the office of foot washing, to that degree the superior harms his soul. The concluding reference to a 'money bag,' poignantly compares a superior's imitation of Judas instead of Christ. Like Judas, such a selfish will betrays Christ." *The Writings*, 272.

in praise and service of their Lord. *Adm VIII* then takes up the indicated theme and exposes a direct, horizontal consequence of true rendering of good things back to God, such that envy of a brother's pious words or example offends God, who is the source of all good. IX also reflects consonance with *RegNB* in calling brothers to love their enemies in working out their *sequel Christi*, it is the love of God that generates in a brother the will to treat him with love despite the other's sin. According to *Adm X*, the true enemy, if there were one worth having in the brothers' Gospel alternative, is the body. Here deemed not insignificantly a power (*potestas*), the body of the servant of God must be detained and mortified like a prisoner and held at bay by the power of spiritual wisdom, which comes from the Spirit of the Lord. *Adm XI* then warns against being afflicted by the sin of another and calls to mind the brothers' vocation to leave the world and take joy, not in sin and the mentality of the world, but in freeing one's self from the world's burdens, whose goad, unlike Christ's, is not lightened by a beneficial end. A poignant turn of phrase concludes the first block of admonitions:

*Ille servus Dei qui non irascitur neque conturbat se pro aliquo, recte vivit sine proprio. Et beatus est, quia non remanet sibi aliquid, reddens que sunt Cesaris Cesari, et que sunt Dei Deo.*<sup>485</sup>

The eleventh admonition combines notions of collective and individual responsibility of guarding one's soul and that of one's brother. Contrast between restoring to Caesar what is his and to God what is his follows upon the prior admonition with regard to the power of the flesh, counteracted solely by guarding against it by means of the wisdom of the Spirit as one would an enemy.

#### *Servants in the Kingdom of God: Adm XII-XXVIII*

Whereas the first literary block (*Adm I-XI*) lay the theoretical groundwork for the meaning of the work more broadly, the next set of admonitions then expand with teachings on the attitudes and tasks proper to *servus Dei*. The section of exhortatory texts, deemed the 'Beatitudes of Francis,' treats one principal theme and expounds upon it, playing with the tension between two extremes. That theme is the *spiritualiter-carnaliter* dichotomy and its source, sign, and effect in the life of a *servus Dei*. The theoretical expansion of such admonitions certainly has repercussions for the conception of obedience and therefore merits study.

Virtues associated with the life of the spirit are *patientia, humilitas, paupertas spiritu, pax, nuditia cordis, dilectio* or *compassio proximi, gaudium, letitia, caritas, sapientia, quies, meditatio, timor Domini, misericordia*, and *discretio*. Conversely, vices linked with the life of the flesh as represented in *Adm XII-XXVIII* include *otiositas, inanitas, timor, ignorantia, ira,*

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<sup>485</sup> *Adm XI*, 3-4 (*Scripta*, p. 364)

*perturbatio, cupiditas, avaritia, sollicitudo, vagatio, superfluitas, and induratio.* In order to avoid such vices and sins and live *spiritualiter*, the *Adm* calls the brothers to genuine spiritual interiorisation and authentic outflow of works (XX, XXI, XXIII), self-*minoratio* (XIV, XIX), perseverance against worldly forces (XV, XVI), submission to all in offices worthy of reverence and in receiving correction (XXII, XXIII, XXVI), loving service of others for God's sake (XIV, XXIV, XXV), and ultimately rendering all good things unto God (XII). *Adm* XVII & XVIII represent remarkable summaries of the second literary unit's general conceptual thrust.<sup>486</sup>

Of particular note, two other elements complimentary to conceptual expansion in other writings merit mention. Observance of overall lexical consistency, aside from the exception presented by *praelatus*, yields two key terms. While the logic of *minoritas* pervades the writings, *minor* appears only once in *Adm*. The twelfth admonition considers it a sign of the spirit and not of the flesh, if one accomplishes something good. The flesh is not proud in such a servant of God because he retains himself vile (self-*minoratio*) with spiritual eyes (penitential vision) views himself as lesser (*minor*) than all others. *Maior* also appears once. *Adm* XXVI exhorts brothers to honour clerics who live rightly according to the form of the Holy Roman Church. Their ministry of sacramental administration is above (*maior*) all others. Furthermore, *Adm* XXII and XXIII provide a theoretical link to the earliest conception of the movement's ideal with accent upon self-*minoratio*, loving obedience to all, and working out one's penance. In *Adm* XXII, when confronted with correction, one should receive it with modesty, good-naturedness, and submit to it, seeking satisfaction. XXIII urges servants of God to exhibit humility among subjects as if among lords, receive correction, submit to interior contrition, and undertake exterior confession and satisfaction of works. It is safe to say that one does well to read *Adm* in the context of *RegNB*, as noteworthy conceptual consonance emerges and encourages reciprocal complementarity and nuance.

### ***Ultima voluntas ad Claram et sorores***

#### 1. Authenticity and *Sitz im Leben*

Of largely undisputed authenticity and originality,<sup>487</sup> scholars debate whether to retain the *Ultima voluntas* as a fragment of a message given to Clare and her sisters or an integral

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<sup>486</sup> *Adm* XVII: “*De humili servo Dei. Beatus ille servus, qui non magis se exaltat de bono quod Dominus dicit et operatur per ipsum, quam quod dicit et operatur per alium. Peccat homo qui magis vult recipere a proximo suo, quam non vult dare de se Domino Deo.*” *Adm* XVIII: “*De compassione proximi. Beatus homo, qui sustinet proximum suum secundum suam fragilitatem in eo quod vellet sustineri ab ipso, si in consimili casu esset. Beatus servus, qui omnia bona reddit Domino Deo, quia qui sibi aliquid retinuerit, abscondit in se pecuniam Domini Dei sui, et quod putabat habere, auferetur ab eo.*” (*Scripta*, pp. 368-70)

<sup>487</sup> See indications for *Forma vivendi* above.



writing.<sup>488</sup> Regardless, explicit reference in *RegClar* VI to composition shortly before Francis' death and thematic consonance with Francis' *Test* converge and situate the writing in 1226 during the final months of Francis' life. One might indeed conceive of *UltVol* as a reiteration and reaffirmation of the initial *FormViv*, which Francis had once offered the sisters as a gesture of encouragement and fraternal support at the dawn of Damianite existence.

## 2. Thematic-theological Analysis

In the context of Francis' other later writings, such *EpOrd*, *Cantico*, *Audite*, *Poverelle*, and *Test*, *UltVol* contains a mixture of the simple words of encouragement in the early *FormViv* and of Francis' mature reflections filled with a sense of urgency as he sensed his life drawing to a close. Francis writes that he wishes to follow the life and poverty of the Our Most High Lord Jesus Christ and of his most holy mother. In turn he wishes the same for Clare and her sisters, with whom he was now well acquainted as he spent much of his final year of life at San Damiano in their company. The threefold appearance of life (2x *vita*, 1x *vivatis*) without a single mention of *Regula* has overtones of an anti-institutional nature. In any even the centre-piece of *UltVol* is poverty. He bids them to guard it with care and to never abandon it by the instruction or counsel of anyone. Perhaps Francis could already read the writing on the wall with regard to institutionalisation of the sisters' life and pressure from above regarding their strict adherence to poverty. Nevertheless, *UltVol* conveys another attempt to establish a disposition of self-*minoratio* with extreme self-deprecation (*frater Franciscus parvulus*) and honour of the sisters (*dominas meas*) and perhaps thereby also to heighten his charismatic authority.

### *Testamentum*

#### 1. Authenticity and *Sitz im Leben*

The *Testamentum* is perhaps the most controversial document in the order's history, from the time of its initial reception unto modern-day. Its authenticity and originality having never received serious doubted,<sup>489</sup> modern scholarship retains the *Test* as a genuine, integral writing with unanimity. In favour of the motion, as well as its presence in the mid-13th century As. 338 codex, several attestations in the interim period between Francis' death and the 338 compilation further solidify its authenticity.<sup>490</sup> In effect, the strong case for its authenticity has earned it the rank of a fundamental point of reference for determining the authentic status of

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<sup>488</sup> Kuster, 'Gli scritti di Francesco e Chiara,' 375.

<sup>489</sup> For a list of scholarship regarding *Test*'s authenticity, see: K. Esser, *Das Testament des Heiligen Franziskus von Assisi* (Münster/Westfallen: Aschendorffsche Verlagsbuchhandlung, 1949), 9-17.

<sup>490</sup> References include the 22 Sept 1230 bull *Quo elongati*, I Cel 17 (1228), and 3Soc 11 (1240-1247).

other writings.<sup>491</sup> A list of potential self-designators within the text are notable in v. 34, ...*hec est recordatio, admonitio, exhortatio et meum testamentum*.<sup>492</sup> It appears, however, that the adoption of *Testamentum* developed into standard usage even as early as 1228 (*VbF* 17). Though it was not the only testament written by Francis, the writing's content and external cues suggest it was arguably the most important, thus the *Testament*.<sup>493</sup> It was thus in no way an occasional, spontaneous writings; rather, it was a product of Francis' constant reflection during the final stage of his illness.<sup>494</sup>

A host of internal and external evidence occasion the establishment of date and setting with relative ease.<sup>495</sup> Notable internal features bespeak a moment of existential crisis in Francis' life, whereby his suffering under grave illness and trepidation and heightened sense of finality mark the time of composition.<sup>496</sup> ESSER wonders at the writing's comparative simplicity of Latin style with respect to other later writings. Such an indication provides potential evidence both of Francis' weakened, distraught condition and of the interrupted process of reworking by scribes and penmen due to Francis' death. Concerning thematic tone, the writing exhibits an urgency and harshness, which characterise writings to the brothers as a collective whole in the final two years (*SalVirt, EpOrd*). External attestation is equally in favour of the case for a later date. Gregory IX's 1230 bull *Quo elongati* confirms Francis dictated the writing *circa ultimum vitae suae*, a common manuscript *incipit* exclaims *quod in ultimo fecit*,<sup>497</sup> and Bonaventure relays that Francis had issued the brothers a command at the end of his death, *in morte mandavit fratribus*.<sup>498</sup> Nonetheless, perhaps the most explicit and therefore convincing clue to dating and circumstance remains *CAss* 106, which imparts that Francis was very sick and close to death, and, he lived only a short time afterwards.<sup>499</sup> Additionally, strong

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<sup>491</sup> Paolazzi, *Scripta*, p. 384.

<sup>492</sup> *Test* 34 (*Scripta*, p. 402)

<sup>493</sup> For further discussion of the testaments-Testament relation, see: Hellmann, *The Writings*, 229-30 & R. Manselli, 'From the Testament to the Testaments of St. Francis,' *GreyRev* 2 (1988): 91-99.

<sup>494</sup> J. W. Hellmann, 'Testament,' trans. Jean-François Godet-Calogeras, in: J. Dalarun and G. Besson, *François d'Assise, écrits, vies, témoignages*, Vol. 1 (Cerf, 2010), 303.

<sup>495</sup> A 19th century scholar had noted that the hagiographical texts do not confirm that the Testament to which they attest is the indeed the text, which we have in the manuscript tradition, nor do they provide description of the Testament's writing. See: Niccola Papini, *La storia di s. Francisco di Assisi, Opera critica* (Foligno: Tipografia di Giovanni Tomassini, 1825), 154-57. However, it appears that he was not familiar with *CompAss* 106.

<sup>496</sup> Chief among such evidence, he wished that *in omnibus capitulis que faciunt, quando legunt Regulam, legant et ista verba*. A not unfamiliar tone of finality colours the content, in particular in the request *in istis verbis non addere vel minuere* (v. 35) and to observe all *usque in finem* (v. 39), but the following verse supplements the other two, thereby offering a novel element of finality. V. 40 purports of the reward in heaven awaiting those who do observe these words.

<sup>497</sup> Esser, *Chronologie*, 61-2.

<sup>498</sup> Bonaventura, *Epistola de tribus quaestionibus, Opera omnia*, vol. 8 (Quaracchi: Collegii S. Bonaventurae, 1898), 335.

<sup>499</sup> *CAss* 106 (*FF* 1647-53)

lexical and conceptual parallels with *UltVol*, which *RegClar* describes as written *paulo ante obitum suum*, further strengthen the case for a date approaching the time of Francis' death. All available accounts point to a date and setting of composition in the final year of Francis' life, perhaps even the final months.

## 2. Thematic-theological Analysis

### *Order Structures and Functions*

With *RegB* and *EpOrd* having revealed the emerging office and concrete tasks of local house authorities, in the *Test*, one finds a reaffirmation of the position as well as that of other ministers. Nevertheless, once again apparent confusion of terms leads to ambiguity of signified position in the order structures of obedience. Test 27 reads, *Et firmiter volo obedire ministro generali huius fraternitatis et alio guardiano quem sibi placuerit michi dare.*<sup>500</sup> CUSATO indicates that in the present case, *guardianus* most likely designates a provincial minister.<sup>501</sup> In the passage *Test* 30-3, however, ambivalence seems to abound.<sup>502</sup>

Unlike the replacement of *custos* for *minister* in *RegB* utilised to address an official position, granted a certain status and duties proper thereto might establish based upon the emergence, if only in theory, of a distinguishable chain of command in its outermost extremes. The two extreme terms, *guardianus* at the beginning and *minister* near the end, likely represent the local house authority and provincial minister, respectively. Provided that such is the case, *custodi illius loci* could only refer to local house authority.<sup>503</sup> As CUSATO indicates, the interchangeability of terms points to their evolving *stati* and titles.<sup>504</sup> Nonetheless, at the top of the authority peak stand the Cardinal Protector, who had the ultimate say in dealing with recalcitrant brothers. Oddly, there is no mention of the ministers general with respect to the issue of wayward brothers who were suspected of heterodoxy or unwilling to recite the office according to the rule. The passage regarding recalcitrant brothers introduces a novel, more centralised policy, which reflects that already contained in *EpOrd* 43-4.<sup>505</sup> Here, a link is already present between observance of the rule in recitation of the office and catholicity, to the extent that it appears transgression of that regular norm was equivalent to a mortal sin,

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<sup>500</sup> *Test* 27 (*Scripta*, p. 400)

<sup>501</sup> Cusato, *Guardians*, 257.

<sup>502</sup> Cf. *Test* 30-3 (*Scripta*, pp. 400-2).

<sup>503</sup> Esser remarks that the Theutonic province had divided into *custodies* due to its expansive geographic surface area in late 1223 (Jordan of Giano) and in England in 1228 (Thomas of Eccleston). See: *Origins*, 78 & 80 respectively.

<sup>504</sup> Cusato, *Guardians*, 257.

<sup>505</sup> “*Ego enim prometto hec firmiter custodire, sicut dederit michi gratiam Deus, et hec fratribus qui mecum sunt observanda tradam in officio et ceteris regularibus constitutis. Quicumque autem fratrum ec observare noluerint, non teneo eos catholicos nec fratres meos, nolo etiam ipsos videre nec eis loqui, donec penitentiam egerint.*”

especially when one considers Francis' own confession of the same negligence.<sup>506</sup> In an ironic turn of events, the policy that the *Test* instates regarding brothers who refuse to pray the office is not found in the *RegB*. Francis thus exerts his charismatic authority to force the policy 'from above' and in so doing, reserves the exclusive right to gloss the rule.

#### *Francis' Role as Charismatic Authority*

In 1226 Francis dedicated the *Testament*, his last-ditch effort to impart a decisive legacy. The text recounts his own conversion and the life of the early fraternity, which he then proposes as a model for the brothers' religious identification. A critical feature of *Test*'s hermeneutic thrust, as FELD notes, implied reading the *RegB* through the lens of the *RegNB*.<sup>507</sup> One may wonder what meaning the *Test* assigned to Francis' authority. What model of influence, if any, would describe Francis' incendiary comments and harsh words? While it may be a difficulty of extreme measure to do so, the temptation to interpret the entirety of Francis' reign as it were in light of the *Test* must be avoided. One can – indeed, one ought to –, however, qualify the writing with context. Even after his abdication of formal leadership, Francis wished to have a say in the movement's matters once it had become an order. He continued to make critical decisions. Regardless of Francis' proclaimed renunciation, memorable episodes at the chapter of Mats (ca. 1220-2), passages recognising Francis as representative of the group and personal tone in *RegB*, and high demands in other writings, the *EpOrd* and the *Test* significant, although not self-explanatory, events if Francis indeed abdicated his role as formal leader of the movement.<sup>508</sup> As indicated, Francis' abdication of leadership consisted primarily in the relegation of certain effective, organisational responsibilities to the provincial ministers. Never did he, however, renounce charismatic authority over the movement.

Does Max WEBER's model of charismatic authority explain away logical inconsistencies with the intrinsic instability of charismatic authority? Were Francis' harsh words and transcendental self-aggrandisement of his own words and of their importance (*usque in finem*, et al.) justified? If so, by what measure would they (not) be? Still further, were they qualified? Did this humble inspired experimenter become a charismatic leader in the Weberian sense, that is to say, with an absolute demand for obedience regardless of complete logical consistency? Are charismatics by definition exempt from judgment by codified structures and norms? A virtual plethora of questions come to mind when reading the sources.

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<sup>506</sup> *EpOrd* 39 (*Scripta*, p. 218) reads, *In multis offendi mea gravi culpa, specialiter quod Regulam quam Domino promisi non servavi, nec officium sicut Regula precipit dixi, sive negligentia, sive infirmitatis mee occasione, sive quia ignorans sum et idiota.*

<sup>507</sup> Feld, *Franziskus und Seine Bewegung*, 312f.

<sup>508</sup> Dalarun, *Francis of Assisi and Power*, 50.

Francis' demand of obedience regarding the installation of structures of punishment and containment, the incessant injunction that the contents of his writings be observed *usque in finem*, the seemingly personal threat to recalcitrant brothers in *EpOrd*, and the injunction to always read the *Test*, an admittedly ambiguous piece of literature, at chapter complicate the image of Francis as a leader. By WARTENBERG's model of influence, Francis had likely become at least somewhat paternalist in his form of influence, if not slightly coercive. Perhaps one could claim that the model of influence was not absolute, but dialectical, dynamic. Perhaps maternalistic structures of obedience were suitable until placed in extraordinary circumstances. Did Francis' model evolve? Most scholars would answer in the affirmative. DALARUN appears to assert that Francis always had a despotic tendency. Ironically, Francis' most typically authoritative messages come about at times when he sensed the fraternal ideal to be betrayed and abandoned. Francis thus became ever more insistent upon a certain vision of the movement: *fraternitas*. In so doing, he risked overstepping his bounds. His insistence borders on the obsessive and maniacal by modern psycho-analytic standards. Perhaps Francis' identification, punctuated by his stigmatisation, induced illusions of grandeur. Perhaps over-psychologising will only obscure analysis. One could perhaps posit by charismatic archetype that just as Christ was the *autobasileia* and had embodied the kingdom of God, so too did Francis and his brothers desire to embody *fraternitas*. In last years, as the Rule had changed, Francis may have decided to act as the living rule, correcting, admonishing, and leading by word and example. Whether he succeeded is another question altogether. It is clear that he did so predominantly through his actions. In his words, he tended toward the more forceful side of parental relationality in increments as he advanced in age and his health deteriorated and the order began to change demographics in particular with learned churchmen filled with ambition and wishing to hammer out careers for themselves. The enigmatic nature of the *Test* and its content occasions multifarious hermeneutical layers to the text.

Let us first stick to the concrete data in the text. As indicated, the *Test* imposed an interpretive lens upon *RegB* to the extent that it be read in the sense of *RegNB*. Yet Francis took an absolutist stance on the *RegB* even after the many years of legislative redaction regarding their *vita*. Francis enshrined the *RegB* as divine *diktat*, commanding that the friars understand the rule just as the Lord had revealed it to him, *simpliciter et pure sine glossa*.<sup>509</sup> In this way,

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<sup>509</sup> The emblematic recounting of Francis reads “*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; et ego paucis verbis et simpliciter feci scribi... Et omnibus fratribus meis clericis et laicis precipio firmiter per obedientiam, ut non mittant glossas in Regula neque in istis verbis dicendo: “Ita volunt intelligi”; sed sicut dedit michi Dominus simpliciter et pure dicere et scribere Regulam et ista*

Francis qualified and commanded an interpretation and thus observance of the Rule, but in a manner fraught with ambiguity. Although Francis was surely not content with the *RegB*, it appears at first glance that he was the very one to begin the fiction of a single rule.

The *Test* goes on to read that the writing is not intended to be another rule; rather, it was *recordatio, admonitio, exhortatio et meum testamentum*. Of those four designations, *Testamentum* would become the most influential, as evidenced in *Quo elongati*. It is difficult to know for certain, however, whether the affirmation *Et non dicant fratres: "Hec est alia Regula"* is meant in a literal (*simpliciter et pure*, to borrow Francis' own words) or facetious sense. Nevertheless, if it was not a new rule, it was certainly the first commentary on the rule, one which forbid the glossing of its contents and the asking of privileges from the Apostolic See. As indicated, however, the policy introduced by the *Test* on recalcitrant brothers and the office is not found in the *RegB*. Francis' own instatement of the policy 'from above' on grounds of charismatic authority thus ostensibly undercuts the forbiddance to gloss the rule. Paradox after paradox can be evinced in the text. At once, Francis desired to firmly obey the minister general and be a prisoner in his hands *quia dominus meus est*, which appears to signify complete and total abandon of one's will. At the same time he commanded *per obedientiam* that brothers at all levels of order hierarchy do what he bid of them regarding the new policy for recalcitrant brothers. Thus, while he espoused the unmitigated divine revelation to conscience and direct obedience to the Gospel which marked the earliest period of the movement, he also embraced an absolutised hierarchical structure of obedience and, on the basis of his own vision, delimited further development of regular interpretation. Francis absolutised the *Rule* and order hierarchy in virtue of his charismatic authority. As FLOOD duly notes, "Francis packed his parting message with dynamite."<sup>510</sup>

Integral to the thrust of the *Test* was the effort to correct and complete the *RegB*. In so doing, the document reinforces lowly labour as a primary avenue of performance vis-a-vis the charismatic principle of self-*minoratio* and obedience to all. As FLOOD observes, "It should be clear that Francis hoped for more than callous hands and a chastened body from manual labor."<sup>511</sup> In the *Test*, appeal to brothers as *advene et peregrini* invokes familiar passage of the *RegB* and attempts to unlock its meaning in sense of the *RegNB* and to reframe the meaning addressed in the phrase *Domino famulantes*. Together with emphasis upon lowly labour, the writing circumscribed their poverty as a function of their self-*minoratio* and obedience to all

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*verba, ita simpliciter et pure sine glossa intelligatis, et cum sancta operatione observetis usque in finem.*"  
*Test* 14-5 (*Scripta*, p. 396); *Test* 38-9 (*Scripta*, p. 402)

<sup>510</sup> Flood, *Daily Labor*, 135.

<sup>511</sup> Flood, 'The Politics of *Quo elongati*,' 372.

in rendering present the kingdom of God and embodied witness in world. One may therefore suggest the view of the *Test* as a charismatic-performative and not a legal text, although of a no less normative nature. That is to say, when the text reads *ego*, which potentially implies individual meaning, perhaps what was meant was *nos*; an appeal to collective meaning in the Gospel culture and concomitant charismatic principles forged by Francis and the early movement. The text states, *nemo ostendebat michi quod deberem facere, sed ipse Altissimus revelavit michi quod deberem vivere secundum formam sancti Evangelii*. There has often been a connection between identification of earthly authority with God – for instance, an authority to which one attributes divine origin – and the absolute demand of obedience. Despite Francis’ bold claim, it need not be the case. There is room for an ulterior interpretation. When Francis demands obedience, he not only makes recourse to his own experience, but to that of the charismatic origins of the primitive movement. Francis does not appear to pretend to have a God-like normative draw. Rather, the *Test* entails both recall and admonition, neither of which factored into Gregory’s juridical interpretation. Nowhere does the *Test* demand absolute obedience to Francis as a person. Instead, the document harkens to a strata of forged meaning in the charisma. Dalarun's diagnosis of Francis' megalomania and sinister motives in abdication perhaps prove insightful from the perspective of modern psycho-analysis. However, the claim that someone has an inflated ego is not a helpful category in the attempt to explain phenomena in high medieval mind and society.

If one examines the form of Francis’ commands, it all appears quite shrewd and severe. However, perhaps the contents, which the commands attempts to safeguard will shed some light on the issue of authority and obedience. Upon closer analysis, the link between Francis’ harsh words and the issue of catholicity may offer insight into the questions at hand. Francis says he composed the writing *ut Regulam quam Domino promisimus melius catholice observemus*.<sup>512</sup> It is therefore clear that at least part of what one may call a paternalistic form of influence – harsh words against recalcitrant brothers and detainment structures – can be attributed to guarding the brothers’ catholicity. As has been established, the abiding theoretical expansion and concrete measures taken attest to a spotless record of ecclesial obedience. It is no different in the case of *Test*. The writing reporting Francis’ legacy thus furthered that ever-tightening link fixed first between order and Roman Church with canonical legislation *RegB* I, 1-2 and subsequently with charismatic force in *EpOrd* by which “il carattere di vincolo essenziale d’unità con la Chiesa e tra i fratelli dell’Ordine che egli attribuisce alla celebra-

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<sup>512</sup> *Test* 34, *Scripta*, p. 402.

zione liturgica secondo il rito della Curia romana.”<sup>513</sup> Therefore, although the appeals to direct revelation and living according to the form of the Gospel may seem anti-institutional, given the catholicity of the *Test*, such a claim would be counterfactual.

AGAMBEN claims that in the *Test* Francis contradistinguishes two normative orders, one ecclesiastical by which priests live *secundum formam sanctae Ecclesiae Romanae*, the other fraternal by which the brothers live *secundum formam sancti Evangelii*.<sup>514</sup> Yet the claim holds less water than it at first appears to, as both priests and laypersons were members of the Friars Minor, the *Test* was a resolutely catholic document (*regulam melius catholice observare*), and the policy introduced in the *Test* regarding those who refuse to pray the Divine Office implies grounds to dispel the disunity of the two normative spheres. The *Test* would prove that ecclesiality was not a threat to authentic Gospel living, nor vice-versa, although the verse on professing the Gospel would become a source of great controversy in the developing history of the order.

Within the order, there is, nevertheless, a perceivable tension between two tendencies. On the one hand, we have the democratic potential (right to dissent, fraternal control of authority, and principle of competence) in theory, and on the other, seeming demagoguery and despotism in practice. Critical analysis indicates an apparent juxtaposition between the ideal disposition of leader as self-*minoratio* for the other’s sake, mercy, pardon, and discretion (*RegNB*, *EpMin*) and the harsh, perhaps merciless words of other writings (*EpOrd* & *Test*). DALARUN and CUSATO appear to claim that Francis had not reached a definitive answer regarding the question of power. They arrive at their conclusions by logical inconsistencies between theory and practice. Nonetheless, perhaps the theoretical frameworks, with which they approached the questions, are subject to revision.

On the other hand, BONI has conducted his study by electing to analyse Francis’ undertakings as a leader in terms of pastoral jurisdiction by canon law standards. Both approaches have merit, but could perhaps benefit from a fresh perspective. Francis had in mind the charismatic guiding principles (an extension of self-*minoratio* and obedience to all outlined in *RegNB*) and had surely interiorised them. However, it would appear that either he may not have achieved their full accomplishment in the final years of his life or the conception of obedience and authority was a dynamic one, which included suspension of certain norms for extreme situations.<sup>515</sup> That is to say, if in the *RegNB* freedom of conscience and the

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<sup>513</sup> O. Schmucki, ‘La “lettera a tutto l’Ordine” di san Francesco,’ *ItFran* 55 (1980), 281.

<sup>514</sup> G. Agamben, *Altissima povertà*, 120-4.

<sup>515</sup> For a genealogy of notions regarding the exceptional exercise of power and exemption from and suspension of prior norms in such instances, see: G. Agamben, *State of Exception*.



right to dissent existed for the sake of the subordinate agent and his well-being, could perhaps more forceful measures ‘from above’ in time of crisis be utilised by a superior agent, whose authority was charismatic? In any event, the enigmatic conceptions present in the *Test* contain the potential for misconstrual and instrumentalisation. Even if one could find a theoretical framework to describe and qualify all issues involved in the *Test*, one would nevertheless remain unable to change that thirteenth-century Minorite brothers and curial officials most likely did not have a sure and fast system with which to understand Francis’ *Testament*. All the tensions that would later arise already existed in some form or fashion in the quizzical writing. Therein lies the difficulty of Francis’ “eredità difficile.”<sup>516</sup>

### Chapter Conclusion

It should be abundantly clear that the textual community’s joint search for the proper manner of obedience was of central importance for early institutional development. In and through the textualisation of the writings, the movement with Francis at its helm struggled to define themselves and their Gospel alternative with particular accent upon obedience. With regard for the questions raised at the chapter’s outset, let there be no question as to whether Francis and the early movement were orthodox, adamantly unopposed to the written word, and in favour of codification and structured obedience and were certainly not reminiscent of an notions regarding an ‘Anti-Regel.’ The all-pervasive, dynamic concept of obedience advocated in the writings, by no means limited to the realm of duty in religious institution or even in the Church, mapped out an itinerary of spirituality and servitude in the world. Theologically, the writings proffer the textual community’s emerging charismatic principles, significant among which was the thread of self-*minoratio* and obedience to all. Institutionally, the movement worked through the ramifications of living according to their principles, as the sources attest. Consequently, the brothers’ organic field of meaning intimately intertwined obedience in terms of a virtue, *vita*, and vow. The early model of obedience presents not only a way of viewing and approaching God or other authorities, but a way of viewing and approaching self and other in the world in its entirety.

The initial phase of the brothers’ obedience lay in adherence and fidelity to Gospel that views in God its Father and originator, in the Holy Spirit its disseminating harbinger, and in Christ its point of reference, performative aim, and teleological culmination. The brothers experienced the charism in quiet compunction and penance and its performance and living out

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<sup>516</sup> The term is of course borrowed from the wonderful volume: R. Lambertini, A. Tabarroni & J. Miethke (eds.), *Dopo Francesco: L'eredità difficile* (Edizioni gruppo Abele, 1989).

in the world by public self-*minoratio* and service toward others. Their life was also thoroughly a charism in the Church, and not one that was in contraposition to the Church like so many of the age of evangelical renewal. Yet at once it also far exceeded the realm of purely institutional obedience. Tension between the community's fraternal, subordinating ideal and Francis' ambiguous demand for obedience in both word and deed evince a paradox at work in the early movement's prevailing logic. Such tension, best articulated in the *Testament*, would condition the normative palet of further Minorite generations. Not surprisingly, the work would require an official response of some sort in order for the movement to proceed, and the requirement would indeed be obliged in the successive period.

## Obedience in the Time of Transitional Interlude: 1226-1239

In his 1521 treatise *De votis monasticis iudicium*,<sup>1</sup> Martin Luther attacked the conceptual undergirding and scriptural validity of the religious vows. Luther's polemic against the necessity of the classical Ambrosian distinction between *praecepta* and *consilia* and, in particular that of the religious vows found in Francis of Assisi its nexus. Despite his avowed esteem for the saint, whom he alleged *vir admirabilis et spiritus ferventissimus*, Luther targeted Francis as the primary culprit of identification between rule and Gospel, the ultimate consequence of which was a breakdown of the authentic content of the Gospel. He accused the Assisian of asserting a Franciscan monopoly on Gospel attainability and thereby overestimating the value of the three evangelical counsels in religious life as well as undermining the universality of the Scriptures. If obliged to follow the counsels, claimed the reformer, the human soul is liable to sin, insofar as it neglects the freedom required for faith, the genuine source of obedience to Christ's injunctions. While perhaps based upon a partial accusation levied against a parodic version of Francis, the reformer's line of reasoning ties together thematic strands considered by the Minorite brothers in the present period. The brothers had begun to work out their proper relation to the Gospel and indeed the very evangelical authenticity of the early movement's cultural meaning.

Despite his obvious anti-Catholic bias, Luther's and similar appraisals of the Francis event and its logic provoke a fundamental question with regard to obedience; namely, can one be free to live the Gospel and at once also accept institutional demands and patterns? Formulated more specifically, can one live in a Gospel spirit of obedience to all and at once also support canonist order and ecclesiastical structures? Scores of authors have concluded that for Francis and countless friars who have endeavoured to follow his path the two realms, rendered immanent in the charism and transferred by the calling of the Minorite order in the context of *fraternitas*, go hand in hand, Gospel with church, faith with vows, holiness with obedience. The present section focusses upon the thematic field of inquiry just elicited as embedded and expressed in the textual community's literary production during the period referred to here as the institutional interlude. The chapter thus aims to draw together theological and thematic strands with regard for obedience in its various potential articulations.

Marked by significant decisions for the order's inception as an individuated entity, the initial reception of the founder's legacy witnessed the forging of Franciscan meaning without Francis. Resulting conflicts centred on obedience. Sources reflect certain emerging rival

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<sup>1</sup> *D. Martin Luthers Werke*, Weimar: Herman Böhlau 1889, vol. 8, *De votis monasticis iudicium*: 564-669.

claims regarding evangelical authenticity, implied and explicit value hierarchies, and relevant implementations, a trend, which reflects attempts to envisage and control the ultimate meaning and direction of order. The period of tumult and unrest saw Francis' proclamation as a saint of the Church, weighty papal decrees and initiatives, a minister general's resistance to institutional change and subsequent deposition, and resulting internal strife all in the name of Francis. Early hagiographical texts depicted a 'recounted Francis' – at once also an 'exemplified Francis' – and ritualised a 'prayed Francis.' Papal influence by legislation determined the normative status of the disputed *Testamentum* and by ambitious architectural commission amounted to the proposal of a great basilica rather than the Portiuncula not only as precedence for the cases of edifice and external endowment but also as locus of Minorite identity and meaning – to wit, *caput et mater ordinis*. Anecdotal and textual evidence suggests that a faction of the order viewed such enterprises as an affront to the community's charismatic ideals. The period then culminates with the ultimate deposition of Elias of Cortona and ensuing organisational restructure and constitutional legislation as reparation for the resistance of Francis' ill-famed, beloved heir to change on an institutional level, which is usually presumed to be a 'malgoverno' or moral shortcoming and resulting downfall.

BROOKE encapsulates well the sentiment of that crucial point in time, a liminal moment not to be glossed over with the problematic transition that would ensue, which today operates as the linchpin in a standard historical narrative.<sup>2</sup> With that moment still fresh on his mind, Thomas of Celano alludes after just a year's time in his tribute to Francis that 'a certain brother' (*frater quidam*), who remains nameless, egressed from the crowd and bid Francis for a blessing in his dying moments remarking that the brothers felt like orphans cast off in a harsh world without their father Francis.<sup>3</sup> Thomas' Clare, upon first sight of Francis' lifeless body, utters precious, touching words. We read, *Pater, pater, quid faciemus? Cur nos miseris deseris? aut cui sic desolatas relinquis?*<sup>4</sup> Would the orphans hide behind the formidable shadow cast by their father or would they continue to attempt to side-step it as they had in part

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<sup>2</sup> She writes, "The death of St. Francis left the Friars Minor troubled and divided, in a state perhaps inevitable when a body of men widely differing in upbringing attempt to realise an ideal. St. Francis himself had been unable entirely to stem the flood of good intentions which threatened to quench his purer flame. The tide was rising strongly, and, were it not quickly and vigorously fought, might prove irresistible. The future depended upon the attitude and abilities of those in control immediately after the inspiration of the saint had been removed. Were the Franciscans to be as a light, revealing the Gospel truth, or were they to be as water, which cleanses but at the cost of sullyng its own purity?" Brooke, *Early Franciscan Government*, 123.

<sup>3</sup> *VbF* 109 (*FF* 387) reads: *Frater autem quidam de assistentibus, quem sanctus satis magno diligebat amore, pro fratribus omnibus plurimum existens sollicitus, cum haec intueretur et sancti cognosceret exitum propinquare, dixit ad eum: "Benigne pater, heu absque patre iam remanent filii, et oculorum privantur lumine vero! Recordare igitur orphanorum quos deseris, et omnibus culpae remissis, tam praesentes quam absentes omnes tua sancta benedictione laetifica."*

<sup>4</sup> *VbF* 117 (*FF*, 396)

already begun to do? Would they walk the path he had paved with and for them and heed his final message in the *Testamentum* or would they pave their own? And in so doing, would the brothers in fact remain brothers? What happens when all that remains of the holy founder is his stigmatised body and his memory? If the May 1230 bull *Mirificans misericordias* is any indication, Gregory IX evinces his recognition and in part sanctions a lasting shift in the order when he writes in a quizzical passage, *beatum Franciscum patrem nostrum et vestrum, forte autem magis nostrum*.<sup>5</sup>

#### *Historical Trends in the Period of Transition*

Outside of the order, the Church was subject to an ongoing transition in terms of the standardisation of canon law, the rise of a concurrent mendicant order, and perhaps most significantly the rule of Pope Gregory IX. The norms enacted by the document *Liber extra* (1234), a legislative collection compiled by Raymond of Peñafort at the behest of Gregory IX,<sup>6</sup> constitutes a primary instance of standardising canon law that took place vis-à-vis equilibrium and complementarity between an order's *ius particularis* and the Church's *ius generalis*, the legalised canonist treatment of religious rules, and the development of formulaic canonisation processes. While its inception occurred within the timeframe of the previous chapter (Dec 1216), the rise of concurrent mendicant order, the Order of Preachers or Dominicans, albeit slightly less in number, created competition for the Minorites in various urban and ecclesiastical settings.<sup>7</sup> A chief element of distinction lay in the Preachers' rudimentary structure and unanimity of spirit from early on contrasted with Minorite structural ambiguity and internal disunity. Both cases bespoke a profound link to communal identity. Following on the tradition of regular canons, the Preachers had swiftly adopted the rule of St. Augustine and elected to be an order comprised solely of priests. Thus, they had a supplementary element of conformity to the Church in obligatory priesthood. Clear and sure organisational structures, regular chapter meetings, constant writing up of constitutional legislation contributed to the order's institutional efficiency and mitigation. Due to their utter efficiency as an institution, it is not surprising that they would prove an instrumental asset in papal initiatives such as dogmatic preaching and the Inquisition, for which they would come to gain the reputation of *canes Domini*.

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<sup>5</sup> Cf. Merlo, *Nel nome di san Francesco*, 96-7.

<sup>6</sup> C.H. Lawrence, *The Friars: The Impact of the Early Mendicant Movement on Western Society* (New York: Longman Publishing, 1994), 182.

<sup>7</sup> For context on a potential Dominicanisation of the Minorite order, see: Maria Pia Alberzoni, 'Minori e Predicatori fino alla metà del Duecento', in: *Martire per la fede: san Pietro da Verona* (Bologna, 2007), 51-119 and Luigi Pellegrini, *Che sono queste novità?: le religiones novae in Italia meridionale: secoli 13. e 14* (Napoli, 2000).

Additionally, under the rule of Gregory IX, an influential reform Pope, the order enjoyed close relations with him, their one time Cardinal Protector. Tentative, unsure structures and internal dispute left the budding order malleable to outside, as well as inner, influence. Gregory IX's own intervention in Minorite affairs, while most often requested, displayed an active attempt to assert centralised dependence upon the papacy and caste the Minorite order by the mould of the Order of Preachers. Two of his preeminent decretals, *Nimis iniqua* (28 Aug 1231)<sup>8</sup> and *Cum ordinem fratrum* (28 June 1233), bestowed upon them the privilege of exemption from certain lesser ecclesiastical jurisdiction and reinforced direct dependence upon the papacy. Importantly, ongoing disputes and power grabs between the Pope and Frederick II for domination of Christendom and the known world no doubt affected contemporary views of Church and power, either by expansion or contraction. Close relations with the papacy had its benefits, and freed the brothers up from struggles with diocesan structures and authorities.

Significantly, the office of Cardinal Protector, a feature distinguishing the Minorites from their Dominican counterparts, served as an essential and unfailing link between Church and order. On the example of Hugo of Ostia, who as Gregory IX appointed his nephew and future pope to the post, the curial agent intended as *protector* and *corrector* (*RegB* XII) had become a sure guarantee of the order's general welfare and access to privileges.<sup>9</sup> Yet the susceptibility to papal demand resulting from such an intimate link proved a double-edged sword. Whereas it ensured them privilege, whether the Cardinal Protector also fulfilled his corrective function and thus aided the order in preserving its purity was subject to the ultimate demand of papal policy.<sup>10</sup>

Trends within the order arose either in favour of or in opposition to forces both external and internal. In terms of internal make-up, communal contours, and internal conflict the order underwent significant occupational and customary diversification, communal stratification, shifts in demographic representation, material domestication, and factionalism. The *RegNB*'s threefold distinction between *oratores*, *laboratores*, and *praedicatores* would soon prove an anachronism – already detectable in the *RegB*'s silence on lowly labour – as occupational diversification of the order took place in terms of demographics and the tasks in which its members engaged. The brothers soon entered into occupations of social prestige. They

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<sup>8</sup> BFr I, 74

<sup>9</sup> Lawrence, *The Friars*, 182. See also: C. Andenna, 'Le cardinal protecteur dans les ordres mendiants: une personne d'autorité?', in: *Les personnes d'autorité en milieu régulier: Des origines de la vie régulière au XVIIIe siècle*, J.-F. Cottier, D.-O. Hurel & B.-M. Tock (eds.), Publications de l'Université de Saint-Etienne 2012, 289-313.

<sup>10</sup> Ibid.

soon became by trade theologians, jurists, churchmen (*Urgente officii*,<sup>11</sup> 20 Feb 1226, first Minorite brother consecrated to bishop), cohorts of the Papacy (John Parenti sent to Rome to preach to the Romans, Minorites delivered a bull of a threatening nature to Frederick II, *Ascendit ad nos*<sup>12</sup> 1228), Gerard Ruscinol was among the growing number of Minorite papal penitentiaries,<sup>13</sup> Haymo of Faversham sent by Gregory IX in 1233 to the East for negotiations with the Eastern Church), and rousers for ecclesiastical obedience (Gerard of Modena and the *Alleluia* movement).<sup>14</sup>

Unforeseen customs associated with the growing multi-regionalism in the order began to arise among the brothers perhaps at the lack of constitutional legislation and centralised governance during the generalate of Elias and due to Minorite contact with university life, the Order of Preachers, the Roman Curia, and local churches.<sup>15</sup>

In particular, ambiguity in the rule with regard to the minister general, his duties and the limits of his authority, coupled with the lack of ‘fraternal control of authority’ had the potential to give way to the legitimate rise of an elite ruling class, a veritable communal stratification. The past decades of scholarship have at least intimated that Elias of Cortona in particular took advantage of the rule’s ambiguity in order to assert authoritarian control. The principle appears to prove true in the instances of John Parenti’s election (1227) by the ministers and custodians comprised largely of learned clergymen as potentially “one of their own”<sup>16</sup> and in Elias of Cortona’s supposed cronyist relations with provincial ministers,<sup>17</sup> and in Elias’ eventual demise at the initiative and insistence of the provincial ministers. The *RegB*’s lack of a ‘control of authority clause’ rendered Minorite structures susceptible to neglect at the hands of the minister general, for the replacement of an insufficient seat-holder may occur only at general chapters convened at the minister general’s discretion. Without the convocation of such a chapter, there was no possibility for usurpation from within the order. Lack of chapter meetings further narrowed the range of voices at chapter and elsewhere. Until recent times, the historical narrative had not been called into question. However, studies at the summer conference in Cortona on the figure of Elias, in particular those of F. ACCROCCA and M.P.

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<sup>11</sup> BFr 1, p. 24, n. 24

<sup>12</sup> BFr 1, p. 41, n. 22

<sup>13</sup> Lawrence, *The Friars*, 182-4.

<sup>14</sup> *Alleluia* movement of 1233 and pursuit of reconciliation between disenfranchised Italian religious sects and the institutional Church. Attempt to root out all disobedience to the Roman Church, whether in dogma or in deed. Merlo, *Nel nome di san Francesco*, 153.

<sup>15</sup> Merlo, *Nel nome di san Francesco*, 99. A prime example is the Minorite involvement in the *Alleluia* movement of 1233 in which brothers such as Gerard of Modena engaged in preaching to the masses and were granted high charges by the papacy to permit them to do so. Merlo, 104-107.

<sup>16</sup> Brooke, *EFG*, 134.

<sup>17</sup> Salimbene’s account is too detailed to be a complete fabrication, 142-150.

ALBERZONI tell a radically different tale in which Elias' supposed authoritarian rule was but a continuation of Francis' rule and his negative depiction as a ruler arises from his resistance to decentralising institutional change and potential return to the norms of the *Regula non bullata*.<sup>18</sup> In such a lens, Elias' so-called cronyism may play a role in the return to the only rule that he professed.

Shifts in demographic representation already commencing in the final living years of the founder carried on and achieved new extents. The textual community underwent vast changes, such as the rise of formal learning and the boost in brother priests.<sup>19</sup> The rise of learning in the course of the present timeframe began to render the Minorites an order of students with especial regard for the transalpine French and English provinces. Many scholars posit Anthony of Padua's teaching in Bologna as the order's first involvement in theological studies, although as SENOCÁK highlights, the solid evidence points instead to the study in the convent at Paris where a 1224 endowment of books took place.<sup>20</sup> Numerous brothers attended *studia* in Paris, Bologna, and Oxford even before the publication of Thomas of Celano's *Vita beati Francisci* and official Minorite *studia* began to sprout up at Bologna, Paris, Oxford, and elsewhere. Both John Parenti and Elias of Cortona encouraged learning and favoured it in their governance. A sign of the times, while 1236 had already seen the entrance of Paris theology masters into the order, the regiment sent to request the pope's official ruling resulting in *Quo elongati* (1230) was comprised solely of lettered priests and schoolmen. The issue came to a head with *Quo elongati* and questions regarding the possession of books and houses for, among other things, study purposes. Alongside the rise in study, not only did literacy increase among the order's members, but they also continued to become a community of the written word, building upon what BATROLI LANGELI deems a Minorite 'religion of the book.'<sup>21</sup>

Before long an increase in textual output was effected, and a *scriptorium* at Assisi allowed the mass production of texts. Also, the trend of clericalisation, which would later gain official endorsement under the tenure of Haymo of Faversham, transpired as priests flocked to join the ranks of the burgeoning order and higher-ups encouraged priestly ordination. Papal bulls of the period demonstrate a predilection for priestly ministry function within the order.

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<sup>18</sup> See the forthcoming proceedings. Thanks are in order to the two scholars for sharing their work with me prior to its publication.

<sup>19</sup> For a fuller context on the role study and learning in the early Minorite order, see: Senocak, *The Poor and the Perfect: the rise of learning in the Franciscan order, 1209-1310*, Ithica 2012.

<sup>20</sup> Senocak, 'The Letter Kills but the Spirit Gives Life: The Rise of Learning,' 19-42 & 51.

<sup>21</sup> A. Bartoli Langelì, 'I libri dei frati. La cultura scritta dell'Ordine dei Minori,' in Francesco d'Assisi e il primo secolo di storia francescana (Torino, 1997), 296-7.



*Vineae Domini*<sup>22</sup> (1225) delineated certain tasks to be undertaken solely by priests in mission. Decretals in the 1230's often underscored the importance of brothers with Holy Orders. *Quoniam abundavit* (1237)<sup>23</sup> provides a crystal-clear example of Gregory IX's view of the brothers and their role in the implementation of Lateran IV reforms with its emphasis upon dogmatic preaching in opposition to heresy, a task licensed only to the ordained (Lat IV, can. 10). Although John Parenti's policies appear in general to have been unfavourable to laymen<sup>24</sup> and those of Elias would no doubt favour lay brothers, the demographic turn from mixed community to society of priests latent in the last years of the founder's life would undoubtedly continue, coming to full fruition in the years of Haymo of Faversham's generalate.

Correlative to such modifications, the contours of the order transmuted apropos domestication and monasticisation. Also, division began to take hold at the order's mutations, a consequence of which was the self-lodging of members into factions. Parallel to the movement's expansive impulse during Francis' lifetime, the brothers' life also began to undergo material domestication that would achieve a state of utter stability in the period of transition. The brothers who had once wandered the Italian landscape in a precarious state *sicut advene et peregrini* now settled far and wide in contexts, both urban and rural, where they accrued and inhabited convents and various abodes and erected their first oratories, then churches (*Recolentes*: 29 Apr 1227) and also convents.

Rescinding from the mission to transform the world without a home gave way to finding a worldly home within the order. The order began to abandon its simple, precarious existence, the sort which *SCom* bemoans, whereby upon reaching the apex of the mountain, the locus of their journey, the brothers proclaim to Lady Poverty of the world: *Hoc est claustum nostrum, domina*. Domestication, or conventualism, provided ample convenience and increased effectiveness for study, pastoral activities, and alms begging in increasingly urban settings and afforded the brothers shelter, thereby easing the rigour of their life, in particular, that of those brothers in inclement weather zones. In addition, the present period was marked by pressure, both endogenous and exogenous, to fit the mould of other religious institutions, which in the spirit of the founder was not without reaction.

IRIARTE underscores the assimilation of features typical to monastic communal life.<sup>25</sup> Sources of the present as well as the next two chapters reflect the shift in surrounding, routine,

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<sup>22</sup> BFr 1, p. 24, b. 23

<sup>23</sup> BFr 1, p. 214-5, n. 224

<sup>24</sup> Eccleston, *De adventu*, 65, 71.

<sup>25</sup> He writes, "Der Lebensstil innerhalb der Konvente wird immer monastischer. Klausur, Gästezimmer, Chor-gebet, Konventmesse, reguläres Stillschweigen usw. Gehen jetzt in den üblichen Wortschatz ein. Und als

and mentality. The trend toward settling into a monastic mould had already begun during Francis' lifetime with measures such as that enacted in the bull *Quia populares*<sup>26</sup> (1224), the *privilegium* permitted the brothers' liturgical independence identical to that of other monastic communities, and would be further aided by *Nimis iniqua* and *Cum ordinem fratrum*, the two centralising decretals indicated above. The order's monasticisation ensued in part because it better suited the brothers to conditions of study, priestly ministry, general comfort, and papal amiability. The order thus assumed an increasingly traditional monastic physiognomy, thereby assuming the contours and features of a pre-established religious order. They thus gained a degree of separation from the world in which they were once so engaged. In addition to sacerdotal and domestic tendencies indicated, the order took on similarities in particular to Cistercian and Dominican customs, such as general chapter prescriptions, visitation, multiplication of provinces, albeit unofficial and unregulated.<sup>27</sup>

Linked with the matter of communal stratification, factions within the order were a complex phenomenon, which scarcely lends itself to hard and fast categories. Nevertheless, upon examination of the available sources, one begins to notice a possible trend of fragmentation in the ranks of the order into a clerical, ultramontane faction, the heads of which the ministers, and a lay, cisalpine faction, the former being generally opposed to Elias, the latter in favour. Countless factors play into the differences – be they cultural, social, principle-based –, which so sparked antagonism and division between the groups and their sympathisers, many of which include those mentioned above. As VAUCHEZ notes, following Francis' death and in particular subsequent to the issue of *Quo elongati*, a pattern of resistance emerged, such that companions retreated into hermitages, an anonymous brother composed *Sacrum commercium*, and Elias struggled against further institutional development. However, the growing favour toward priestly status and erudition among the brothers and the concomitant, albeit relative, marginalisation of lay brothers in certain provinces had practical consequences. In addition to, and correlative to, the division of the order into Elias sympathisers – if not all-out supporters – and those opposed to the minister general, a degree of the internal unrest most likely resulted from disaccord over ideals and their proper satisfaction.

Nevertheless, it is also evident that in many respects the tangled web of Minorite obedience symptomatic of the period, that is, the confused network of normative anchors that determined Minorite structures of obedience as it were, was a sign and a likely by-product of

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Folge davon übernimmt man für die Klosterfamilie eine Erziehung im Stil der Mönchsaszetik.“ L. Iriarte, *Der Franziskusorden. Handbuch der franziskanischen Ordensgeschichte*, Altötting 1984, 53.

<sup>26</sup> BFr, 1, p. 20, n. 17

<sup>27</sup> Brooke, *Early Franciscan Government*, 162.

disunity in the order's social sphere and struggle to define a lasting institutional identity. The two phenomena are inseparable. The social tensions rooted in difference of vision manifest themselves in the period's texts. Structures of minority soon transformed into the politics of minority, as the instrumentalised Francis became the mouth-piece for the justification of competing mechanisms by appeal to rival claims to Gospel authenticity. While one camp appeared to claim to have obtained evangelical authenticity via the charisma, the other via espousal of ecclesially sanctioned procedures and policies, which is to say, study, preaching, and all manner of pastoral care.

Indeed, two primary motors in the process of clericalisation that would so change the order in irrevocable manner were study and preaching.<sup>28</sup> One justified the other. Both played into institutionalised rule-circumscription regarding books and houses and neglectful disregard for the early movement's dearest of ideals. Jostling visions had seeded the social soil and began to take root. Such was the case even if the vast majority of Minorites were most likely well-intentioned brothers aimed at doing their best to live in a condition at once of personal integrity and continuity with the past.

Furthermore, external factors and tendencies revolved around the brother's interactions with diocesan clergy and secular authorities. Due to the newness of the Mendicant phenomenon, the relationship between secular clergy and the Minorites was ambiguous and problematic. Absent of clear rules as to who had precedence, secular clergymen and Mendicants often competed for the favour of the laity and thus naturally engaged in their own kind of turf wars. The mutually obtrusive interests of the two groups brought on conflict time and again, particularly in urban settings.<sup>29</sup> Tension between diocesan priests and the Minorite brothers likely stemmed from a combination of envy and frustration; envy at the brothers' rapid advancement and measurable esteem among curial and common folk alike and frustration due to interference in pastoral duties, such as preaching, confession, and burial presiding.

The conflict would not come to a head until mid-century, but it was already palpable in the requesting of the bull *Nimis iniqua* (28 Aug 1231), a decretal which bestowed upon the order the privilege exempting them from local ecclesiastical jurisdiction in virtue of their direct connection with the papal office. Gregory IX's bull permitted the Mendicants to carry out their pastoral activities as they saw fit and thus allowed them to develop as a legitimate concurrent endeavour. Involvement, voluntary or otherwise, with secular nobility and authorities also began to increase in frequency and quality. Certain among them came to view Minorites

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<sup>28</sup> Merlo, *Nel nome di san Francesco*, 147.

<sup>29</sup> Lawrence, *The Friars*, 152-3.

and other Mendicants as worthy of bequest and even as suitable candidates for court service. It appears that the presumed political neutrality of the order's founder would hold sway only in limited measure.

### **Analysis of Normative Texts**

An examination of the scant output of bulls during the course of Elias' generalate and the surge of constitutional legislation directly following his deposition reveal a staunch opposition toward charism-altering change and perhaps a return to the group's charismatic origins. It is unclear – but also unlikely – whether he had constitutions redacted. Given the likely non-existence of normative texts from within the order and the paucity of such texts from without, one must look elsewhere for hints of fundamental normativity, without however overlooking the available normative sources. In particular, the papal bulls *Mira circa Nos* and *Quo elongati* merit attention as official curial documents, each a declaration effective in relation to the order and its founder. The former proclaimed Francis' sainthood and promoted his cult, while the latter provided an official, juridical treatment of the *Testament* and select rule passages, neither of which should be underestimated.

#### *Francis Honoured, Francis Regulated: Analysis of Individual Texts*

##### *The Proclamation of a Saint: Mira circa Nos*

###### 1. Textual Features and *Sitz im Leben*

Of definite authenticity and integrity, the papal bull of canonisation, *Mira circa nos* (1228),<sup>30</sup> presents Pope Gregory IX's vision of Francis' sainthood and his place in the Church. Although the bull no longer exists in original form, the primary textual witness is a manuscript replication in Latin found in the registry of the pontifical chancery located in the Archivio segreto Vaticano.<sup>31</sup> On scrupulous palaeographical analysis, scholars such as O. LEGENDRE attest to the pristine quality of the replication and therefore to its reliable transmission of the authentic text.<sup>32</sup> The authoritative critical edition is located in *BullFranc* and is the version consulted for the current study.

Following the death of Francis (1226), the canonisation process for the Assisian was soon underway at the swift and heavy hand of Pope Gregory IX, former cardinal protector for the order and close companion to the soon-to-be saint. Unto the honour of the poor man from

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<sup>30</sup> BFr I, 44. On the dating of the bull and the *Regista Vaticana* in which it is located, see: M. Bihl, *De canonizzazione S. Francisci*, 507-509.

<sup>31</sup> O. Legendre, 'Introduction,' 415. Legendre cites the source as such: Registry of Gregory IX, City of the Vatican, Archivio segreto Vaticano, Reg. Vat. 14, f. 80v.

<sup>32</sup> Ibid.

Assisi, Gregory IX initiated a three-pronged approach to the assertion of his sainthood. In addition to hurrying along the process of canonisation by evasion of curial canonisation protocol,<sup>33</sup> which as a rule involved a procedure of examination, Gregory IX began the construction of a grand basilica to house the remains of the saint from Assisi. His 29 Apr 1228 decretal *Recolentes qualiter* announced the project's inception to the faithful and bid their financial assistance in its realisation. What is more, Gregory launched a literary campaign to promote Francis' extraordinary sainthood and bolster his cult, whereby he also selected Thomas of Celano to compose an elaborate legend in celebration of the Church's new saint. Gregory's enthusiastic spearheading of the endeavour to canonise Francis is palpable. Three days after Francis' canonisation on 16 July 1228, he promulgated a solemn proclamation in Perugia in the form of the bull *Mira circa nos*, chief among his own literary contributions. In it, Gregory gave his enthusiasm definitive meaning. Within weeks Gregory had composed another bull, *Sicut phialae aureae*,<sup>34</sup> sending it first to clergy in France, then to clergy in Ravenna and Milan, and finally on 21 Feb 1229 throughout the known world.<sup>35</sup>

## 2. Thematic-theological Analysis

While Gregory IX's bull exhibits the pope's enthusiasm for ecclesial reform and renewal and his desire to foster a certain image of Francis that best expressed those ideas, he also made manoeuvres that merit attention with regard for the theme of obedience. Of particular importance are three thematic strands. Firstly, *Mira circa nos* puts forth a depiction of Francis as a model of extraordinary, albeit reoriented, sainthood worthy of imitation by the entire Church. Next, Gregory's bull reshapes the charism and emphasises predominance over submission, superiority in relation to others over obedience. Finally, the author envisions a Minorite order perfectly incorporated into the Church institution.

### *A Model for Church and World: Francis' Universal and Extraordinary Sainthood*

A primary aim of *Mira circa nos* was the promotion of Francis' cult both within the order, in the Church at large, and beyond. Viewed in conjunction with the construction of the grand basilica unto Francis' honour, the translation of his bodily remains, and the permanent housing of the saint in the grand basilica, the importance of the saint for the pope rings loud

<sup>33</sup> R. Armstrong believes that the emergency which called Gregory IX away from Assisi to Perugia for a time referenced in *VbF* 123 was in fact the convocation of a "consistory, in which the life, conduct and miracles of Francis were examined." See: 'Mira circa nos: Gregory's View of the Saint, Francis of Assisi,' *GreyRev* 4 (1990): 75-76, here 76. There is, however, no concrete evidence to support that assertion. In actuality, the emergency likely had to do with strategic planning in dealing with the affront by Emperor Frederick II. Only later would the standardisation of the canonical process begin under Gregory IX.

<sup>34</sup> BFr I, 45

<sup>35</sup> R. Armstrong, 'Mira circa nos,' 80.

and clear. Gregory's definitive conveyance of the order's founder lays bare potential clues to his papal projects and interest in the canonisation. The bull proposes a depiction of Francis in a classical framework of sainthood and as a symbol of prophetic, evangelical authenticity and ecclesial reform. Traditional imagery such as agricultural and horticultural cultivation undergird the appeal to reform. Readers with even the briefest acquaintance with the writings of Francis and the early movement notice the relative absence of charismatic principles in *Mira circa nos*, with the exception of a somewhat softened hint of poverty.

Pope Gregory constructs the sainthood of Francis with OT, Pauline NT, and monastic motifs. In particular, two primary motifs fill the lines of the document, one ascetical, the other kerygmatic. On the one hand, it portrays Francis as an ideal Christian, who mortified and conquered his own flesh. On the other hand, it portrays Francis as a simple yet compelling preacher whose weapon was the Gospel, the power of God, and who conquered enemies far and wide, both heretic and unfaithful. In so doing, Gregory couples the struggle against the world with antagonism and endorses a mentality of conquer and defeat.

The early bull *Licet sacrosanta Romana* (20 Oct 1227) lays plain Gregory's plan to engage the Minorites as *milites Christi* who combat against heretics, disobedient to the Roman Church, albeit within the confines of a particular region, and supplements the claim as to his further plans for their wider engagement.<sup>36</sup> The claim escapes opposition in the 7 Jul 1234 bull *Fons sapientiae*, which canonises Domenico of Claeruega and envisions Preachers and Minorites united in the cause of global evangelisation as *militia Christi*. While the theme of struggle against the flesh makes an integral appearance in the writings, a degree of dissonance characterises the antipathy present the praise and call to the conquest of enemies. Usage of bellicose language reshapes the charism and emphasises predominance over submission, superiority in relation to others over self-*minoratio* and obedience to all. The prophetic, reform-inducing figure of Francis conveyed in the document thus amounts to a statement on an institutional level, in that every prized symbol of an institution constitutes a reflexive self-articulation.

In that context, the bull employed various biblical motifs in its portrayal of Francis and above all his struggle against impious Christians and non-Christians. God had sent his laborers into the vineyard at the eleventh hour to cultivate it, and to root out the briars and thorns with their hoes and plowshares. Francis defeated and conquered the threefold enemy of this earth: the Philistines or unfaithful Christians, the flesh or himself, and the Midianites or heretics. The bull portrays Francis as a simple yet compelling preacher to both unfaithful and he-

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<sup>36</sup> Merlo, *Nel nome di san Francesco*, 98-9.

retical Christians. His weapon was thus the Gospel, the power of God. As a new Samson, he was conquerer of Philistines, or unfaithful Christians. His conversion is conveyed with divine inspiration in which he immediately leaves his father's house and bequeathed his material possessions to the poor. He offered his body as a holocaust to the Lord in excellence of faith. A Pauline identification with Christ after the crucified flesh drives Francis' own pious self-immolation. He thus took up struggle against world, ultimately leaving the world. He constructed for the Lord an altar of the heart, he contemplated God but also guided his flock and won over souls. He recalled the shameless from their excessive wickedness by frightening them with stern reproaches. He also took possession of Midianite camp, that is, to the heretics or those who disregard the teaching of the Church. The motif then identifies Francis with the divine authority of Christ. Given that Francis acted in the name of Christ and not in his own name. Even the heretics were won over, Gregory suggests, on account of Christ's authority by which he encompassed the whole world even while enclosed in the womb of the virgin.

Moreover, such issues lead to the question of imitability. The decretal rendered Francis a universal axis of orientation for the Church on the basis of his direct submission and conformity to Christ. Francis was a slave of Christ, suggests Gregory, who worked for the kingdom as an industrious bee. Yet dissimilar to various other textual sources originating in the period, *Mira circa nos* provides rather distinct, formulaic indications for imitation of the saint. To the chagrin of the order, Gregory appears to have modelled the indications on pastoral paradigms of Lateran IV and not on their own charismatic principles. Thus, elevated and officially held aloft as an example for the entire Church for his extraordinary sainthood, Francis' example achieved normative expression insofar as he was an extraordinary, yet imitable hero, not of the order on its own terms, but of the Roman Church and its faith.

*Francis in the Image of the Church: Ecclesiastisation of the Minorite Charism*

As previously suggested, precise analysis reveals that Gregory most likely considered the canonisation bull an opportune moment to present his ecclesiological project of renewal and in the meantime also his model of an ecclesiasticised Minorite order. The brothers' steadfast ecclesial obedience would have concrete significance in Gregory IX's vested interest to guide and direct them. Gregory conveys Francis in view of what As G. G. MERLO has deemed a "francescanesimo ecclesiasticizzato," a Minorite order modelled on the patterns of the Church institution. There is an accent upon Francis the preacher and victor over infidels, both Christian and not. As ARMSTRONG marks, Gregory's means of emphasis deployed in the canonisation bull regarding Francis' role in ecclesial reform centred on the ministry of preach-

ing anchors its effectiveness and meaning to kerygmatic proclamation.<sup>37</sup> In a post-conciliar era fixated with the proper preparation and promotion of preachers coupled with a growing insistence upon the exclusive spiritual agency of the priesthood, *Mira circa nos* envisaged Francis in a more sacerdotal vein. The bull's kerygmatic, somewhat priestly depiction of Francis constituted the construction and promulgation of a model Minorite brother with institutional import. As indicated, Gregory's project risked threatening the charismatic ideals of minority, fraternity, and poverty.

*Mira circa nos* ascribed to poverty a certain limited ascetical function, but left out the link to minority and the fraternal ideal so central to the early movement's identity. The papal bull did not equivocate. It proclaimed an official image of Francis by OT and Pauline NT principles as an example for all Catholics and at once also sanctioned, promoted, and in part achieved the reshuffling of the Minorite charism according to Gregory's vision of renewal and rising ecclesiastical procedure and polity, with particular focus upon sacerdotal ordination and the traditional kerygmatic ministry as a mechanism of reform. Together with *Quo elongati*, the canonisation bull precluded the sweeping shift following Elias' deposition that finalised the indicated trends by the limitation of recruitment criteria, liturgical reform, and constitutional legislation.

### *Gregory IX's Quo elongati*

#### 1. Textual Features and *Sitz im Leben*

Of undisputable authenticity and integrity, the 1230 papal bull *Quo elongati* was tantamount to a *privilegium* in relation to the Minorite order and contains the official Rule declaration granted them by Pope Gregory IX. While the original has since been misplaced or destroyed, for his edition, the most authoritative to date, GRUNDMANN consulted the same *Registra Vaticana* of the pontifical chancery that contains *Mira circa nos*. In the execution of his edition, he reproduced the document by faithful transcription, thereby ensuring a reliable text.<sup>38</sup>

At general chapter in 1230, numerous brothers verbalised their express difficulty with specific questions regarding regular observance and with the obligatory nature of the *Testament* more broadly. John Parenti, minister general 1227-1232, received and lent concern to their outcry, whatever their intention in uttering it. Likely aware that the eager inquirers hoped

<sup>37</sup> Armstrong, 'Mira circa nos: Gregory IX's View of the Saint, Francis of Assisi,' 99.

<sup>38</sup> Of his edition, Grundmann writes, „Cum vero huiusce bullae editiones usque adhuc factae mendis, quibusdam non levibus, laborent, textus e Registro Gregorii IX in Archivo Vaticano servato quam accuratissime perscribitur et lectiones discrepantes editionum notantur.“ ‘Die Bulle Quo elongati Papst Gregory IX.,’ *AFH* 54 (1961): 3-25, here 3, note a.



for a relaxation of regular injunctions, Parenti is said to have at first held the Rule aloft for all to see, then proclaim aloud that the brothers can and indeed must observe it *ad litteram*.<sup>39</sup> Parenti was himself a judge by trade, a “strict disciplinarian in whom legal training had imbedded a firm respect for the letter of the law”<sup>40</sup> and lauded by authors both contemporary and of later generations for his many qualities. A particular issue addressed in *Quo elongati* was the ownership or use (*usus*) of books necessary for study and edifices necessary for worship and living quarters.

While the general minister may not have viewed study and sanctity as an illegitimate juxtaposition, in principle he appears to have had misgivings about altering the Rule’s contents. His voice would not go unheard, as he was not without sympathisers. A fitting instance, the *SCom* rises from the wellspring of desire to live by the charismatic spirit in a manner opposed to the ruling of *Quo elongati*. Importantly, the occasion of the 1230 chapter meeting coincided with the translation of Francis’ remains into new basilica and *Quo elongati*, another bit of evidence in favour of negative view regarding basilica, not only because of Francis’ ruins, but title *caput et mater ordinis* and friary inside. Books also received official distribution in the form of breviaries and missals. What were the brothers to make of such phenomena? Nevertheless, Parenti yielded, albeit begrudgingly, to the brothers’ protest and gathered a deputation to seek the Pope’s counsel. As Eccleston reports, among those who accompanied John Parenti to request papal intervention in the form of an *expositio regulae* were the formidable likes of Anthony of Padua, Gerard of Rossignol, Haymo of Faversham, Gerard of Modena, Leo of Perego, and Peter of Brescia.<sup>41</sup> The list of brothers reflects the shifting demographics in the order and a rising elite class already in 1230. Aside from the last, unknown brother, all members of the delegation were lettered, accomplished priests, some famous preachers and higher-ups in the order, others churchmen to-be. *Ipsa facto* relevant for the political atmosphere at the time, nuntio representation attests to the rising, converging phenomena of study and preaching, which prepared one for priestly ministry and ecclesiastical career.

Only four years after Francis’ death, the brothers, divided by rival visions and disunity and unsettled by uneasy consciences, were concerned about reconciling the legacy bequeathed them by their order’s founder and the life they continued to lead. As with any group of meas-

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<sup>39</sup> While the account may lack authenticity as it comes from *Chron XXIV Gen* (AF III, 213), the author of said work refers to a sermon preached by Bonaventure. *Ad litteram* had only been employed in 1Cel and even then only regarding the Gospel at that juncture. Thus, the *ad litteram* detail is perhaps fictional interpolation.

<sup>40</sup> Brooke, ‘Early Franciscan Government,’ 126.

<sup>41</sup> Eccleston, *De adventu*, coll. XIII. On the significance of the changing demographic reflected in the members of delegation, see: Dalarun, *Vers*, 214.

urable size, opinions varied. On 28 Sept 1230 they would receive their answer from the Pope. In a broad sense, it seems that the brothers had at once disobeyed the Testament's firm prohibitions to gloss the rule and to bid papal privilege a mere half decade after its composition and with it the dying request of their order's founder. Thus, MERLO rightly characterises *Quo elongati's* institutional justification of already active mechanisms in evolutionary genetic terms, such that it constitutes "l'orientamento verso la istituzionalizzazione delle metamorfosi del francescanesimo."<sup>42</sup> Not intended as a commentary, as it did not treat the rule's chapter individually, nor did it take them on in order. Its thematically charged agenda thus shines through. The work evinces the willingness of select brothers to treat the Church as a supreme authority; as a last court of appeals to which to turn for an answer.

## 2. Thematic-theological Analysis

### *Quo elongati and the Testament between Juridical and Charismatic Poles*

As indicated, tensions over the *Testament* soon came to a head. Since Francis' death, Thomas of Celano had written a legend dedicated to the saint's life in which he hailed the *Rule* as the marrow of the Gospel and, according to DALARUN, utilised the *Testament* as the blueprint for much of his text. Yet did the friars owe obedience to the *Testament*? Beyond that, are they bound to obey the entire Gospel? A 1230 chapter meeting sought an answer from the papacy. Pope Gregory IX, once Cardinal Protector of the order, promptly responded with the decree *Quo elongati*. Gregory wrote that he foresaw danger to friars' souls and difficulties for the order if he did not remove the conflict of conscience from their hearts. He thus abrogated the *Testament's* binding character.<sup>43</sup>

In characterising the disambiguation of the rule, many authors appeal to the difficulty of forming transpersonal norms out of a charism, as if one were attempting to form sculpture from a liquid rather than a solid substance.<sup>44</sup> Nonetheless, it may be equally as valid to claim that *RegNB* was an expression of the groups' normativity, which gave ample tribute and respect to the hegemony of the Church, but which the powers-that-be viewed as excessively dependent upon the personal, local reality of Italy, thus inducing standardisation by ecclesiastically sanctioned norms. The tried-and-true Church model persisted over the grassroots impulse. Perhaps the two are not mutually exclusive.

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<sup>42</sup> Merlo, *Nel nome di san Francesco*, 57.

<sup>43</sup> Grundmann, *Die Bulle 'Quo elongati' Papst Gregors IX.*, 4.

<sup>44</sup> Cf. Merlo, *Nel nome di san Francesco*, 140 & G. Melville, 'Der geteilte Franziskus. Beobachtungen zum institutionellen Umgang mit Charisma,' in: J. Fischer & H. Joas (eds.), *Kunst, Macht und Institution. Studien zur Philosophischen Anthropologie, soziologischen Theorie und Kulturosoziologie der Moderne*. Festschrift für Karl-Siebert Rehberg, Frankfurt a. M. 2003, 347-363.

*Quo elongati* represents the first attempt by the papacy to subtilise the issue of obedience from a juridical perspective in the order subsequent its founder's death. Already perceivable disputes concerning *Test* and rule violation are manifest in the communal undertakings and early sources of the period.<sup>45</sup> Whereas *Mira circa nos* had shown conscious neglect of the group's charismatic principles in its depiction of Francis, *Quo elongati* achieved a dichotomy between a juridical approach to normative texts and a charismatic approach. With regard not only to the Testament, but also to other texts involved, it formed a wedge between the two thereby placing them in contradistinction.

A trend already latent and coming to expression in the community most likely gave rise to Gregory's treatment that perused to distil and disclose the obligatory and the dutiful and thereby to achieve a hierarchisation apropos various organa of Minorite normativity; namely, Gospel, rule, charism, and Church. Gregory's approach in the bull presupposed the legalisation of all texts involved – Gospel, rule, and *Testament* – and occasioned a specific hermeneutical stance, which is to say that of a canon lawyer. Viewing the *Testament* as a legal document and thereby also Francis' authority articulated therein as an absolute obedience demand rather than a performative recall to the charism, Gregory IX countermands it and as a consequence curtails the perceived charismatic authority and downplays the charismatic meaning of the movement and its normative texts. However, when Francis demands obedience in *Test*, he not only makes recourse to his own experience, but to that of the charismatic origins of the primitive movement. Francis does not pretend to have God-like normative draw; rather, *Test* entails both recall and admonition. Undercutting the demand for absolute obedience to Francis as person is the appeal to strata of forged charismatic meaning.

To enter into the particular, MERLO explains the general force of Gregory's declaration vis-à-vis the *Testament* thus: "Gregorio IX risolve i dubbi [concerning the *Test*] negando valore istituzionale a quello scritto di frate Francesco poiché prodotto al di fuori di dimensioni legittimamente normative."<sup>46</sup> A single phrase rich with meaning delivered Gregory's canonical interpretation.

*Quo sine consensu fratrum maxime ministrorum, quos universos tangebatur, obligare nequivit, nec successorem suum quomodolibet obligavit, cum non habeat imperium par in parem.*<sup>47</sup>

Without the consensus of the friars, he argued, and especially of the ministers, Francis was unable to bind his successors on a totalising matter, *cum non habeat imperium par in parem*.<sup>48</sup>

<sup>45</sup> The appeal to Gregory itself bespeaks dispute and the necessity for definitive interpretive assistance to which it gave rise. *VbF*: Line about how obedience means 'not distinguishing principles.'

<sup>46</sup> Merlo, *Nel nome di san Francesco*, 139.

<sup>47</sup> '*Quo elongati*,' 4

Gregory's reasoning implied that unlike the *Testament*, the *Rules* had been approved by general chapters and *Solet annuere*; hence, their validity. Consensus of the other friars was thus a condition for the binding nature of a text. He thus ensured that the *Testament* would indeed not become another *Rule* or even a unilateral constitution. No single person, except the pope, was able to bind others, which is another implication of the *par in parem* phrase.

The bull thus countermanded *Test* and with it the normative character of Francis' appeal to the charism as the prism through which *RegB* ought to be read. *Quo elongati* attenuated the *Test* to the point of total abrogation. Under the guise of regular clarification, Gregory palliated the relaxation of regular observance and thus disregard for the charismatic spirit. He thus overrode the normative force of rule injunctions by introducing arbitrary distinction based upon legalistic technicalities. The countermanding of the *Test* amounted to a reinterpretation of transgression with regard to certain rule injunctions with distinctions likely perceived by some as petty at best. At worst, *Quo elongati* commenced an ecclesiastically endorsed and sanctioned departure from the ideal and guiding principles that had driven the movement in its earliest period. The document thus opened a normative divide between law and charism.

#### *The 'Divided Francis' and the Normative Divide*

As G. MELVILLE asserts, *Quo elongati*'s declaration to a certain extent divided the official image of Francis in terms of universal sainthood and founder of a religious order.<sup>49</sup> Importantly, there is also a parallel operational between the fragmentation of Francis' portrayal as indicated and the division of normative spheres for the obedience of Minorite brothers. *Quo elongati* redefines in full the Minorite duty to obey. Under the auspices of the decretal, obedience signifies fulfilment of duty to the Rule by way of the vows. It reframed the obedience argument in canonist terms regarding obligatory material and non-obligatory material and thereby generated a definitive normative divide in Minorite structures of obedience. The bull's constriction of obedience-related content amounted to the focus on what was expected of the brothers (what must be) as opposed to charismatic guiding principles (what could be). *Quo elongati* thus accomplished a definitive break between codified normative structures and charismatic ideals. It institutionalised a return to the *RegB* without Francis. Indeed, the measures enacted in the bull reflect the conflicting normative spheres alluded to in Gospel and charism over and against Church and institutional pursuit.

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<sup>48</sup> Here, G. Melville aptly translates *imperium* as "Befehlsgewalt," that is, 'command' in a military sense or 'authority' more broadly. Melville, *Der geteilte Franziskus*, 355.

<sup>49</sup> Melville, *Der geteilte Franziskus*, esp. 354-356.

In so doing, it coloured the rule as binding and obligatory, except for the unclear and obscure passages, on which he then issued his official and binding ruling. Denial of the *Test*'s juridical value detached the rule from its charismatic undergirding. Elimination of the *Test*'s obligatory or binding nature justified and encouraged complete disregard for it. Hence, the declaration not only divided Francis' identity, living memory, and normative place in the order, but also, and more fundamentally, redefined the relationship between Minorite charism and rule, life and norm, divine vocation and religious duty. As a consequence, *Quo elongati* was complicit in the reliquiarisation of Francis – it took Francis out of the poor house and place him into the reliquary. Francis was made a symbol, not to be heeded with regard to what he said, did, was, represented, promoted; a symbol for admiration but ultimately of inimitability.

The *Test* became the voice of a distant, transcendent reality – no more binding than the entirety of the Gospel. It reduced the voice of Francis to that of a deceased abbot, valid as advice or admonition of a moral and spiritual quality but not compulsory or formative for common identity or normative structures. The Pope's treatment of 'doubtful and obscure' rule passages transferred considerable discretion of legal matters to order jurisdiction under Church sanction. *Quo elongati* was largely an attempt to balance the conflict-ridden Minorite structure of obedience and thus came about at the clashing of the interests and visions of separate institutions. Gregory rescinded Francis' charismatic authority in light of his own authority and that of the ministers and chapters, which were by now partial to the ministers and thus subject to them. The measure paved the way for constitutional development under the guise of regular clarification, but at once also left room for collegial decision.<sup>50</sup>

#### *Quo elongati between Rule and Gospel*

*Quo elongati* constituted the further legalisation of the rule, that is, desacralisation and transpersonalisation according to canonical standards of normativity, a phase already detectably incepted in the redaction of *RegB*. The normative sphere alluded to in the appeals in the rules and the *Testament* to living the Gospel (*vivere secundum formam sancti Evangelii*) could, and for some in effect did, bear heavy connotations; namely, if read as a binding doc-

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<sup>50</sup> Thomas of Eccleston, *De adventu*, Coll. VIII, 38. Reflecting back on the event in the late 1250's, Thomas of Eccleston describes the event thusly: *Post hunc venit frater Johannes de Mavernia, qui tunc primo portavit expositionem regulae secundum dominum Gregorium nonum: qui Londoniae et Leycestriae et Bristolliae similiter fratres etiam novitios in maxima multitudine sub fratre Agnello visitationis gratia convocavit. Et quidem tam arcta exstitit tunc conscientia fratrum in aedificiis construendis et picturis habendis, ut propter fenestras capellae in loco Gloverniae maximam vim constitueret, et propter pulpitem, quod frater ipse quidam pinxerat, sibi caputium auferret: gardiano quoque loci idem fecit, quia picturam toleraverat.*

ument, the rules and in particular the *Test* bid the brothers abide by the whole of Gospel content on pain of sin and signified that the rule encapsulated and lay out the path of adherence to the Gospel. It also distinguishes between *praecepta* and *consilia*, as primary and secondary content of the rule. Curtailment of the *Test*'s juridical value determined a separate identity for rule and Gospel as an entirety, thereby shattering any residual trace of equivalency between the two. The implicit repudiation of the equivalency between Rule and Gospel likely exacerbated the bipolar identity latent in the community, as resentment over the enforced disconnect between the rule and the Gospel, law and charism set in among more than a few brothers. At once, the bull also granted the Rule its own individuated normativity, distinct from that of the Gospel and from the will of Francis as articulated in the *Test*. Lightened the burden weighing on the brothers' consciences as they entered new contexts and adapted to new challenges and demands, but also opened the door for circumscription of the Rule.

#### Obedience and Poverty in *Quo elongati*

As indicated, the bulls sanctioned relaxations in regular observance under the guise of clarification of the Rule, a pursuit in which Gregory succeeded after only a few lines in the same document. *RegB* outlines how brothers may appropriate nothing, but may have certain necessities – a single tunic, a single hood, and priest brothers may have breviaries. As suggested, *Quo elongati*'s legalised treatment begot distinctions suited to its purpose. With *Quo elongati*, Gregory IX individuated and identified Minorite poverty 'neither singly nor in common' by forging a technical distinction based upon use and ownership. In effect, he invented the myth of theoretical poverty that Minorite apologists would later treat and expand *ad nauseam* in the decades and centuries that followed. The document drew an illusory distinction, which encouraged a certain relaxation of regular norms by removing Minorite meaning from its past and thereby redefining it.

In a genial manoeuvre from a juridical standpoint, but a clear deviation from the charismatic ideal, Gregory IX institutionalised Minorite poverty by issuance of his ruling on regular injunctions in a manner unseemly to the charism of the early movement and by placement of greater deciding power into the hands of order higher-ups. The bull marked the beginning of what TIERNEY calls the "legal fiction" of Minorite poverty,<sup>51</sup> which enabled and permitted relaxation if not outright violation of rule precepts under the pretence of rule clarification. Not beside the point, it was an evident part of what would become Gregory's longstanding, reso-

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<sup>51</sup> B. Tierney, *Origins of Papal Infallibility, 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden, 1972), 69.

lute agenda to exempt religious bodies from civic jurisdiction and reign them in by ecclesial control.<sup>52</sup>

In the *Test*, the appeal to brothers as *advene et peregrini* invokes familiar passage of *RegB* VI, 2 and attempts to unlock its meaning in sense of *RegNB* and to reframe the meaning addressed in the phrase *Domino famulantes*. Together with emphasis upon lowly labour, the Testament circumscribed their poverty as a function of rendering present kingdom of God and embodied witness in world by self-*minoratio* and obedience to all. Appropriation of goods was a hindrance to their itinerant mendicancy and service in the world driven by a sense of eschatological urgency. Gregory redefines and circumvents ownership of goods by introducing his crafty distinction between appropriation and use. The rule's key phrase *sine proprio* alluded to the juridical category of *appropriatio* or ownership.

A more clearly legal approach took precedence. Whereas 'appropriation' comprised juridical ownership, 'use' required the assistance of intermediaries, or *amici spirituales*, and in effect exempted brothers seeking to have those certain comforts in life forbidden by regular precept but deemed necessary by a loose standard. A juridical loop-hole had been exploited in the *RegNB*'s principle of exemption on the basis of *necessitas*, which had then introduced *RegB* IV, 2's allowance for ministers and guardians to see to brothers with frail health and lack of clothing *per amicos spirituales*. *Quo elongati* extended the level of regular elasticity to licit material goods, such as books, edifices, and land. Gregory's resolution of the dilemma was not unpopular among the order's learned clerics, though not all would receive it well, as indicated in the treatment of *SCom*.

#### *Obedience Structures in the Order*

*Quo elongati* has relatively little to say concerning power relations and tasks proper to ministers and responsibilities due them. The bull does, however, reinforce the exclusive right of the general minister to examine and licence candidates for the *officium praedicationis*. Nevertheless, a single exception undermined the minister's jurisdiction. *Quo elongati* grants theologians – *in theologica facultate* – greater autonomy by exempting them from the binding obligation to seek a preaching license from the head minister and effectively entitles them to the canonical charge of *officium praedicationis*. Juridical preference for the learned speaks volumes about the order's social atmosphere that already began to lean toward intellectual hierarchisation. In addition, the bull also addresses the question as to how many *custodes*

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<sup>52</sup> On analysis of the registry and in particular of the 1221 legation, Flood claims that even as Cardinal Protector Hugo of Ostia, he already sought to rearrange such forms of influence. See: 'The Politics of *Quo elongati*,' 380. For the registry that he consults and cites, see: G. Levi, *Registri dei Cardinali Ugolino d'Ostia e Ottaviano degli Ubaldini*, Rome, 1890.

could attend a chapter meeting. The Pope's ruling decreed that only one *custos* per province could be present at chapter at the time of a minister general's election. Narrowing of the range of voices present at chapter meetings and an increase in measures of control continued.

### *Ecclesial Obedience*

As FLOOD remarks, the delegation's request constituted an unprecedented quality of appeal to ecclesial authority and consultation of ecclesiastical procedure.<sup>53</sup> The appeal provoking *Quo elongati* was a horse of a different colour. Previously, the movement had looked to the Church for guidance and protection, now the brothers sought papal intervention in a matter with respect to fundamental meaning, that meaning concerning the charism-rule relation. In short, the brothers sought authoritative hermeneutical assistance. It was in effect an invitation to external formation by members of the order's elite. The addressee of their request was none other than the highest earthly authority Pope Gregory IX, who was a 'dichtender Jurist' and ruled as a forceful, authoritative Pope.<sup>54</sup>

In promulgating *Quo elongati*, Gregory IX acted by virtue of his legitimate papal authority. Yet was the bull a papal interdict or restorative measure? Why did he not remand the motion back to the friars? Perhaps he sought to grab hold of the Minorite project and thereby undermine the movement's profound charismatic undercurrent and saw the delegation's request as a golden opportunity. It was, in any event, his prerogative to issue a ruling. In the text itself, Gregory IX supplements his authority to assert an official ruling on the matter based upon his acquaintance with the saint both as a person and legislator. That is to say, Gregory claimed to know the Francis' *intentio*. Did he truly understand Francis' intention as he claimed to have done? If he did understand Francis' intention – referred to here as a performative, charismatic recall –, it does not appear that he abrogated the *Test* because of document's intent; rather, because of the way in which the friars interpreted it and the division that such interpretations entailed. The *Test* had been perceived as an absolute demand of charismatic authority.

On the one hand, Gregory wrests the reins of power to determine Minorite meaning 'from below' and bestows upon the powers-that-be the renewed ability to assert self-determination by defining and breaking the necessary juridical bond of the *Testament* and the *RegB*. The declaration frees the powers-that-be up from the demands of the powers-that-used-to-be. Francis is dead; he shall not have the last word. He shall bind you no further. It was a watershed moment that constituted the thin edge of the wedge, for it sanctioned not only the

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<sup>53</sup> Flood, 'The Politics of *Quo elongati*,' 378.

<sup>54</sup> Feld, 327.



glossing and amendment declared in its contents, but all manner of glossing and amendment that would later ensue. It is difficult to tell whether Gregory regarded the ins-and-outs of the Minorite charism with insouciant aplomb or, having mistaken Francis' recall to the charism, made a conscious effort to ease the brothers' minds and condition in life by amending their codified normative structure, and whether he feigned sincere concern at the brothers' crisis of conscience or lent a kindly ear to their quandary and sought to accommodate them as best he was able. True intentions are often a matter of speculation, in particular across the span of centuries. The present study submits that Gregory IX misinterpreted the *Test* as Francis' dom- inative stance 'from above,' whereas Francis had intended the message as a motherly admoni- tion, a charismatic, performative act 'from below.'

A novel element introduced by *Quo elongati* and relevant to ecclesial authority in- volved the Cardinal Protector. The brothers and their intermediary *amici spirituales* ought to consult and receive license from Cardinal Protector to use certain goods. The measure adds a concrete function to the role of Cardinal Protector as curial intermediary. The vague injunc- tion to always have a curial official as protector and corrector of the order at long last took concrete form. Consequentially, the bull also reiterates the *RegB*'s prohibition concerning entrance into nunneries without *licentia sedis apostolicae specialis*, a mere banality in the grand scheme.

## **Thematic-theological Analysis of Liturgical Texts**

### *Liturgical Texts in the Interim Era*

On the occasion of Francis' inscription into the catalogue of saints, Gregory IX's bull *Mira circa nos* addressed the faithful, and the world in a subsequent document *Sicut phialae aureae*, in support of the Assisian's cult. The former proclaims, as does the latter in abbrevi- ated form, that God declared that his life had been acceptable and that his memory should be venerated by the Church-militant, when then leads to a decree for church-wide acknowlege- ment and annual celebration of Francis' sainthood on the fourth of October. The bull contin- ues to admonish and commands that the brothers dedicate themselves to the saint by setting aside a day in his memory and humbly imploring his patronage. The call to honour Francis' memory presupposes an official memory to be recalled and venerated. Similar to the instance of narrative sources, the Francis put forth for liturgical celebration, the 'prayed Francis,'<sup>55</sup> at

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<sup>55</sup> The hermeneutic perspective of the 'prayed Francis' is an emerging approach in the early stages of devel- opment in a project bearing the name 'Il Francesco Pregato,' which has as its elaborators Marco Bartoli, Jacques Dalarun, Filippo Sedda, and Timothy J. Johnson. Thanks are in store to Timothy J. Johnson for sharing this new perspective on the 'prayed Francis' prior to its publication.

once reveals features of his personal character and earthly circumstance but also, and perhaps more importantly, reflects the hand at work in its composition and the theology informing it. It is thus a salutary pursuit to tease out the theological content nestled within the lines of texts for the use of prayer and liturgical celebration.

At a general level, the output of such texts corresponds with the order's newfound insistence upon liturgical regulation and formation. The order acknowledged a need for formal prayers to accompany the mass unto the saint's honour on relevant feast days. The 1230 enactment of regulation concerning reservation of the Eucharist attests that certain Minorite residences began to contain chapels. Jordan of Giano reports that the 1230 general chapter approved and distributed breviaries and antiphonals to the provinces.<sup>56</sup> Nevertheless, VAN DIJK's exacting analysis of the manuscript tradition has enabled the amendment of Jordan's account. The general chapter marked the contemporaneous issue of breviaries and missals.<sup>57</sup> Thus, while Haymo of Faversham is famous for having restructured the order and standardised its liturgical literature, the circulation of such texts was already underway in the period at hand.

The editors of the *FA:ED* English-language edition well capture in concise, synthetic form the meaning and broad impact generated by Minorite texts developed for common prayer and reflection and their introduction into the liturgical milieu of the period at hand.<sup>58</sup> In effect, the Minorite brothers had begun, whether by spontaneous impulse or by bidding from on high, to formulate their own expression of the age-old formulaic, reflexive dynamic *lex orandi, lex credendi*. If that law regarding the relationship between worship and belief hold true, which is to say the idea that in one's rituals and prayers there lie a theology, and vice-versa, and if that be applicable to the case of the Minorites then the prayers and liturgical texts produced in the period warrant study and attention. In addition, the Eucharistic dimension of the liturgical implementation of a 'prayed Francis' lays bare an astonishing anamnetical force designed and operating to unite the parties involved. Liturgical engagement in an exemplified

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<sup>56</sup> Jordan of Giano, *Chronica*, 17, no. 67. Cf. Van Dijk, *The Origins of the Modern Roman Liturgy*, 215.

<sup>57</sup> Van Dijk, *Origins*, 244.

<sup>58</sup> Cf. *FA:ED* vol I, 311. The *FA:ED* editors comments are part of a growing interest in Minorite liturgical texts. See: F. Sedda, 'La *Legenda ad usum chori* e il codice assisano 338,' in: *Franciscana* XII (2010): 43-83; F. Accrocca, 'La straordinaria fecondità dello sterile: la *Legenda minor* di Bonaventura,' *Frate Francesco* 75 (2009): 179-211; Idem., *Un santo di carta. Le fonti biografiche di san Francesco d'Assisi*, Biblioteca Franciscana 2013; T. J. Johnson, 'Lost in Sacred Space: Textual Hermeneutics, Liturgical Worship, and Celano's *Legenda ad Usus Chori*,' *FrancStud* 59 (2001): 109-131; Idem., 'Into the Light: Bonaventura's Minor Life of Saint Francis and the Franciscan Production of Space,' in: *Francis of Assisi: History, Hagiography, and Hermeneutics in the Early Documents* (New York: New City Press, 2004), 229-49; Idem., 'Wonders in Stone and Space: Theological Dimensions of the Miracle Accounts in Celano and Bonaventura,' *FrancStud* 67 (2009): 71-90; & Idem., 'Choir Prayer as the Place of Formation and Identity Definition: The Example of the Minorite Order,' *MiscFranc* 111 (2011): 123-135.

‘prayed Francis’ during the Mass or regular office hours intertwined the story of Christ, Francis, and the worshipping community, thereby forming a unique, dynamic bond between praying agent and prayed object, past and present, Christ and *sequela Christi*.

What is more, dissimilar to other legends, liturgical inclusion and reinforcement of a ‘prayed Francis’ in choir legends and chants linked the saint, and thus his order by virtue of his founding it, in particular fashion to the Eucharist. The basic theological force of the blessed sacrament lie in *anamnesis*, the remembrance of Jesus’ words and deeds marked by a reactivation or re-presentation of Christ’s sacrifice and its dynamic, transformational power. The Eucharistic prayer’s invocation, indeed injunction, *Hoc facite in meam commemorationem* takes on new-found significance in the link to the Minorite horizon of meaning forged in the liturgical ritualisation of a ‘prayed Francis.’ In particular, given the notable Christological emphasis of elements such as the stigmatisation, the communal uttering of Francis provides a specific epexegetis or addendum to the Mass, which sought to achieve the entanglement of members into a whole, thereby congealing them into a single, identical organism, as if at once into an extended hand reaching through Francis in order to grasp onto Christ.

The issue becomes perhaps a hair more concrete when considering the brothers’ imitation of the ‘prayed Francis.’ By the classic mystagogic formula *lex orandi, lex credendi*, the law of praying informs and accomplishes expression, participation, and interiorisation, also has the capacity to design and propel human action. That is to say, to *lex orandi, lex credendi* corresponds also *lex agendi*. The problem that complicates the matter becomes discrepancy. It arrives when conflicting or competing images of Francis inform the prayer of the brothers. Nevertheless, while considerable development does occur in the present setting, comparison of the texts gives way to little perceivable dispute between images of the ‘prayed Francis,’ the detail of which outlined below.

### *Francis Prayed, Francis Re-Presented: Analysis of Individual Texts*

#### *Officium rhythmicum sancti Francisci*

##### 1. Authenticity and *Sitz im Leben*

While a sizeable tradition of fifty-five manuscript witnesses<sup>59</sup> and numerous semi-contemporary attestations corroborate the textual authenticity and integrity of *Officium rhythmicum sancti Francisci*, the authenticity and integrity require thorough qualification. Julian of Speyer authored a large part of the texts in *OffJS* and composed the musical ar-

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<sup>59</sup> The *AF* volume outlines the rich manuscript tradition. See: Iuliani de Spira *Officium rhythmicum s. Francisci*, 1926-41, 372-4. For more extensive and up-to-date discussions of manuscripts and editions, see: G. Cremascoli, ‘Introduzion,’ (*FF* 1099-1104) and

rangement for their performed incantation.<sup>60</sup> Nevertheless, VAN ORTROY's study of Vat. Lat. 4354 ms. (late 14<sup>th</sup> century) exhibits that other authors, including Pope Gregory IX, Cardinal Thomas of Capua, and Cardinal Rainerio Capocci, contributed to the compilation of antiphons, responsorials, and hymns.<sup>61</sup>

With the canonisation of Francis, curial and order officials required tasteful, becoming compositions suited for insertion into liturgical breviaries geared toward the tri-annual solemn celebration and honour of the Celestial Church's new member. Given manifest need, Julian and others composed antiphons, responsorials, and hymns to enhance the cult of Francis both within the order and beyond. As *OffJS* was set to melody, it bears mention that the 13<sup>th</sup> century witnessed the emergence of novel literary genre in the rhythmic (or rhymed) office influenced by the *cursus* of rhythmical prose employed already in eleventh-century papal documents and more relevantly in romantic song-writing of French troubadours and minstrels, a nascent tradition which Julian certainly would have encountered in his musical up-bringing and mastered during his career at the French royal court.

*OffJS* is also intertwined with the origin of a Minorite office, which explains in part the prolific manuscript tradition. While under the prescription of *RegNB* III 4 cleric brothers were to pray the office *secundum consuetudinem clericorum*, whereby customs varied, *RegB* III 1-2 bound such brothers to pray the office *secundum ordinem sancte Romane Ecclesie excepto psalterio, ex quo habere poterunt breviaria*. Such 'Regula breviaries,' portable booklets adopted from those compiled by the papal court in abridged form, received widespread promulgation within the order at the 1230 chapter.<sup>62</sup> The order integrated the prayer booklets with mixed results, as rubric indications suiting the papal court proved unfit for Minorite liturgical exigencies. At chapter in 1243 Haymo of Faversham had drawn up for Minorite use an official *ordo* for Office and Mass into which he incorporated *OffJS* among various other compositions.<sup>63</sup> Thus, while a considerable number of brothers encountered and recited *OffJS*

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<sup>60</sup> Among the many sources that affirm such a notion, see: *Chronica XXIV Generalium*, 1897, 381, II. 22-4 and Arnaud de Sarrant, *De cognatione beati Francisci*, ed. F.M. Delorme, *Miscellanea francescana*, 42, 1942, 126 (CSF 1).

<sup>61</sup> The manuscript attributes the hymn *Proles de coelo* (*OffJS* 3), the reponsory *De paupertatis horreo* (17 VIII), and the antiphon *Sancte Francisce* (26 I) to Gregory IX. It also ascribes the hymns *In coelesti collegio* (8) and *Decus morum* (24), the responsory *Cardinis spica* (17 VII), and the antiphon *Salve sancte Pater* (26 II) to Thomas of Capua, and the hymn *Plaude turba paupercula* (19) and the antiphon *Coelorum candor* (26 IV) to Rainerio Capocci (also 'of Viterbo'). See: Van Ortroy, 'Julien de Spire, biographe de saint François d'Assise,' *AnBoll*, 19, 1900, 328-9. Salimbene's chronicle verifies the attributions to Gregory IX and Thomas of Capua. See: *Chronica*, 578. For further deliberations and external and internal proofs of ascription, see: L-B. Lebigue, 'Introduction,' 709-25.

<sup>62</sup> Jordan of Giano, *Chronica*, 57. *FA:ED* Vol. I, 312.

<sup>63</sup> Van Dijk and Walker, *The Origins*, 292-320.

at Paris and beyond from ca. 1235 onward, the work enjoyed wide-spread use throughout the order upon Haymo's sweeping reforms.

On the question of redactional dating, the occasion of a 1235 celebration of the saint in Assisi, at which Pope Gregory was present, situates the formal adoption of *OffJS* and thus the absolute *terminus ante quem* for compositional redaction.<sup>64</sup> Conservative postulations in scholarly literature place the text sometime between 25 May 1230 and 4 Oct 1235.<sup>65</sup> In his critical re-assessment of *OffJS* and *VJS*, J-B LEBIGUE asserts a 1228-1232 date.<sup>66</sup> After considerations on exogenous pericopes and on the nature of *OffJS* as a compilation, LEBIGUE turns to redactional date, wherein by a Sept 1228 Cistercian chapter declaration and the bull *Mira circa nos* he establishes the beginning period of redaction.

Relatively little is known about the liturgist and hagiographer in the way of biographical data. What information scholars have been able to obtain they have gleaned from tangential remarks in Minorite literature. Indications, while rare, are convergent but regard a small set of facts. Indeed, as THIER-HARTMANN asserts, "Die Lebensbeschreibung Julians liest sich wie ein Kommentar zu seinem Offizium des hl. Franziskus."<sup>67</sup> Prior to his taking on the Minorite habit, relates Bartholomeo of Pisa, Julian had been *magister cantus in aula regis Francorum*.<sup>68</sup> Scholars acknowledge Julian's presence at general chapter in Oct 1227,<sup>69</sup> and Jordan of Giano reports how in the same year he accompanied brother Simon the Englishman, provincial minister, to chapter in Cologne.<sup>70</sup> Provided the reliability of the two accounts, that would place Julian at the court of King Louis VIII and perhaps also of Louis IX at the dawn of his rule.<sup>71</sup>

Jordan recounts that Brother Simon, relieved of his duty as minister, brought with him *viros probos, honestos et litteratos* to Magdeburg *en route* to serve as the first lector of theology.<sup>72</sup> Such may suggest that Julian was a part of the Englishman's entourage. But Julian's stint in the Teutonic province was short-lived, as he was likely present at Francis' 1230 trans-

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<sup>64</sup> Eccleston, *De adventu*, XV, 90.

<sup>65</sup> *FA:ED* (1232-1235), German edition (25 May 1230 – 30 May 1232).

<sup>66</sup> J-B. Lebigue, 'Introduction,' 726-8 & 730-1. Bernard of Besse points out that Gregory IX's hymns as well as those of the cardinals had been composed prior to Julian's contributions. See: Bernard of Besse, *Liber de Laudibus*, Prologue, *AnFranc* III, 666 and H. Felder, *Die Liturgischen Reimofficien auf die heiligen Franciscus und Antonius gedichtet und componiert durch Fr. Julian von Speier (+c.1250)* (Freiburg, Schweiz: Universitäts Buchhandlung, 1901), 49-52 & 64.

<sup>67</sup> Thier-Hartmann, 1979, 52

<sup>68</sup> Bartholomaei de Pisis, *De conformitate*, 1907, VIII, II, p. 308, II. 20-1

<sup>69</sup> *FA:ED*, vol. 1, 'Introduction,' 363

<sup>70</sup> Jordan of Giano, *Chronicon*, 53

<sup>71</sup> Thier-Hartmann, 1979, 48

<sup>72</sup> Jordan of Giano, *Chronicon*, 54

lation,<sup>73</sup> and in the same year would begin to fulfil his charge in France where would serve as *cantor Parisiensis et corrector mensae* for the next two decades until his death in 1250.<sup>74</sup> By then an established urban centre for learning, Paris' Minorite convent provided ample opportunity for Julian to thrive and hone his skills in the arenas of teaching, composition, and arrangement. Both Jordan of Giano and Bernard of Besse attest to his literary achievements. Jordan lauds the brother from Speyer for his beautiful compositions (*historia*) dedicated to Francis and Anthony, which he had set to melody.<sup>75</sup> Bernard reiterates as much and supplements a character profile, deeming Julian, *corrector* and *lector* at the Parisian convent, *mira-bilis de sapientiae et de sanctitate*.<sup>76</sup> Other texts composed at the hand of brother Julian and ascribed him certify an impressive literary and musical career. To the *Officium rhythmicum* and *Vita secunda* of Saint Anthony of Padua one may add the present *Officium rhythmicum* for Francis and the *Vita sancti Francisci*. Of note, a recent claim has also attributed *Legenda ad usum chori* to Julian's authorship.<sup>77</sup>

## II. Thematic-theological Analysis

### *Praying Francis: the Extraordinary, yet Imitable Saint*

Since modelled in part on *VbF*, Julian's legend oscillates between the images of Francis as extraordinary saint and imitable herald of God's message.<sup>78</sup> Rendering the legend tasteful and conducive to liturgical performance, *OffJS* presents Francis as model and guide for the brothers. His God-touched, stigmatised body authenticates him as such.<sup>79</sup> Much like Thomas' legend, *OffJS* exemplifies Francis in that it proposes an image of Francis, which is both identity-forming (*identitätsstiftend*) and behaviour-shaping (*verhaltenslenkend*). *OffJS* puts forth a prayed Francis by incantation to the end of imitation, whereby imitation denotes performative obedience of their saintly founder. Francis thus serves as a concrete axis of orientation for Church and order. The legend lays out a plan in the prayed Francis who acts as a personification of guiding principles and of their concrete satisfaction. *OffJS* thus offers the image of

<sup>73</sup> The final chapters of his legend suggest the account of an eye-witness.

<sup>74</sup> S.J.P. van Dijk, *Sources of the Modern Roman Liturgy. The Ordinals of Haymo of Faversham & Related Documents (1243-1307)*, Volume 1 (Leiden: E.J. Brill, 1963), 7.

<sup>75</sup> Jordan of Giano, *Chronicon*, 53

<sup>76</sup> Bernard de Besse, *Liber de laudibus*, in *Chronica XXIV generalium Ordinis minorum cum pluribus appendicibus inter quas excellit hucusque ineditus Liber de laudibus S. Francisci fr. Bernardi a Bessa*, Quaracchi, coll. *AF* 3 (1897): 666 (BB Prol).

<sup>77</sup> E. Rava & F. Sedda, 'Sulle tracce dell'autore della *Legenda ad usum chori*. Analisi lessicografica e ipotesi di attribuzione,' *Archivum latinitatis medii aevi* 69 (2011): 107-175.

<sup>78</sup> *OffJS* 6 (FF 1108). Prayer. *Ex eius imitatione* (concordance with First Mass in honour of Francis).

<sup>79</sup> *OffJS* 24 (FF 1118-9)

extraordinary sainthood; that is, a Francis in whom the divine plan is accomplished.<sup>80</sup> Yet it does so in such a way as to elicit imitation of his followers in a sort of *sequela Francisci*.

Among Francis' imitable characteristics and behaviour patterns are those of humility and lowliness. Francis' portrayal as a paragon for the lowly harkens back to the charismatic guiding principles whose pride of place determined them as distinguishing features of the early movement. *OffJS* hails Francis' lowly manner in multifarious terms, such as *forma factus humilium*,<sup>81</sup> *inter Minores minimus*,<sup>82</sup> and *forma Minorum, Virtutis speculum, recti via, regula morum*.<sup>83</sup> He was one who lead by example and paved a path<sup>84</sup> that all ought follow *ex eius imitatione*.<sup>85</sup> Especially recognisable among the motives for self-*minoratio* are ascetic motifs<sup>86</sup> and, to a lesser extent, a service motif<sup>87</sup> in part reminiscent of the writings of Francis and early movement. Taking example from *VbF*, *OffJS* presents a Francis who embodies virtue, rightness, and integrity, leading others from the exile of the flesh.<sup>88</sup> He humbled himself before lepers<sup>89</sup> and sent his companions out exhorting them to humble themselves before all.<sup>90</sup> He received a directive from on high to self-sacrificial love and to live for the good of everyone.<sup>91</sup> *OffJS* thus ritualises humility, but not an anonymous humility; rather, one that is Francis-faced.

#### *Codification of the Stigmata and Rule as Institutional Symbols*

In *OffJS*, the stigmata authenticate Francis' sainthood as a symbol of Gospel renewal. At the institutional level, the marks of Christ serve a normative, identity-forming function. Francis is *Zelator novae legis*,<sup>92</sup> a decisive model and guide, who did not transgress a single iota of the Gospel.<sup>93</sup> They thereby ensured the evangelical authenticity of following Francis. Identification of Francis with Christ guarantees Gospel legitimacy on both a communal and individual level, thereby lending credence to his authority. It creates a direct line of legitimacy between Christ and order and Christ and individual through Francis and his rule. Together

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<sup>80</sup> *OffJS* 17 (FF 1113-5)

<sup>81</sup> *OffJS* 8, II (FF 1108)

<sup>82</sup> *OffJS* 17, IXa (FF 1114)

<sup>83</sup> *OffJS* 26 (FF 1120-1)

<sup>84</sup> *OffJS* 8, V-VIII (FF 1109)

<sup>85</sup> *OffJS* 6 (FF 1108)

<sup>86</sup> *OffJS* 26, II (FF 1120): *Salve, sancte pater, patriae lux, forma Minorum, Virtutis speculum, recti via, regula morum: carnis ab exsilio duc nos ad regna polorum.*

<sup>87</sup> *OffJS* 14, V (FF 1112): *leprosis fit obsequio.* *OffJS* 17, IXb (FF 1114): Mission motif, *Humiliari praecipit et esse patientes.*

<sup>88</sup> *OffJS* 26 (FF 1120-1)

<sup>89</sup> *OffJS* 14, V (FF 1112)

<sup>90</sup> *OffJS* 17, IXb (FF 1114)

<sup>91</sup> *OffJS* 18, I (FF 1115)

<sup>92</sup> *OffJS* 14, IV (FF 1112)

<sup>93</sup> *OffJS* 1, IV (FF 1105)

with the proclamation of Francis' perfection,<sup>94</sup> the stigmata solidifies the extraordinariness of Francis' sainthood, and thus also of his order.

In the process of legitimising the Minorite way, *OffJS* finalises the fiction of a single Rule and of singular authorship,<sup>95</sup> which many other subsequent documents would later adopt and endorse. Whereas some semblance of a first and second rule survived in the lines of *VbF* (*regula et forma vitae*), *OffJS* (and *VJS* in its footsteps) affirms the identity of the two Rules and in effect glosses over the charismatic principles compromised in the drafting of the *RegB*. Again, it would not be out of the question to suggest that *OffJS*'s authors simply refer to the sentiments expressed in Francis' *Testament*. For instance, Francis could be read to imply that he had no human teacher and that the Rule was indeed his, insofar as he alone wrote it.<sup>96</sup> Hence, he is himself identical with the Rule for the very reason that he is himself a Rule.<sup>97</sup> *OffJS* envisages Francis as the predominant figure of Gospel renewal in word and in deed. *Dum formam crucis gerere, vult corde, ore, opere*. Emphatic mention of the stigmata<sup>98</sup> authenticates Francis' revelatory experience, transmission of God's will in the Rule, and his conduct and identity as *regula morum*. The sign of the King was the guarantor of Francis' personification of renewal of his Reign.

#### *The 'Prayed Francis,' Anamnetic Theology, and Liturgical Re-Presentation*

In his liturgical writings, Julian conflates order, Church, and creation by opening Minorite meaning up to the dynamic liturgical dimension of the universality of the order's message. Incorporated Francis and the body of praying agents into the ebb of communal liturgical prayer with dominant themes from *VbF* and the Psalter and, in the context of the mass, into the drama of salvation history, thereby rendering the past present. *OffJS* introduces into the life of the friars ritualised identity formation and behaviour configuration centred on the liturgical cycle of events at the feast days dedicated to the saint, culminating in the celebration of Eucharistic sacrament at the altar, the Lord's table. In particular the *Benedictus* antiphon hymn links the wounds of Christ with those of Francis, thereby supplementing the Eucharistic celebration with an added element; namely, Francis' radical *sequela Christi* consummated in his bearing Christ's sacrificial marks. The ebb and flow of Psalms, the Gospels, stylised and theologically-charged bits of hagiography, and the Mass involves Francis and his order in the

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<sup>94</sup> *OffJS* 18, IV (FF 1116)

<sup>95</sup> *OffJS* 17, IXd (FF 1115)

<sup>96</sup> *OffJS* 18, II (FF 1115)

<sup>97</sup> *OffJS* 26, II (FF 1120):. *Salve, sancte pater, patriae lux, forma Minorum, Virtutis speculum, recti via, regula morum: carnis ab exsilio duc nos ad regna polorum.*

<sup>98</sup> *OffJS* 19, III (FF 1116); 21 (FF 1117); 23 (FF 1118); 24 (FF 1118-9); 26, III & IV (FF 1121)



history of salvation in an intimate manner. The incantation of Francis in a Eucharistic context aims to at once render him present among and in his followers in the forms of an institutional legitimisation and *sequela Francisci*.

### *Ecclesial Obedience*

The few references to the Church made in *OffJS* offer an image of Francis as a devout, thoroughgoing Catholic. The lauding of Francis' catholicity begins with the initial antiphon, which proclaims, *Franciscus, vir catholicus; Et totus apostolicus, Ecclesiae teneri: Fidem romanae docuit, Presbyteriosque monuit; Prae cunctis revereri*.<sup>99</sup> *OffJS* conveys Francis as an executer of papal directives and beacon of Catholic orthodoxy, who exalts external control. Francis' catholicity works on the one hand to their advantage as it adds to their legitimacy as an institution, whose founder enjoyed close relations with curial officials and espoused faithfulness to the Church until the end. Under the auspices of *OffJS*, Francis' legacy thus granted the order a double legitimation. Francis served as a link to both Gospel and Church. On the other hand, it also increased their duty to Church, in that it renders them closer to the Church and thus more subject to its bidding and its influence.

Perceivable influence of Gregory IX in such passages<sup>100</sup> renders the component of ecclesial obedience more forceful, as the Pope himself confirmed Francis' faithfulness. It simultaneously also supplements the *sequela Francisci* dynamic with a palpable ecclesial aspect, considering that their author, whom the first antiphon deems Francis' *pater et protector*, was still living and in full possession of his papal power. In particular, three passages merit attention with regard to Gregory IX and ecclesial obedience. Hymn 3 contains a passage, whose interpretation is often disputed.<sup>101</sup> By hinting at an allusion to city, gate, and tomb, scholars have speculated as to whether the passage may refer to noted holy sites in Assisi, chief among which the tomb. A potential reference to the major basilica's tomb planned to house the saint's remains raises questions as to the legitimation of Gregory's project to build large-scale church deemed *caput et mater ordinis*.

Undoubtedly, Gregory's influence on the order had already begun to take hold. Gregory IX's authorship would support the claim as to the coincidence of the basilica's construction and its housing of Francis' remains vis-à-vis the locution of Minorite identity within the basilica. In addition, Gregory's depiction of Francis (*OffJS* 17, IXd) as an executer of papal directives focuses upon the task of preaching also represents a likely initiative of Gregory. He does

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<sup>99</sup> *OffJS* 1, I (FF 1105)

<sup>100</sup> *OffJS* 3, IV, VI, VII (FF 1106-7); 17, IXd (FF 1115); 26, III (FF 1121)

<sup>101</sup> *OffJS* 3, VII (FF 1107)

so, however, by underscoring his predecessor's role in catalysing the order's trajectory to the present situation. The detectability of a subtle identity-forming element here lends itself to suspicion, in particular when one considers the prioritisation of rising pastoral tasks in the order and the omission of lowly labour as early as the *RegB*.

### *Legenda umbra*

#### 1. Authenticity and *Sitz im Leben*

The topic of recent study and debate, *Legenda umbra* arrives to us as a document with a complex contextual history of redaction, copying, dissemination, fragmentation, and accumulation with others texts that has only come to light over the course of the past decade. Even after early twentieth-century discoveries and publications of the text in partial form, since the *LUmb* did not appear to offer much insight or any new information at all regarding the 'Franciscan Question' that has so occupied the minds of scholars for the past century, critical scholarship has passed over it. Time and again, the initiative to determine the text's nature, origin, date, or author was forgone. As a consequence, *LUmb*, much like the historical figure of Francis in the various developments of the order's history, has gathered dust hidden in the shadows of its more prevalent counterparts.<sup>102</sup>

Nevertheless, sparked by a probing article<sup>103</sup> and a summer course on *3Soc* and enabled by a study of related collections<sup>104</sup> and a fortuitous unearthing of a Minorite breviary in the Vatican library, the debate then moved forward with DALARUN's remarkable 2007 study. DALARUN breached the decades of inattention vis-à-vis *LUmb* and undertook the painstaking study of four manuscripts located in Naples, Terni, and Assisi. His scrutinising, exacting scholarship, driven by a combined methodology of heuristic and hermeneutic, has reproduced the text in a reliable critical edition and has proposed feasible scenarios for its *Sitz im Leben*. On DALARUN's judgment, *LUmb* was, in a Bonaventurian sense, a 're-written' text, into which the author incorporated revised accounts found in both *VbF* and *VJS*. The study also confirms Thomas of Celano's authorship with solid evidence and unequivocal argumentation, thereby securing its attribution and textual authenticity. In the interest of intellectual honesty, DALARUN delineates three potential scenarios for contextual situation from between 1237-1244. Most tenable among the three is the earliest variant (1237-39), which DALARUN and the other French language editors also assert in their translation of the sources. The most likely

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<sup>102</sup> *FA:ED* editors characterise the texts as "one of the least known and the more puzzling early texts about Francis." *FA:ED*, vol 1, 471.

<sup>103</sup> F. Sedda, 'La 'Malavventura' di Frate Elia. Un percorso attraverso le fonti biografiche,' *Il Santo* XLI (2001): 215-300. See esp. 251-8: 'Un testo problematico: la *Legenda Choralis umbra*.'

<sup>104</sup> L. Pellegrini, 'La raccolta di testi francescani del codice Assisano 338,' 314-323.

contextual situation of *Legenda umbra*, and that opted for in the current study, is thus 1237-39 for reasons indicated.<sup>105</sup>

While certain questions regarding the text's intended function, audience, and setting remain open in terms of wide scholarly consensus, it is evident that the brothers promptly employed the text to liturgical ends, thereby integrating it into choral breviaries.<sup>106</sup> Perhaps Thomas composed *LUmb* for the newly introduced celebration of Francis' transition into the basilica on 25 May. Readings from the lives of the saints, *sanctorale* generally, intended for public lecture at the Divine Office occurred during the night hour of matins before day-break.<sup>107</sup> For the purpose of reading with the office prayers, terser choir legends were preferred as a compromise between brief eulogistic martyrologies and lengthy standard legends that would often last into the day's mealtime sittings.<sup>108</sup> Such information may suggest that *LUmb*'s focus upon Francis' stigmata, illness, death, and canonisation places it more in line with a choir legend with elements from a *Passionale* text. Part of *LUmb*'s immediate context is also *OffJS*, the nocturnes of which recount his conversion and the early companions. Indeed, an Umbrian codex contains the two sources back to back.<sup>109</sup> The texts may well have more to do with one another than previously thought. One might suggest, for instance, that *LUmb*'s focus upon the end of Francis' life may have served as a supplement to *OffJS*'s somewhat abbreviated overview of the saint's life from conversion to death. It is also conceivable that *LUmb* would have been read in conjunction with the daily mass, which provides ample opportunity to draw together compelling parallels on a thematic and theological level.

DALARUN claims that the legend was not originally intended for liturgical prayer. Perhaps the liturgical purpose was more of a priority than has previously been admitted. Even so,

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<sup>105</sup> Five encroaching data confirm the chosen *Sitz im Leben*. 1.) Thomas of Celano's authorship. So far as we know, Thomas worked only on official commission. Given the high praise of *LUmb* regarding Elias, if the text had been written subsequent to Elias' deposition, it is difficult to imagine Thomas' continued commission as official hagiographer. 2.) Emphatic mention of Francis' stigmata and of its nature as miracle. In the context of the bull *Confessor Domini* (1237), one can imagine *LUmb* as part of the effort to instill recognition of the stigmata and its verification of Francis' extraordinary sainthood. 3.) Favourable depiction of Elias. Even in the unlikely event of mistaken identity concerning the text's author, the inordinate amount of praise for Francis' beloved disciple would have been a serious affront to Church and order hierarchy after his deposition and condemnation. 4.) Short "active life" and the blank. The short "active life" of the text in liturgical use and the erasure of three vital words *minister generalis n<oste>r* suggest at least neglect and at most suppression of the text, the circumstance of which aligns with the text's predating the disposition of Elias and would help explain its scarce and scattered manuscript transmission.

<sup>106</sup> Abate argued that *LUmb* was incorporated into choral breviaries, whereas *Legenda ad usum chori* was placed into portable breviaries. See: G. Abate, 'La Leggenda Napoletana di S. Francesco e l'ufficio rimato da Giuliano da Spira secondo un codice umbro,' *MiscFranc* 30 (1930): 129-155.

<sup>107</sup> As the *FA:ED* editors rightly note, "In the thirteenth century, the readings about the saints were taken from two types of lectionaries, the *Passionale* and the *Legendarium*, the former giving the accounts of the suffering of martyrs and the later giving lives of other saints." *FA:ED* vol I, 318, n. 17.

<sup>108</sup> Van Dijk, *Origins*, 127.

<sup>109</sup> G. Abate, 'La Leggenda Napoletana di S. Francesco e L'Ufficio Rimato di Giuliano da Spira Secondo un Codice Umbro,' *MiscFranc* 30 (1930): 129-155.

despite DALARUN's argument, it is possible to suggest a simultaneous composition of the two; in other words, that the legend and its adaption for the choir were composed hand in hand. Alternatively, given the undeniable liturgical overtones of the work, one may posit a scenerio in which both were used in the choir. As such, the text illuminated in his study is nevertheless treated among the liturgical documents.

## 2. Thematic-theological Analysis

### *The 'Prayed Francis,' Anamnestic Theology, and Liturgical Re-Presentation*

Thomas' short, quizzical choir legend contains a brief amount of material, limiting the narrative scope to the saint's stigmatisation, death, and posthumous intercession of miracles. Nothing of Francis' youth, conversion, the primitive movement, or the order's development within the saint's lifetime receives even minimal reference. The triune structure of the legend is of highly symbolic meaning, which carries an essentially liturgical nature with accent upon the passion. Thrice advances the legend, and as a result it reflects the Eucharistic mystery at the centre of the liturgy. The evident Christological focus takes on a passion-oriented context in the parallel of Christ's passion, death, and resurrection. The number three also evokes the Triune God and three stages of the history of salvation in Old Testament, New Testament, and *sequela Christi* in the Spirit. Most importantly, however, as DALARUN notes, the triune structure of Thomas' liturgical work is indicative of the *Sanctus*, the hymn of praise, which initiates the Eucharistic prayer, unifying the created order to the unending praise of the heavens, and thus also to the angels and saints chanting in unison on high.<sup>110</sup> The meditative reading or praying of *LUmb* in a highly Eucharistic context therefore links the choir of praying agents to the history of salvation in a particular way through the prayed Francis. In such a fashion, by linking the praying community to Christ via the prayed Francis the symbolic level of meaning in *LUmb* spills over into the sacramental dimension of *anamnesis*, which unites the worshipping faithful to the salvific power of the mystery of Christ's sacrificial passion, death, and resurrection. Of particular interest in this regard is the centrality of the stigmata, to which Thomas had already attributed a sacramental character in his first legend.<sup>111</sup>

The sacramental dimension of Thomas's choir legend merits particular attention. Given that the brothers read the legend at the solemn celebration of Francis' feast days and most

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<sup>110</sup> Dalarun, 'Introduction,' 932. "La Légende ombrienne est animée d'mouvement vertical qui va de Christ au séraphin, du séraphin à François et de François à Élie. Elle est une authentification et une légitimation, sont les stigmates sont le sceau. De deux ans en deux ans, la mort, la canonisation et la translation résonnent comme l'écho d'un triple *Sanctus*. La floraison des miracles jaillis du corps prolonge dans le temps et dilate dans l'espace la vertu du saint. Non seulement la *Légende ombrienne* est un manifeste en faveur d'Élie, mais elle milite aussi pour une vision transcendente et théocratique de l'Ordre des Frères mineurs."

<sup>111</sup> *VbF* 114 (*FF* 392-3)

likely in conjunction with the mass, which they frequented on a daily basis, choir legends and office chants offered a rich theological message with particular emphasis upon the sacrament of Eucharist. Liturgical engagement in an exemplified ‘prayed Francis’ during the mass or regular office hours intertwined the story of Christ, Francis, and the worshiping community, thereby forming a unique, dynamic bond between praying agent and prayed object, past and present, Christ and *sequela Christi*. What is more, dissimilar to other legends, liturgical inclusion and reinforcement of said ‘prayed Francis’ in choir legends and office chants linked the saint, and thus his order by virtue of his founding it, in a particular fashion to the Eucharistic mystery. The basic theological force of the Blessed Sacrament lie in *anamnesis*, the reactivation or re-presentation of Christ’s sacrifice and its dynamic, transformational power.

The anamnetical theology behind the sacrament of Eucharist and bore out in the Eucharistic prayer becomes the focal point, albeit unspoken, for Thomas’ choir legend. Thus, it was at once an exclamation of Francis’ extraordinary sainthood and also an effort to instil that reality by involvement of the brothers in liturgical prayer, that is, by placing Francis on the lips of all the brothers as they uttered his adoration. Francis’ memorial feast day (4 Oct., a date evoked on numerous occasions in the work)<sup>112</sup> is on average almost exactly six months away from the Paschal Triduum, which commemorates and indeed re-presents the passion, death, and resurrection of Christ.<sup>113</sup> Thomas’ legend thus also represents an effort to celebrate Francis’ *passio*,<sup>114</sup> the radical *sequela Christi* of their founder. Select passages corroborate such a notion<sup>115</sup> and give reason to believe the concerted emphasis upon the stigmata. In addition, the solemn occasion of the canonisation and celebration (vs. 9-10) reinforce such a liturgical, sacramental reading.

Having adhered most perfectly to Christ, following in the life and footsteps of the apostles, the apostolic man Francis was inducted into the catalogue of saints, approval by the Pope, who is adorned with distinguished titles. After Gregory IX’s extended sermon, he offers and multiplies prayers to celebrate Francis’ sainthood with the sacred mysteries (*sacra mysteria*) of the Mass.<sup>116</sup> The scene thus expressly plays into the re-presentation of the ‘prayed Francis’ in the liturgical act. Those gathered in effect pray and celebrate Mass in honour of

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<sup>112</sup> Vs. 35-6 (*Vers.*, pp. 300-2)

<sup>113</sup> It appears that 3 feasts had been incorporated into missal at chapter of 1230. Perhaps the legend was designed solely for one feast day. Further research is needed.

<sup>114</sup> *passio corporis* (3, II)

<sup>115</sup> 1, II (*Vers.*, pp. 250-2) describes Francis’ stigmatised body and squirting of his holy blood.

<sup>116</sup> *VJS* 74, 3 (*FF* 1093): *eumque glorifice cum missarum mysteriis ... de communi universorum consensu catalogo Sanctorum adscripsit.*

him. The enhanced cult of Francis thus assumed specific connotations within the order, which shall now be explored on an institutional level.

### *Francis the Extraordinary, yet Distant Saint*

In *LUmb*, minimal focus upon praying an imitable Francis gave way to praying a holy, intangible Francis. It appears that Elias and Gregory IX aligned in the preference for enhancement of Francis' cult than of imitating or obeying him. The intent to encapsulate the symbolic meaning of the stigmata had shown through. There is a link to the Gospel and the Church through him and an automatic legitimisation by invoking his name. Thus followers of Francis who do not necessarily have to follow him or what he represented. Sought to establish stigmata as institutional symbol. Veneration of stigmata is sufficient to live in spirit of Francis under divine sanction. Institutional association with Francis grants one a degree of authentication. The stigmatisation account put forth by the choir legend's narrative verifies extraordinary ranking in history of salvation.

The stigmata seared into Francis' flesh by the winged angelic being – a seraphim no less, the highest level of the celestial choir – confirms his sainthood in an unprecedented fashion. Thomas himself describes the stigmata as *miraculi novitas*.<sup>117</sup> It appears that Thomas builds upon the emphatic proclamation of Francis' sainthood woven into the fabric of the stigmata narrative in *VbF* 113 (*sanctus est*) and magnifies the central place and sacramental value of Francis' stigmatisation. Nevertheless, the possibility of a *sequela Francisci* does not present itself in *LUmb*. If *LUmb* is indeed an integral and autonomous text, it continues, if perhaps unwittingly, the reliquiarisation of Francis initiated in *Quo elongati*.

### *Codification of the Stigmata as Institutional Symbol*

Before long, the Christological inscription of God's approval on the flesh of Francis delivers the core message regarding Francis' sainthood and his role in the institution of the Friars Minor. With *LUmb*, one can already observe the stigmata beginning to be granted a role as central institutional symbol. The aim of a legend was in part to construct and instil a memory of Francis. The *LUmb* commemorated is not of the exemplarity of Francis' life or the rules, but the seal marked upon him by the living God. Given that Gregory IX's declaration *Quo elongati* had abrogated Francis' *Test* and thereby effectively life according to the rule *simpliciter et sine glossa*, the order's official strain, evinced by the *LUmb*'s commission and Thomas' authorship, preferred to anchor their evangelical authenticity, their institutional legitimacy, not in the charismatic role of Francis as *forma*, *figura*, *exemplum*, or *regula vitae*, but

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<sup>117</sup> 7, I (*Vers*, pp. 262-4)

in the symbol of the wounds of Christ, which he received from the seraph atop mount Alverna. The ‘prayed Francis’ offered in *LUmb* therefore accomplishes the furthest institutional consequence of *Quo elongati*. Francis symbolises the institution’s divine sanction in his stigmata, but he is nevertheless inimitable. The implied message is clear. While Francis’ extraordinary sainthood and God’s seal upon him provides legitimacy for the order, one does not have to obey Francis or walk his path in order to be a Minorite. *LUmb* thus acts as a hagiographical counterweight to *VbF*, which portrayed rather an exemplified Francis of the rule and the *Testament*.<sup>118</sup> One may suggest that *LUmb* accomplished the whitewashing of the founder’s memory, in effect distilling the charism and custom fitting Francis to current institutional model. The legend puts forth a Francis without the rule; a Francis without the charism; a Francis without any perceived relatable qualities or imitable behaviour; a Francis without contradiction; a Francis with no personal character besides that which God granted him in the stigmata. *LUmb* therefore conveys more the Francis of *Mira circa nos* than the Francis absconded in *Quo elongati*.

*The Basilica and Elias’ Rule: LUmb as Means of Legitimation*

Weighed against the veritable onslaught of unfavourable depiction of Elias, the positive depiction of Elias in *LUmb* has raised a more than a few eyebrows in scholarly circles.<sup>119</sup> With a fair degree of consensus in recent studies regarding prior chronology, it is not possible to affirm that Thomas composed the legend during the reign of Elias. Nonetheless, an underappreciated connotation of *LUmb*’s positive depiction of Elias lie in a potential legitimation of the project most associated with him; namely, collaboration in the completion of the Basilica of St. Francis, which by now was considered a symbol of betrayal to the movement’s charism in certain factions of the order (*SCom*). The plausibility that Elias commissioned the choir legend in the milieu of vocal announcement of Francis’ stigmata underscores the possibility of external influence upon the text. However, as we shall see, in the classic fashion of Celano, he included an implicit double stream of legitimation, which covered all official proponents of the Minorite way of life and also the eremitic, primitive adherents.

As indicated, one may consider the choir legend as an epexegetis or addendum to the Mass as it underscores Francis’ divine sanction. Now that the institutional implications of the stigmata’s symbolic evocation have been teased out, a question remains with regard for the immediate consequences of the institutional rule at the time of composition. More plainly,

<sup>118</sup> See: Dalarun, *Vers.*, pp. 196-7.

<sup>119</sup> F. Sedda, ‘La “Malavventura” di Frate Elia. Un percorso attraverso le fonti biografiche,’ *Il Santo* XLI (2001): 215-300.

was *LUmb* intended as a means of legitimising theocratic rule of the order under Elias of Cortona? Elias' authoritarian style of governance has served as a primary focal point of the manifold studies on the ill-fated brother. While many attempts at character assassination in relation to Elias have been discredited, his abuse of power, or "malgoverno," nevertheless remains a definitive feature of his time as minister general of the order. Yet the bright, privileged tones with which *LUmb* portrays Elias appear to contraindicate the reception one may expect of a despot currently in power.

*A Veiled Critique of Elias and a Subtle Nod to Charismatic Adherents*

As indicated, analogous to the appeasement of Gregory IX's agenda in *VbF*, *LUmb* legitimises Elias' rule over the order, while at once also executing his own theological programme. In near direct passages taken from *VbF*, Francis' personal choice and thorough blessing of Elias (4, II) sanctions Elias' rightful place as minister general. Intrinsic to the gesture is Francis' entreaty to God, King of all, to bless Elias.<sup>120</sup> Worthy of note, 4, III contains two curious Scriptural allusions.<sup>121</sup> Still addressing Elias, Francis proclaims *Recordetur Deus operis et laboris tui*, which harkens to King Daniel's exclamation upon salvation from the lions' den,<sup>122</sup> followed by *et in retributione iustorum sors tua servetur*, which echoes rhetoric in Heb concerning transgression, disobedience, and just retribution, and leads into an instructive lesson about exaltation through abasement modelled on Christ.<sup>123</sup> After then bidding the brothers to persevere in the fear of the Lord in terse form, at *LUmb* 5, I,<sup>124</sup> Francis commands (*portari precepit*) to be brought to the Portiuncula that he might restore his soul to God in the same place where he had first discerned the way of truth. Although the passage is a near verbatim citation of *VbF*, its inclusion in a brief choir legend raises questions. Whereas in *VbF* Francis asked the brothers to bring him to the Portiuncula (*rogavit*), he now commands it, and that in direct succession to the passage of Elias' blessing and contemporaneous warning and an abbreviated appeal to the other brothers.

Once again rearranging material from *VbF*, the legend goes on to laud the Portiuncula, asserting that Francis wished the brothers to guard it, the cherished place of origin for the nascent movement (*religionis novella plantatio*) out of which it would grow to fill the whole world. *LUmb* then reveals the brothers who sang *The Praises of God* in *VbF* as Leo and Angelo, two of Francis' early companions. Interestingly, the contextual pericopes of the two indi-

<sup>120</sup> 4, II (*Vers*, pp. 256-8)

<sup>121</sup> 4, III (*Vers*, p. 258)

<sup>122</sup> Dan 14, 37: *et ait Danihel recordatus es enim mei Deus et non dereliquisti diligentes te.*

<sup>123</sup> Heb 2,2: *si enim qui per angelos dictus est sermo factus est firmus et omnis praevaricatio et inoboedientia accepit iustam mercedis retributionem.*

<sup>124</sup> 5, I (*Vers*, p. 258)



cated biblical allusions contain central literary devices consonant with the two named companions. The Latin *Leo* refers back to David and the lions' den narrative, *Angelus* to the Hebrews rhetoric about Christ lowering himself beneath angels, but also to the angel of God that saved David from the lions' den. Also, *LUmb*'s account magnifies the angelic continence, the seraphim in the form of Christ, who exalted Francis in the moment of stigmatisation.

Francis' subsequent breaking out into incantation of Davidic Psalm harkening to the lions' den incident<sup>125</sup> (6, I) solidifies the case for a more suggestive reading.<sup>126</sup> Agricultural imagery regarding the movement's sprouting and its lowly Gospel origins thus establish the Portiuncula as fundamental *locus* of meaning, while at once also putting forth a lesson, part allegory, part veiled polemic. Francis' subsequent demand to have a portion of John's Gospel read to him reinforces a Gospel motif, while the marked presence of companions evokes a charismatic dimension of the movement.

Again, a reshuffle of the source material occurs in addition to a telling, vital insertion. Following the reading of John's Gospel at *Ante sex dies Pasce*, which evokes Jn 13 and the Last Supper, Francis then turns to his beloved brother (*fratrem quem diligebat*), presumably Elias,<sup>127</sup> and issues his blessing and absolution. The sequence of events in ch. 6 and the decided selection of biblical passages indicate a sharp, yet veiled critique of Elias and his projects. For in the context of John's Last Supper scene, the disciple *quem diligebat Iesus* refers to John the Evangelist. However, the Gospel pericope at large addresses the disciple, who betrays Jesus; namely, Judas. Significantly, the Gospel pericope immediately prior reads that a servant cannot be greater (*maior*) than his master.<sup>128</sup>

After the present happenings, Francis, covered with a blanket, sprinkled with ashes, and surrounded by his brothers, then falls asleep in the Lord (6, III).<sup>129</sup> Thomas' *LUmb* thus conflates the character of Elias into two biblical figures, that of John and that of Judas, and thereby entails a backdrop of rhetoric, which implies a back-handed compliment in relation to Elias and his recent endeavours. *LUmb* perhaps issues the subtle polemic that Elias, the beloved disciple of Francis, had betrayed his master in attempting to supersede him, in his complicity in the basilica, and in his endeavours as minister general. What was once a simple recounting of Francis blessing Elias just short of a decade before in *VbF* became in *LUmb* a lesson and an implicit challenge to Elias' authoritarian rule and the current of charism aban-

<sup>125</sup> Ps 141, 2: *voce mea ad Dominum clamavi voce mea ad Dominum deprecatus sum*. The Psalm's title reads, *intellectus David cum esset in spelunca oratio*.

<sup>126</sup> 6, I (*Vers*, p. 260)

<sup>127</sup> Earlier in *LUmb* 2, II, *ob precipuam dilectionem quam habebat sanctus in eo* designates Elias.

<sup>128</sup> Jn 13, 16: *amen amen dico vobis non est servus maior domino suo neque apostolus maior eo qui misit illum*

<sup>129</sup> 6, III (*Vers*, p. 260)

donment and legalistic circumventing if not outright transgression of the rule embodied in the designation of the Basilica, rather than the Portiuncula, as *caput et mater ordinis*. Thomas' subsequent dilution of the inflammatory *CAss* passage proclaiming not the basilica, but the Portiuncula as *caput et mater ordinis*, corroborates the suggestion. Thus, while on the surface *pro*-Elias, Thomas in his *LUmb* was perhaps more *contra* than prior research has admitted.

Once again delving into the more profound layers of the text, evidence indicates a stream of legitimation, alongside the more explicit, official stream, with regard to the adherents of the charism, the order's strict, eremitical faction. The legend's opening stigmatisation scene begins with Francis in eremitical seclusion at Alverna (1, I),<sup>130</sup> among the various hermitage sites of the period known for living out the original charism by strict regular observance. In the allegorical reading, Francis of course represents the harbinger of the charism, standard-bearer or herald (*Regis eterni signifer* 1, *signifer Christi* 32). An adjectival substantive rendering is sign-bearer, a term exclusive to *LUmb*. Nevertheless, whereas before Francis was the epicentre of the blessing and death narrative, the explicit naming of companions present at Francis' death charges the narrative with symbolic meaning. They evoke the foundation and fraternal context of the charismatic movement. The concealed critique of Elias then casts subtle judgement on him and his endeavours as indicated.

After Francis' death,<sup>131</sup> the first stop on the group's processing journey is San Damiano directly from the Portiuncula, where Clare and her sisters view the Francis' corpse. Clare certainly represented a force for charismatic adherence. Here, the narrative employs horticultural imagery, assigning to Francis the initiative and responsibility for planting the *religio*. The Portiuncula thus signals the source of the stream of legitimation and it begins to flow. Following upon the implied critique of Elias, the narrative supplements a slightly diminutive stance toward the Basilica. To that end, v. 11 diminishes the lavish description of the basilica and translation event. Description of the translation is largely an adoption of *VJS*, now the construction to which the brothers transfer Francis' remains to *constructa foris prope muros civitatis ecclesia (VJS)*.<sup>132</sup> A place of distinction becomes in *LUmb* an extraneous, almost alien presence (*ecclesia extra muros civitatis*).

As a support for such an allegorical reading, the list of miracles, certain of which are exclusive to *LUmb*, entailed select inclusions with telling anecdotes. Numerous miracles occur in conjunction with the Basilica and in particular the tomb of Francis (vs. 1, 3, 4, 19, 20,

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<sup>130</sup> 1, I (*Vers*, p. 250)

<sup>131</sup> 8, I (*Vers*, p. 264-6)

<sup>132</sup> *VJS* 76 (*FF* 1095)

29), others by mere supplication and vow to Francis or by simple apparition. Miracles connected to the Basilica and tomb serve as fixtures of the official stream of legitimation. In particular, three miracle accounts buttress an allegorical reading. Following a slew of various miracles at the Basilica site, there appear four separate accounts of religious, one after the other, each of which support the charismatic faction, either by direct allusion or by critique against another. In v. 36, a brother wishes to visit the tomb and be healed.

After his minister denied him the right, Francis appeared to him, beseeching him to observe his rule and promising him that he will continue to free the brother as a result. The message is resolute. Freedom of spirit comes from observance of the rule and not from involvement in sensational pursuits such as the Basilica. V. 37 presents an anecdote that occurs in the context of Francis' feast-day 4 Oct.<sup>133</sup> A heretic bishop becomes imprisoned and invokes Francis to come to his aid. The bishop recants his heretical beliefs and Francis frees him. Direct association of a position of power in the Church and heresy in the figure of the bishop corroborate misgivings with ambitious brothers who prioritise successful careers over the Minorite *propositum*. V. 38 then contains an anecdote of brother Bartholomeo, who exerts himself excessively when constructing a church of St. Francis and falls ill. Francis then appears with eleven brothers, just as they were in *VbF* narrative before the journey to Rome. Although the rule forbids Minorites to build churches, Francis affirms that his sacrifice is accepted because of *bonum desiderium*. The anonymous church of St. Francis carries symbolic importance and on the surface honours the intention those devout brothers who seek to revere their founder.

An especially strong case for an allegorical reading arrives in v. 39's account of a female religious, a recluse, who falls from a balcony.<sup>134</sup> A prelate then arrives to assist her and other female religious. She invokes Francis, proclaiming that it is just that the prelate should discern either to change her *propositum* or for her to undergo the judgment of death. Francis responds, telling her to preserve in her way of life. Inclusion of such information is surely not pure coincidence. As if a direct proclamation to adherents of the charism, the Francis of *LUmb* declares that religious ought to rather die than compromise their *propositum*.

Furthermore, the presence of Francis' companions and intense suffering associated with Francis' decline in health and eventual death (his *passio corporis*) provides an interpretive vehicle for the direction of the order and in particular the withering of the charism. As suggested, *LUmb*'s inclusion of Francis' other early companions Leo, Ruffino, Angelo, and

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<sup>133</sup> *Vers*, p. 302-6

<sup>134</sup> *Vers*, p. 306-10

Clare and the opening reference to eremitism on Alverna offer indications of a veritable nod to the adherents of the charism. *VbF*'s blessing and death scene focused upon Francis, *LUmb*'s places accents Francis to a lesser extent, instead giving preference to motifs of reconciliation, fraternity, and a focus on the will of God as Francis did. Each companion present may also be read as an archetype. Elias is the one placed in a position of privilege among the brothers, who uses his position to the detriment of the group. He represents the figure of Judas. Ruffino is the doubting Thomas, who has let his mind slip away from the charism by excessive focus upon the extraordinary sainthood of Francis embodied and certified in the stigmata. Leo and Angelo feature as charismatic adherents who sing the *Cantico di frate Sole*, and Clare cries *Pater, pater, quid faciemus?* upon viewing Francis' holy body, also representing a faithful disciple. The sick and dying Francis himself thus becomes an allegory for the order at the moment.

As Francis suffered, so too the order had suffered due to abuses of his followers. In his *passio corporis*, Francis nevertheless proclaims, '*Sed Domini voluntas,*' inquit, '*leve facit esse difficile.*'<sup>135</sup> Here, a link to the above mentioned miracle account can be established. Even if the will of God is difficult, persevere in your vocation. Thus it appears that *LUmb* supports a double stream of legitimation. The simultaneous presence of two separate streams of legitimation, one overt, one concealed, is perhaps revelatory of Thomas' affinity for one faction of the order and his dutifulness to another.

#### *Ecclesial Obedience: Promotion of the Stigmata and a Challenge to Clerical Elitism*

With regard to obedience to the Church, *LUmb* contains both a probable implementation of papal initiative and a critique of clerical elitism common among certain – especially ultramontane – parties in the order. Together with *Mira circa nos*, *Sicut phialae aureae* declares Gregory IX's impetus to enhance the cult of Francis and in particular reverence for his extraordinary sainthood in spreading the news of the stigmata miracle. Given the historical context, *LUmb* was likely also written in response to such an impulse on the part of the papacy, which sought to cultivate widespread recognition of the exceptional miracle of Francis' stigmatisation. In the wake of Gregory's bull, perhaps Elias commissioned the choir legend for his own benefit and to appease the rarely neutral Pope and abate the potential conflict of siding with Frederick II.

In any event, *LUmb* also comprises an implicit critique of clerical elitism, rampant in the order even during Francis' lifetime. The critique derives from the message it delivers in

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<sup>135</sup> *Vers.*, p. 256

Francis' stigmata and the positive depiction of Elias, two laymen or at least non-priests. It is not the Minorites' status as an order of clerics that granted them legitimacy; rather, their special calling from God, their divine sanction certified in Francis' stigmatisation. The choir legend also connotes that the head of the order not need be a cleric, as Elias' adversaries may suggest. An additional implication of *LUmb* is that the criteria for a suitable minister lie elsewhere. In his *Memoriale*, Thomas gives his definitive, emblematic response to the query. The presence of the Spirit provides the missing link.

### **Thematic-theological Analysis of Narrative Texts**

Narrative texts are of normative value in a broad sense because they too provide axes of orientation in the form of behavioural models, virtues and vices, and ideal power relations. They also propose frameworks within which to interpret the Rule. In addition, hagiographic texts indicate charismatic paradigms. Each new hagiography constitutes a reframing of the Minorite charism, whereby the 'recounted Francis' and his personification of guiding principles constructs an 'exemplified Francis,' a model for the friar. In such a way, the 'exemplified Francis' functions as a sort of eternal abbot, a transcendent source of authority, whose memory is of normative import. Hagiographies constitute 'recounted institutions' (*erzählte Institutionen*). That is to say, in addition to the hagiographies' normative function for the individual friar, they also establish streams of legitimation, thereby rendering Francis the harbinger of their agenda and securing their authentication by links to Gospel and Church. Especially evident in the various hagiographic texts is the struggle to control the overarching narrative of Minorite identity with Francis as their normative anchor.

However, since the language typical of hagiography is one of gesture and imagery, such texts exercise one's capacity to interpret meaning embedded into passages suggestive and allegorical in nature. By analysis of the internal logic of each legend, the current study shall attempt to extrapolate the conceptual undergirding of the narratives put forth. Several major themes support the organisation of material and stream-lined nature of treatment, including remarks concerning obedience in general, Francis' authority, the relation of Gospel, rule, and Testament, ideal power relations of order leaders, ecclesial obedience, universal and cosmic obedience. Although treatment in the current section is limited to just two non-liturgical legends, there is nevertheless ample opportunity for fruitful analysis and comparison.

Thomas of Celano's *Vita beati Francisci*

#### 1. Textual Features and *Sitz im Leben*

Of undeniable authenticity and widely held integrity,<sup>136</sup> Thomas of Celano's *Vita beati Francisci*<sup>137</sup> (ca. 1229) arrives to us, either in part or integral, on the parchment of twenty manuscripts. The legend's surviving manuscript tradition, marked chiefly by external transmission in monastic contexts, bespeaks a wide diffusion, despite the sweeping measures of the 1266 general chapter in Paris to destroy all prior legends.<sup>138</sup> Of the extant manuscripts, fourteen are of 13<sup>th</sup> century origin.<sup>139</sup> Consulting a single manuscript that has since vanished, Bollandist scholars redacted and published the first edition of *VbF* in a 1768 *Acta Sanctorum* volume.<sup>140</sup> All other redactors since have taken initiative and examined the indicated codices for their editions, above all ms. Falerone conserved in the municipal library of Foligno, which contains the text in its entirety.<sup>141</sup> The Quaracchi fathers published were the first to bring out a full-fledged critical edition,<sup>142</sup> which serves as the basis for the *FF* redaction, the text consulted here. Commissioned and later granted official papal approval by Pope Gregory IX perhaps on 5 Mar 1229,<sup>143</sup> the legend presents Francis as a figure of Catholic sainthood and also contains useful bibliographical indications as well as other information of historical relevance.

Thomas of Celano was the first to write a hagiographical legend to commemorate Francis' sainthood and was the first Minorite brother to describe in literary form the early days of Francis and his followers. While very little is known for certain about the author's life, scholars have been able to determine a few basic data of biographical significance. Born to a well-to-do, perhaps noble, family in Celano of the Abruzzi on the eastern Italian peninsula between 1185-1190,<sup>144</sup> Thomas is in many ways distinguishable from the lot of earliest companions. His literary prowess on display in *corpus* of writings that he left suggest a liberal arts pedigree, and his knowledge of the monastic and hagiographical traditions indicate that

<sup>136</sup> M. Guida has considered the possibility made explicit in the title of her article: 'La pericope clariano-damianita di Vita beati Francisci VIII, 18-20: un'aggiunta all'opera di Tommaso da Celano?', *CollFranc* 77 (2007), 5-26.

<sup>137</sup> The standard critical edition of *Vita beati Francisci* (hereafter *VbF*) appears in *Fontes Francescani* and is the text consulted in the current study.

<sup>138</sup> Uribe, *Introduzione alle fonti agiografiche*, 79-80.

<sup>139</sup> For a description of the legend's manuscript tradition, see: E. D'Alençon, *Prolegomena*, pp. XLVIII-LIX; *AnalFranc* X, pp. IX-XV.

<sup>140</sup> *Acta Sanctorum*, Oct. II, 683-723.

<sup>141</sup> S. Da Campagnola, 'Introduzione,' *FF*, 270.

<sup>142</sup> *AF* X, 1-117.

<sup>143</sup> An Incipit appearing on codex 3817 of the National Library in Paris reports: *Apud Perusium, felix domino papa Gregorio IX, secundo glorioso pontificatus suis anno, quinto kalendas marcii, legendam hanc recepit, confirmavit et censuit fore tenendam*. F. Uribe, *Introduzione alle fonti agiografiche di san Francesco e santa Chiara d'Assisi (secc. XIII-XIV)*, 62, note 29. The witness provided in the Paris codex, from the 14<sup>th</sup> century, is late and therefore perhaps not completely reliable.

<sup>144</sup> Authors have speculated that Thomas was born of the Conti dei Marsi. See for instance: P. Sabatier, *Le Vie de Saint François*, LIII, note 1. N. Tamassia even attempts to link the political conflict between Emperor Frederick II, of whom the count of Marsi was a supporter, and the papacy to Thomas' decision to join the movement. See: *San Francesco d'Assisi e la sua Leggenda*, 33.

he had also studied theology. He joined the order in 1215 when a group of *litterati viri et quidam nobiles* were accepted into the community upon Francis' return from Spain.<sup>145</sup> In 1221 Thomas partook of an expedition to Teutonia, where he served as custodian of the Rhineland and later in 1223 as vicar of the entire Teutonic province. He would then later return to Assisi for the canonisation ceremony of Francis.<sup>146</sup> Thomas, it seems, would play a number of roles in his life. Modern scholars have offered many possible titles in his honour, among which Director of the Cult of St. Francis, Safeguarder, Guarantor, and Regulator of Franciscan hagiography, Saint, Poet, and Historian. Whatever the case, one point is abundantly clear. Time and again, Thomas was called upon by Church and order to put forth an official image of the holy charismatic leader. It is no wonder that so many speak of Thomas of Celano as a Holy Hagiographer, a Saint who wrote about a Saint. Although it is difficult to determine with a degree of precision where he lived for the majority of his literary career, Thomas likely spent much of his life between Assisi and Tagliacozzo, the town where he would live out his last years as chaplain to a community of Poor Ladies of St. Clare. Tradition has it that Thomas then died on October 4, the identical *dies natalis* of Francis of Assisi, in the year 1260.

Shortly before the canonisation, Pope Gregory IX commissioned the building of a grand basilica in the name of Francis. Parallel to his architectural initiative, the Pope would also call Thomas of Celano to task to compose an official *legenda* honouring the new saint. *VbF*, also deemed *Vita prima*, would be the first of Thomas' literary efforts in promoting the official image of Francis of Assisi. It would not, however, be his last. With *VbF*, Thomas lay the foundation for the rich Minorite literary tradition of the 13<sup>th</sup> century by composing this and the *Memoriale in desiderio animae* (1245-47), or *Vita secunda*, which many authors to follow would consult and even directly cite. These two works serve as the veritable backbone of Minorite hagiography.

In addition, Thomas wrote an extended account of Francis' miracles and those attributed to his *post mortem* intercession, which came to be known as *Tractatus de miraculis* (1250-1255). Two other works have long been attributed to Thomas, but his authorship of them remains disputed. *Legenda ad usum chori*, a brief legend for liturgical use, and *Legenda sanctae Clarae Assisiensis*, a legend on the life of Francis' close female companion Clare of Assisi.<sup>147</sup> DALARUN has proposed in a recent book that Thomas was also the author of the

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<sup>145</sup> *VbF* 57 (*FF* 331-2)

<sup>146</sup> His detailed description suggests that of an eyewitness. *VbF* 124-126 (*FF* 403-6)

<sup>147</sup> The authorship of both have recently been disputed in scholarly circles. Most authors would now agree that Thomas is likely not the author of *Legenda ad usum chori*, while most would argue that he is indeed the true author of *Legenda sanctae Clarae Assisiensis*. For Rava and Sedda's convincing reflection on *Leg-*

Legenda umbra, which shall also receive treatment in the current chapter. *VbF* is thus part of a wider, if at times disputed, *corpus celanensis*.

An attempt to characterise Thomas' first *legenda* reveals some salient points worthy of note. A definitive image that arises out of any cursory reading of *VbF* lends itself to encapsulation by the Lucan exclamation *Vere hic homo sanctus est*.<sup>148</sup> Nonetheless, three main factors condition the literary work and influence the saintly figure of Francis that it depicts; namely, papal commission, Thomas' theological project, and the presence of living companions of Francis. Firstly, Gregory IX's papal mandate to compose *VbF* as an official legend unto the honour of Francis and on the occasion of his sanctification. Circumstance demanded that the legend portray Francis as a saint of traditional characteristic and universal recognition. As a consequence, Thomas' work met classical and coetaneous proofs of sainthood drawn from the hagiographical tradition, among which emblematic *topoi*, motifs of ascetic and monastic discipline, works of mercy, virtues, and miracles,<sup>149</sup> and also incorporated the agenda of spiritual reform underway in Gregory IX's pontificate.<sup>150</sup> It did do so and with extraordinary, brilliant elegance.

Interpreting the legend on an institutional level, MICHETTI has designated the dynamic as the fulfilment of Gregory's vision of a "francescanesimo ecclesiasticizzato,"<sup>151</sup> of a Minorite order that moves in unison with the Church under his rule. In the same right, Thomas' own theological project envisioned Francis as a model of sainthood for the entire Church, thereby proposing him not only as an extraordinary saint but as the main figure of a "Chiesa francescanizzata." Francis' exemplary *conversio*, characterised by his attentive hearing of the Gospel and his rigorous and immediate execution of its calling coupled with his performance of the incarnation, passion, and resurrection of Christ corroborate resolute insistence upon

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*Chor*, see: E. Rava & F. Sedda, 'Sulle tracce dell'autore della *Legenda ad usum chori*. Analisi lessicografica e ipotesi di attribuzione,' *Archivum latinitatis medii aevi* 69 (2011): 107-175. (SLUB)

<sup>148</sup> *VbF* 59 (FF 334-5)

<sup>149</sup> Innocence III and Gregory IX extoled particularly exemplary courses of action, which is to say, the works of mercy (feeding the hungry, giving water to the thirsty, hosting strangers, clothing naked, caring for the sick, visiting the imprisoned) and virtues (*humilitas, caritas, obedientia, paupertas, patientia, sapientia*, etc.) as well as miracles. *VbF* exhibits this trend.

<sup>150</sup> Detectable reform rhetoric evinces Thomas' vested interest and follow-through in implementing such notions. As the *Vita Prima* was commissioned by Gregory IX, a reform Pope, it is not unreasonable to believe that his agenda played a role in the legend's composition. In fact, the hagiography is replete with the language and imagery of spiritual reform, some of which are direct echoes of Gregory's canonization bull, *Mira Circa Nos*. Francis is proclaimed as a model of conversion, a hearer and inseminator of the Gospel, and a holy servant of God. The Latin *novus* is employed an inordinate amount of times in the *vita*, thirty-nine in total. Francis is "a new soldier of Christ," "a new athlete of Christ," "a new Evangelist," who exhibits "holy newness" and through whom "new mysteries" are being revealed. A common critique of the *vita* would argue that Thomas mitigated the true image of Francis in order to accommodate Gregory's reform rhetoric.

<sup>151</sup> R. Michetti, *Francesco d'Assisi e il paradosso della minoritas: la Vita beati Francisci di Tommaso da Celano*, Roma 2004.



Francis' optimal journey in *sequela Christi*. Poignant scenes mark the Christological dimension of liminal moments in Francis' portrayal, chief among which are his awaking the Christ child at Greccio, his stigmatisation, and his *post mortem* apparition. Nevertheless, regardless of topical devices, reform rhetoric, and theological programmes, one cannot discount a certain degree of positive historicity, to which Thomas of Celano must have adhered in his depiction of Francis, in order to remain true to his own memory and conscience and to appease the many living brothers, who had known and encountered Francis in person. Thus, it would have been difficult and unsultry, for Thomas to have told a fib in recounting the story.<sup>152</sup> In effect, scholars frequently point to Thomas' account for its value in the potential excavation of a historical Francis. Such factors determine proper manner of interpretation. In that regard, neglect ought never to exceed attention.

The hagiography is divided into three books with strong Christological overtones. Thematically, the books correspond to the Incarnation, Passion, and Resurrection of Christ. Especially poignant in this regard is the accent on Francis' receiving the wounds of Christ, the stigmata. In terms of chronology, the books divide the legend into three periods. The first period begins with Francis' youth and leads up to Christmas of 1223. A second section follows the saint in the final two years of his life and recount the occasion of his death in 1226. A final section includes a lengthy treatment of his canonisation and catalogue of miracles. Bearing that in mind, it is to the thematic analysis of the legend in principle by its internal logic as a piece of literature that we now turn.

## 2. Thematic-theological Analysis

A commission of Pope Gregory IX, Thomas of Celano's *Vita beati Francisci* (1228/9) proclaims Francis of Assisi a new saint and model for the church and the world. Gregory's influence on the legend can be sensed. Even a fleeting glance at the pontifical bull of canonisation evinces Gregory's wish to use and portray Francis and his movement to the benefit of his grand plans to reform and renew. Thomas incorporates the message to an extent, going so far as to even cite the bull directly. The Pope's dreams of an ecclesiasticised Franciscanism and of world dominion come true in *VbF*. Some have suggested that the passage involving the passing procession of a worldly ruler marks Francis' "indifferenza politica,"<sup>153</sup> but the entire narrative surpasses a mere passive model of co-existence with worldly rule, such that one

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<sup>152</sup> Dalarun has demonstrated a notable exception to the rule in his *Malavventura di Francesco d'Assisi*, whereby he dissects Thomas' recounting of the Damianite sisters and their life. See the pages 52-61 of the indicated volume.

<sup>153</sup> *VbF* 43 (FF 317-8). Cf. Michetti, *Francesco d'Assisi e il paradosso della minoritas*, 182-188.

ought to heed the biblical adage *quae sunt Caesaris Caesari et quae sunt Dei Deo* (Matt. 22:21).

In composing the legend, Thomas also has a theological plan in mind. He depicts Francis who attracts people driven by divine inspiration to serve and points them toward salvation, that is a universal saint, and a Church, which is being renewed according to his form, rule, teaching, and norm,<sup>154</sup> that is, a Franciscanised Church.<sup>155</sup> There is a complex background of authority and obedience at work here. Thomas, a companion of Francis, also composed a grounded and detailed Franciscan legend, citing Francis' writings and many *logia* attributed him and providing concrete details of Francis and his life and surroundings. Thomas often employs a spiritual obedience motif to exteriorise the inner conversion which Francis experiences and the shift of values that such conversion entails. An apt illustration is Francis' disobedience to his worldly father, representing vice and excess, and obedience to God, his heavenly father of virtue and salvation. In addition, in the course of the conversion narrative, physical locations act as signifiers of liminal moments, such as the Francis' acceptance of the divine call at a church and his retreat to a cave in order to better welcome the interiorisation of God's Word, his treasure.

In terms of the virtue of obedience more broadly, Thomas weakens considerably the link between charity and obedience and instead often mentions obedience in its classical monastic perspective, coupled with humility. The frequent occurrence of *obedientia* (22x) and *caritas* (21x) in Thomas's legend lead one to believe that early movement's concept influenced Thomas greatly. Yet other virtues follow close behind: *humilitas*, *simplicitas* (each 20x). Thus, whereas the statistical representation of virtues is comparable to the early writings, a shift transpires in the hierarchy of values. As a side comment, one may notice a degree of intellectualisation in the Minorite discourse in Thomas' employment of the Aristotelian notion that habit becomes nature. The enigmatic notion of *obedientia ad invicem*, expression of charity in the Holy Spirit, does not appear explicitly even once. At least one possible implicit reference does, however, occur, on which more follows below. Celano also associates obedience with the harmony of flesh and spirit,<sup>156</sup> a conceptual echo of the early movement's *spiritualiter-carnaliter* logic. In order to render concrete Francis' *sequela Christi*, obedience takes on primary expression in humility in the life of the saint. Indeed, a large part of the legend (1-87) is dedicated thematically to the *humilitas incarnationis*, signifying Francis' conformity to Christ in humility. Even in the section on the *caritas passionis*, Thomas conceives

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<sup>154</sup> *VbF* 37 (*FF* 311-2)

<sup>155</sup> Michetti, *Francesco d'Assisi e il paradosso della minoritas*, 182-188

<sup>156</sup> *VbF* 97 (*FF* 373-4)

obedience together with humility. Francis is the *totius humilitatis sanctus amator*<sup>157</sup> yearning and praying humbly and contritely for the Lord's will,<sup>158</sup> leader of the *obedientissimi milites*<sup>159</sup> the school of humility<sup>160</sup> who humbly accepted his commands of obedience and served all humbly and devoutly.<sup>161</sup> Thomas thus does a good deal of service in representing the primitive ideals of self-*minoratio* and obedience to all, although as suggested below the affirmation is not without its limits.

### *Order Authorities*

A lexical statistic offers base-level data for analysis. References to order superiors not Francis include *minister* (2x)<sup>162</sup> and *mater* (1x)<sup>163</sup> in reference to Elias. Whereas the witting redundancy of the couplet *minister et servus* fortified the Gospel significance underlying the role of Minorite leaders as one of servitude, the disappearance of *servus* in that regard in *VbF* may indicate a shift in usage, although not a drastic one.<sup>164</sup> Frequent appellation of Francis as *servus* seeks to establish his identity as divine servant (*servus Dei, servus Domini*). Nevertheless, in addition to *pastor, pater, and dominus*, other hierarchy receives the epithet *servus*, such as bishops, cardinals, and the Pope.<sup>165</sup> To Francis, the hero of the story, *VbF* attributes all of the above titles except *dominus*, plus the honorary title of *magister*.<sup>166</sup> Of particular frequency is the title *pater* in regard to Francis.<sup>167</sup>

However, converse to Francis' merciless earthly father, Francis is a merciful father ready to forgive his sons.<sup>168</sup> A maternal figure of leadership represented in Elias indicates the assimilation at some level of the propensity to call upon the imagery of motherhood or servitude in the writings (*RegEr, EpLeo*). The figure of Francis as father serves as a device evocative of the grief experienced by mourning brothers, whom Francis left behind, which Thomas with particular poignancy in the blessing and death narrative and in the procession at San Damiano. Nonetheless, one cannot help but sense the dissipation in *VbF* of the early aversion

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<sup>157</sup> *VbF* 17 (*FF* 292-3)

<sup>158</sup> *VbF* 92-93 (*FF* 367-9)

<sup>159</sup> *VbF* 39 (*FF* 313-4)

<sup>160</sup> *VbF* 34 (*FF* 308-9)

<sup>161</sup> *VbF* 29 (*FF* 302-3)

<sup>162</sup> *VbF* 77, 145 (*FF* 352-3 & 418)

<sup>163</sup> *VbF* 88 (*FF* 363-4)

<sup>164</sup> For an overview of the representation of order authorities in official Minorite hagiography, see: K. Synowczyk, 'Il concetto di obbedienza nella fraternita' minoritica alla luce delle biografie principali di S. Francesco.'

<sup>165</sup> *Dominus*: 34. *Pastor*: 74, 99, 121, 125. *Pater*: 34, 73, 74, 98, 99, 100.

<sup>166</sup> *VbF* 1, 45, 124 (*FF* 277-8, 319 & 403)

<sup>167</sup> *VbF* 22, 24, 26, 30, 35, 37, 41, 42, 43, 45, 46, 47, 48, 49, 50, 54, 55, 58, 60, 61, 62, 63, 68, 69, 70, 76, 78, 80, 83, 87, 88, 90, 91, 98, 100, 101, 102, 103, 105, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 123, 125, 126, 127, 128, 131, 132, 133, 134, 135, 137, 138, 141, 145, 149, 150, 151.

<sup>168</sup> *VbF* 111 (*FF* 389)

to worldly structures and earthly mastery and paternity evident in the prohibition of titles and their exclusive reservation for God in *RegNB* and other of the writings.<sup>169</sup> Francis also undoubtedly provides at times a model for the action and disposition of order superiors. The topic shall receive treatment elsewhere in reference to Francis' authority.

To match the call to obey the rule, also much in the spirit of *Test*, Thomas weds unconditional fulfilment of rule precepts with a comparatively pre-emptive model of obedience to prelates, whereby he incorporates the teaching of Francis in *Adm III*,<sup>170</sup> one of the more extreme examples from the writings with regard to lack of involvement at the level of conscience.<sup>171</sup> Woven into Thomas' passage are the brothers' adoption of the *Adoramus te* prayer in the context of *Test* and Francis' embodiment of prelate for the obedience motif. Although Thomas does not directly cite *Adm XIX*, a passage admonishing the humility of those placed into positions of power, he does not hesitate to include chastisement directed at those ambitious brothers, who would seek places of influence.<sup>172</sup> He thus underlines the danger of leading others. It is better to be lead than to lead. In the same breath, Thomas also criticises other brothers who wander in freedom. The spirit of double-sided control shines forth from such lines, albeit in an informal setting. An echo of a Johannine Gospel passage on not leaving his disciples as orphans provides the vehicle for a Christological motif at the scene of Francis' death and the authority he bestows and intends to continue driving the order.<sup>173</sup> Francis entrusts Elias with the role of mother to the other brothers and rather than pass on his paternal

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<sup>169</sup> Michetti suggests that Francis takes an even more radical stance toward paternal obedience than in *3Soc* narrative in his rejection of his father's legacy: Michetti, 59, note 22. "è una forma di rifiuto ancora più radicale, il ricordodel padre naturale sarà impiegato come una vera e propria pratica penitenziale per contro-bilanciare la venerazione da cui il santo è ormai circondato. Un frate è incaricato, per santa obbedienza, di ingiurarlo appositamente e Francesco" «subridens et applaudens plurimum respondebat: "*Benedicat tibi Dominus!*", quia verissima loqueris; talia enim decet audire filium Petri de Bernardone! (VbF 53)."

<sup>170</sup> *Adm III, Scripta*, p. 356.

<sup>171</sup> *VbF 45 (FF 319-20): Deprecati sunt eum fratres tempore illo, ut doceret eos orare, quoniam in simplicitate spiritus ambulantes, adhuc ecclesiasticum officium ignorabant. Quibus ipse ait: "Cum orabitis dicite: Pater noster" et: "Adoramus te, Christe, et ad omnes ecclesias tuas quae sunt in universo mundo, et benedicimus tibi, quia per sanctam crucem tuam redemisti mundum". Hoc autem ipsi fratres pii magistri discipuli, summa cum diligentia observare curabant, quia non ea tantum quae beatus pater Franciscus dicebat eis fraterno consilio seu paterno imperio, verum etiam si ea quae cogitabat vel meditabatur ipse aliquo scire possent indicio, studebant efficacissime adimplere. Dicebat enim eis ipse beatus pater, veram obedientiam fore non solum prolatam sed excogitatam, non solum imperatam sed desideratam; hoc est: "Si frater fratris praelati subditus non solum audiat vocem, sed comprehendat voluntatem, statim ad obedientiam totum se debet colligere ac facere quod eum velle signo aliquo comprehendet". In quocumque propterea loco aliqua ecclesia constructa foret, etiamsi praesentes non erant, tantum possent eam utcumque cernere de remotis, inclinabant se versus eam proni super terram, et inclinato utroque homine, adorabant Omnipotentem dicentes: "Adoramus te, Christe, et ad omnes ecclesias tuas", sicut eos docuerat sanctus pater. Et, quod non minus est admirandum, ubicumque crucem vel crucis signum intuebantur, sive in terra, sive in pariete, sive in arboribus, sive in saepibus viarum, faciebant hoc idem.*

<sup>172</sup> *VbF 104 (FF 381)*

<sup>173</sup> Cf. John 14, 18.26.

authority (*paternum imperium*), he leaves a legacy of the Holy Spirit as did Christ the apostles at the founding of the Church.

### *The Authority of Francis*

*VbF* depicts Francis as an assertive yet merciful ruling authority, who frequently leads by example. As was likely the case in actual fact, Francis orders the brothers by obedience to go into mission and conduct various other activities proper to their life. Convinced of the God revealed charism intended for the brothers, Francis also makes normative decisions for the entire group such as naming the movement (*et sint minores*) and making the paradigmatic choice in favour of the *vita apostolica* in the Spoleto valley. In comparison to other Minorite legends (*Memoriale*), however, *VbF* contains relatively fewer instances of Francis summoning his authority by *mandatum*,<sup>174</sup> opting instead for select occasions of *imperium*<sup>175</sup> and *praeceptum*.<sup>176</sup> Thomas references Francis as a leader by appeal to his *magisterium*,<sup>177</sup> his *fraternum consilium*, and his *paternum imperium*.<sup>178</sup> Significantly, *VbF*'s Francis does however not abdicate his formal office. The use of familial language in *VbF*'s portrayal of Francis as leader is reminiscent of concepts in the writings, although no human was to dawn the designation of father.

Nevertheless, *VbF*'s Francis rules over the brothers not as a coercive, egoistic father, such as Pietro di Bernardone, but as a merciful father, whose principal desire remains taking on the contenance of an example as a servant of God, a man of parables and symbolic actions.<sup>179</sup> Thomas thus portrays a Francis who leads much like Christ in the Gospel narratives, that is by gesture, example, and simple word. Certainly *VbF* does not contain the direct establishment of Francis as an *alter Christus*; rather, an unequivocal assertion of Francis' *sequela Christi*. A critical juncture in the work renders such a link with abundant clarity. At the close of the first book, Francis re-enacts the manger scene of Christ's birth. The second book opens, discussing Francis, his birth place, and the Portiuncula.<sup>180</sup> There is thus a parallel between Francis' following of Christ's footsteps and that of the apostles; Francis' founding of the order and Christ's founding of the Church. It is thus not surprising that Thomas should grant Francis an apostolic authority.<sup>181</sup> *VbF*'s Francis of the rule, along with numerous accounts of

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<sup>174</sup> *VbF* 27, 29

<sup>175</sup> *VbF* 39 (*FF* 313-4)

<sup>176</sup> *VbF* 39, 145

<sup>177</sup> *VbF* 37 (*FF* 311-2)

<sup>178</sup> *VbF* 45 (*FF* 319-20)

<sup>179</sup> *VbF* 8 (*FF* 284)

<sup>180</sup> *VbF* 88 (*FF* 363-4)

<sup>181</sup> *VbF* 43 (*FF* 317-8)

symbolic gestures and holiness motifs in a decidedly Minorite key, a *sequela Francisci* for the Minorite brother comes to the fore.

However, in tune with what scholars have deemed Thomas' 'Chiesa francesanizzata,' Francis represents a universalised sainthood, yet with a somehow unique quality *a la* extraordinariness or newness. Francis embodies the culmination of saints that had preceded him. Thomas' Francis manifested then a rare saint of wide appeal, who surpassed his predecessors in holiness and nevertheless stayed true to the Minorite *propositum* by and large. For the brothers reading the text, *sequela Francisci* interpenetrates and conflates with *sequela Christi*. Whether *sequela*, *imitatio*, or *obedientia*, they were all nevertheless axes of orientation. In such a lens, obedience and following blend together into virtual identity.

Additionally, though not a priest, Francis had the audacity to breach the threshold of his brothers' consciences. In the priestly-oriented atmosphere of the post-conciliar age, such a bold assertion was tantamount to an affront on the exclusive rights of the priesthood in entering the realm of the individual conscience, which had been overtly underscored at Lat. IV. Francis' gift to examine the conscience of the other brothers thus constituted an extra-sacramental grace, one that exceeded the bounds of the confessional. Not only that, but the account and its motif of Francis wielding the authority and indeed the power to breach the brothers' consciences carries with it an implicit assertion of Francis' unequivocal charismatic authority among the brothers, one which appeared to have limitless potential. Since the event was the result of a miraculous intervention of the divine, the account also sanctions Francis' authority with the will and design of God and thereby legitimises it in full. Another account that enters into the realm of extra-sacramental grace involves the blessing scene directly preceding Francis' earthly death. He pardons the brothers as if he possessed full authority to absolve sins.<sup>182</sup> Here Francis uses official, liturgical language appropriate only to a priest. Was it in any way canonically permissible for an abbot, deacon, other status to conduct such an act? Perhaps an answer lies in the findings of previous studies.<sup>183</sup> It appears that the categories were more elastic than a modern reader may allot given modern-day standards. In any event, Francis does utter the words *sicut possum*, which undercut the force of the action enough to soften its blow.

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<sup>182</sup> VbF 109 (FF 386-7)

<sup>183</sup> M. Cusato, 'Francis of Assisi, Deacon? An Examination of the Claims of the Earliest Franciscan Sources 1229-1235,' in: G. Geltner & Idem., *Defenders and critics of Franciscan life: essays in honor of John V. Fleming*, Leiden 2009, 9-40. Cf. Gary Macy, *The Hidden History of Women's Ordination: Female Clergy in the Medieval West: Female Clergy in the Medieval West*, Oxford 2007.

### *Gospel, Rule, Testament*

Investigation of the relation between Gospel, rule, and Testament permit one to gain further insight into such normative anchors and their situation in relation, one to the other. The flagship characteristic of direct obedience to God occasioned by the standards proper to hagiographical composition drives motifs of spiritual encounter and interiorisation of God's spirit interspersed throughout the legend. Of particular import in that regard are the manifold references, which call God's will to mind and depict Francis as follower of God's will through the observance of his commandments with especial accent upon the Gospel and its depiction of Christ, the incarnation of God's will.<sup>184</sup> Nevertheless, Thomas integrates direct obedience to God's will and to Gospel mandates with the exemplified image of Francis and select companions and his interpretive approach to the rule. Lending attention to the nature of the rule as described in *VbF*, the relation of rule to Gospel, and the role that exemplification plays in the convergence of the two media of transmitting God's will and living out the charisma.

How does *VbF* depict the rule? As a useful instrument, the analytical approach of QUAGLIA individuates six features typical of Minorite narrative accounts of regular redaction beginning with *VbF*. The salient characteristics act as points of reference to favour the comparative analysis of each particular representation of the rule or rules and of their origin. The features comprise unity of redaction, definitiveness, confirmation, proportionality of Gospel passages to prescriptions of institutional character, simplicity, and brevity.<sup>185</sup> For the purposes of the current study, the first four shall prove of particular value, to which one may add authorship, either single or collective. As do the majority of Minorite hagiographies, *VbF*'s account<sup>186</sup> declares the singular authorship of the rule (*Franciscus ... scripsit*).

Regarding unity of redaction, one may argue (as does QUAGLIA) that *VbF*'s inversion (*vitae formam et regulam*) of the *RegB*'s formulation (*regula et vita*) signals an acknowledgement, however understated, of the existence of a prior redaction in the *RegNB*. Where immediate context would appear to imply emphasis upon singular redaction,<sup>187</sup> subtle reference to the *RegNB* complicates the narrative and redirects their indications elsewhere. Therefore, although the passage portrays unity of redaction by formal characteristics, something

<sup>184</sup> *VbF* 7, 8, 22, 24, 33, 37, 55, 84, 88, 91, 92, 104, 106, 107, 109, 114 & 115.

<sup>185</sup> A. Quaglia, 'La regola francescana: Convergenze e divergenze in Celano, fra Giuliano da Spira e San Bonaventura,' 473-4.

<sup>186</sup> *VbF* 32 (FF 305-6): *Videns b. Franciscus quod..., scripsit sibi et fratribus suis, habitis et futuris, simpliciter et paucis verbis, vitae formam et regulam, S. Evangelii praecipue sermonibus utens, ad cuius perfectionem solummodo inhiabat. Pauca tamen alia inseruit....*

<sup>187</sup> *VbF* 34 (FF 308-9): *qualiter regulam quam susceperant....*; 38 (FF 312-3): *Cum in Regula scriberetur: Et sint minores....*

else is afoot. The occasion of papal confirmation (*Dominus papa Innocentius eam confirmavit*), which provides the immediate context for the account, supports such a claim. Thomas appears thus to narrowly avoid complete subscription to what scholars refer to as the fiction of identity between the two rules. After affirming the definitiveness of regular redaction (*scripsit suis habitis et futuris*), Thomas then underscores the unambiguous prevalence of Gospel passages in the rule (*Sancti Evangelii praecipue sermonibus utens*). He thus depicts the rule as an austere compilation of Gospel passages assembled by a single man who intently yearned for Gospel perfection. The rule's simplicity (*simpliciter*) and brevity (*paucis verbis*), a parroted phrase from *Test*, reflect Francis' resoluteness in avowing a life *secundum formam Sancti Evangelii*. Such emphatic mention of the Gospel in the composition of the rule charges Thomas' account with a fair degree of identity between Gospel and rule and provides a good indication that Gospel living represents a key to the theological interpretation of his narrative.<sup>188</sup>

More plainly, the rule is not self-sufficient, but points to a wider project. Thomas reads the rule through the interpretive lens of the *Testament* and in so doing certifies Francis' hermeneutic in his final writing, which endeavoured to cultivate an understanding of *RegB* in the spirit of the *RegNB*. What is more, the sequential precedence of *vitae forma* to *regula* and the chronological anticipation of the confirmation to that of Innocent III are of symbolic meaning. The pericope also signifies at least the reading of the *RegB* through the *RegNB* implied in the *Test* and at most the preference of the *RegNB* to the *RegB* as the order's true rule. The *RegNB* was after all the rule under which Thomas had entered the Minorite profession.

In *VbF*, Thomas also asserts his contribution to the internal debate concerning the disputed authority of the *Test*. As scholars have suggested, Thomas utilised the *Test* as the blueprint for much of his text articulated in such statements as that of the early brothers, *vere minores ... omnibus subditi existentes*.<sup>189</sup> The obedience of the early companions constituted not distinguishing precepts,<sup>190</sup> a passage advancing proper attitude toward precepts of the rule. To finalise the unquestionability of rule norms, Thomas introduces the oft-cited phrase *ad litte-*

<sup>188</sup> In discussion of the assent of the brothers with their rule from local bishop through Cardinal up to papal curia, Michetti and Solvi provide a similar argument with regard to the Gospel-Rule-Testament relation. See: R. Michetti, *Francesco d'Assisi e il paradosso della minoritas*, 158-161 & D. Solvi, 'La *Regula et vita* dei Frati Minori nella agiografia, 117-152. Solvi writes rather saliently, "[A]ssenno a cosa? Non tanto alla Regola come testo, che dopo la menzione iniziale esce rapidamente di scena, quanto al *propositum* evangelico dei frati, che quel testo portato a Roma vuole esprimere col minimo possibile di mediazioni, servendosi cioè delle parole stesse del Vangelo." *La Regula et vita*, 122-3.

<sup>189</sup> *VbF* 38 (*FF* 312)

<sup>190</sup> *VbF* 39 (*FF* 313) He lauds the early movement in such terms: *nihil scientes discernere in praeceptis*.



ram into the Minorite lexicon in reference to Francis' following of Gospel imperatives,<sup>191</sup> although read through *Test* and in the context of parallels between Gospel and rule the passage presents a clear contention to those who would seek to in any way alter regular norms. For Thomas, *Test* provides the window to view proper Minorite disposition toward the rule. The select employment of language in *VbF* 84 corroborates such a notion and supplements a link between rule, Gospel, and *sequela Christi*.<sup>192</sup> The quote from *RegB* and the evocation of Francis' *supremum propositum* to observe the Gospel opens the Christmas narrative in which Francis re-enacts Christ's birth in a manger.

The central statement of *VbF* concerning rule and Gospel amounts to a compelling declaration with allusion to the meaning evoked in the *ad litteram* phrase. Just as God literally became flesh in the man Christ and literally served humans unto a self-abasing death, so too ought his followers literally carry out the Gospel's prescriptions in *sequela Christi* as encapsulated in the rule. The link to Minorite life then arrives in the parallel between *sequela Christi* and *sequela Francisci* suggested by the intertwining of the two in the life of Francis and order. Just as the early movement and particularly Francis obey the rule with literalness and immediacy, so too ought the ideal Minorite brother. Thomas thus puts forth a model of life, which seeks to fulfil a pure and simple approach to the rule as summoned in Francis' *Test*.

#### *Charism and Charismatic Principles*

Certain residua of charismatic principles regarding self-*minoratio* and obedience to all are detectable in the language, passages, and motifs of *VbF*. Although Francis often acts as source of programmatic sections of the legend, the other brothers at least consider queries to which Francis offers the definitive answer. The impasse at Rivo Torto creates a literary device, which characterises the brothers' early quandaries and scruples in determining their identity and decided line of action. The brothers pondered four questions after the papal meeting. How to carry out his (pope's) advice and commands, how to sincerely keep the rule, how to walk before the most high in all holiness and religion, and how to conduct a virtuous life and serve as an example for neighbours.<sup>193</sup> Representation of the charism in broad terms of Church, rule, God, and others, to which Francis of course responds in kind, provides a fair degree of consonance with charismatic principles in the writings.

<sup>191</sup> *VbF* 22 (FF 297): *Non enim fuerat Evangelii surdus auditor, sed laudabili memoriae quae audierat cuncta commendans, ad litteram diligenter impelere curabat.*

<sup>192</sup> *VbF* 84 (FF 359-60): *Summa eius intentio, praecipuum desiderium, supremumque propositum eius erat sanctum Evangelium in omnibus et per omnia observare ac perfecte omni vigilantia, omni studio, toto desiderio mentis, toto cordis fervore, "Domini nostri Iesu Christi doctrinam sequi et vestigia" imitari.*

<sup>193</sup> *VbF* 34 (FF 308-9)

Given that the attachment to Church and rule receive extensive treatment elsewhere, the occasion better suits discussion of attachment to God and others in the spirit of the charism. In the figure of Francis, *VbF* proffers a connection between commandments and precepts of perfection, which harkens unto the charism. Unsatisfied with performing only the first, Francis desired to please Lord – a phrase of great importance in *RegNB* and in *VbF*<sup>194</sup> – and elected to live by the precepts of perfection.<sup>195</sup> In support of the extraordinary calling implied by Minorite life, Francis stresses and exemplifies the immediacy of *sequela Christi* among the companions and especially Francis, which conveys an attempt to capture the early movement's eschatological urgency to render immanent the kingdom of God. It begs the question, to what did the eschatological urgency lead, by means did they seek to render present God's kingdom? In the writings, the brothers struggled with the core guiding principles of self-*minoratio* and obedience to all. Their life called them to mobilise obedience in the world by their service, lowly labour, poor ways, and holy witness. In their obedience they participated in Christ's action and rendered him present to one another and the surrounding world. Did Thomas take the same line of thought in his hagiographical composition?

In addition to that already affirmed in regard to the great emphasis upon direct obedience to God in adherence to Gospel mandates conflated in reference to the rule, one may allot a succinct response to the question by pointing out the conceptual hick-ups of *obedientia ad invicem* and the depiction of ideal Minorite models in Francis and select companions. The quite enigmatic concept of *obedientia ad invicem* makes no explicit appearance in *VbF*. However, an instance in *VbF*'s description of the primitive community creates a charismatic motif, whereby it lauds their charity infused service of one another and of others. The passage describes by architectural metaphor the brothers who were truly *minori et subditi omnibus* that they might merit true humility, the solid rock. Charity, built upon perseverance, contains living stones of a dwelling place for the Holy Spirit. Enflamed by charity, these new Disciples of Christ were filled with love of company.<sup>196</sup> Although the logic is not as clear as that in the writings, there is likely some residuum of early notions of obedience at work here. While one cannot discount the obvious inclination of eloquent fawning, Thomas also employs a similar motif of mutual charity and obedience in describing the features of the rapport between Francis and Hugo of Ostia. The Christological notion of active obedience at the service of others appears also to charge Francis' commitment to the apostolic life in service of others.<sup>197</sup>

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<sup>194</sup> *VbF* 104, 114 (*FF* 381, 392-3, respectively); Cf. *RegNB* XXII, 9.

<sup>195</sup> *VbF* 90 (*FF* 365-6)

<sup>196</sup> *VbF* 38 (*FF* 312-3)

<sup>197</sup> *VbF* 35 (*FF* 309-10)

Also not without its consonance to the early writings, *VbF* offers a depiction of charismatic living in the figures of Francis and his companions. Certain companions of Francis mentioned by name in *VbF* represent the hagiographic exemplification of an ideal charismatic adherent. Among the companions Bernard, Phillip, and in particular Giles play primary roles in that regard. The three embody figures of ideal brothers. Pericope 25 underscores characteristics fundamental to the charism, such as perfect obedience, manual labour, simple preaching, solitary life, and holy contemplation.<sup>198</sup> Even if the historical Giles had been a shining example of Minorite apostolic service, as Thomas composed *VbF*, Giles had already retired to a hermitage in Cetona. Thus, more than a character description of the historical personality, his hagiographical figure becomes in *VbF* an enduring model for the ideal Minorite brother.<sup>199</sup> It thus appears that the portrayal of charism reflects an intimate acquaintance with and prior interiorisation of the concepts struggled with in the early movement, even if a slight shift in emphasis transpires. Thomas' litany of virtues enjoyed in the primitive fraternity, of which obedience plays large role, supplements an apt summary of many aspects of the Minorite charism.

Furthermore, as MICHETTI asserts, the literary unit that spans vs. 38-40 comprises a programmatic account of the Minorite charism in its formative stages, such that the recounted figure of the early movement acts as a charismatic recall and a normative device for the present in a manner similar to the *Test*.<sup>200</sup> Indeed, one may view the unit as a practical application of *RegNB* chs. VII, IX & XI. Whereas v. 38 recounts the naming of the group (*Et sint minores*) indicated above<sup>201</sup> and the way in which the early movement fulfilled their high ideal traced above,<sup>202</sup> Thomas composes a litany of their virtues, among which prompt obedience (*promptum ossequium*) plays an integral part.

<sup>198</sup> *Hunc vero, post non multum temporis* (cfr. Mat 25,19), *sequitur frater Aegidius, vir simplex et rectus ac timens Deum* (cfr. Iob 1,8; 2,3), *qui longo tempore durans, sancte, iuste ac pie vivendo* (cfr. Tit 2,12), *perfectae obedientiae, laboris quoque manuum, vitae solitariae, sanctaeque contemplationis nobis exempla relinquit*. Some scholars maintain that at least part of the litany of his virtues could be a later interpolation. See: *FA:ED*, 204, note b.

<sup>199</sup> Michetti, *Il paradosso della Minoritas*, 146; S. Brufani, 'Egidio d'Assisi. Una santità feriale,' in *I compagni di Francesco*, 285-311.

<sup>200</sup> Michetti, *Il paradosso della Minoritas*, 178-182

<sup>201</sup> *VbF* 38 (*FF* 312-3): *Cum nempe sic in Regula scriberetur: "Et sint minores," ad huius sermonis prolationem, ea quidem hora: "Volo", inquit, "ut Ordo Fratrum Minorum fraternitas haec vocetur". Et vere minores, qui 'omnibus subditi' existentes...*

<sup>202</sup> *... semper quaerebant locum vilitatis, et officium exercere, et in quo quaedam fore iniuria videretur, ut sic solido verae humilitatis fundari mererentur, ut felici dispositione in eis consurgeret omnium virtutum fabrica spiritalis. Revera super constantiae fundamentum* (cfr. Eph 2,20) *charitatis nobilis structura surrexit, in qua vivi lapides* (cfr. 1Pet 2,5), *ex omnibus mundi partibus coacervati, aedificati sunt in habitaculum Spiritus* (cfr. Eph 2,22) *Sancti. O quanto charitatis ardore flagrabant novi Christi discipuli! Quantus in eis pia societatis vigeat amor! Cum enim alicubi pariter convenirent, vel in via, ut moris est, sibi invicem obvia-*

### *Ecclesial Obedience*

The ecclesial dimension of obedience conception pervades Thomas' legend and is not inconsistent with the charismatic vision. On the contrary, it is perhaps the most consistent of the dimensions with the original charism. As an official hagiography, Thomas' legend contains no traces of polemic against Church hierarchy or institutional structures. Francis briefly critiques brothers seeking positions of authority, urging them to obey God's will in all things.<sup>203</sup> The character of Francis' relationship with the Church is attentive, submissive, and closely linked to his relationship with the divine. During the initial stage of Francis' conversion he arrives at San Damiano where he enters with awe and reverence, kissing the priest's hands.<sup>204</sup> Francis then commits the symbolic act of stripping off his clothing and inheritance, whereby he renounces his father and embraces his heavenly father, being then received by the Bishop of Assisi.<sup>205</sup> Interestingly, the Benedictine rite of acceptance and initiation required that the novice strip himself of his worldly clothes and thus customs, after which the abbot received him with an embrace. In the case of Francis, the high symbolism of his performative act of disrobing and turning away from father toward the bishop must not go unspoken. The dynamic significance of Francis' public gesture of laying himself bare and seeking the embrace of the Bishop offers compelling insight into the relationship of the Minorites to the Church of Rome.

The first work Francis then undertook upon his acceptance by the Bishop was to rebuild a church with his own hands.<sup>206</sup> Throughout the legend, the brothers' disposition towards priests and Church hierarchy remains one of constant reverence and obedience. They often consulted with men of prelatory rank and never circumvented their authority.<sup>207</sup> Worthy of note, the description of the customary practice of prostration before church edifices on the road affords a fraternal theme in which even Francis partakes in self-effacement before the presence of the Lord together with the brothers. Even if Francis' rule entailed a *paternum imperium* over the other brothers, before churches they formed a single, fraternal organism.<sup>208</sup> The passage bears out the ecclesiological significance of the group's itinerant prayerful praxis. In such a manner, Thomas portrays how the brothers viewed the wider Church and its ministers as bound up in Christ's sacramental presence in each church edifice.

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*rent, ibi spiculum spiritualis resultabat amoris, super omnem amorem verae dilectionis seminarium spar-*  
*gens.*

<sup>203</sup> *VbF* 104 (*FF* 381)

<sup>204</sup> *VbF* 9 (*FF* 284-5)

<sup>205</sup> *VbF* 13-15 (*FF* 288-90)

<sup>206</sup> *VbF* 18 (*FF* 293-4)

<sup>207</sup> *VbF* 32-33, 75 (*FF* 305-7 & 350)

<sup>208</sup> *VbF* 45 (*FF* 319-20)

Of particular accent in Thomas' legend is the relationship between Francis and Hugo of Ostia, future Pope Gregory IX. No one is surprised, for he was the source of the work's commission. Thomas depicts them as a close-knit pair, with oscillating father and son roles. Francis loyally submits as a son to Hugo, the authority over the order, yet at times also consoles him with a fatherly word.<sup>209</sup> Hugo was called to be father of the order, yet he serves Francis and offers him the reverence due to an apostle of Christ.<sup>210</sup> The lot of assertions mentioned are tantamount to an overarching theme which pericope 62 declares in fully articulated form, which links reverence for all manner of ordained ministers and religious and the motivation for serving the institutional Church. Thomas asserts the unequivocal affirmation that the Roman Church subsists as the source of salvation in the world. MICHETTI thus encapsulate well the notion of *VbF*'s depiction of the brothers' relation to Church in his compact but astute phrase 'Francescanesimo ecclesiasticizzato.' *VbF* portrays a fully integrated Minorite order submissive to the Church, its teachings, and its hierarchical structures.

#### *Obedience in its Universal and Cosmic Dimension*

Thomas emphasises obedience in its universal and cosmic dimensions to a lesser degree than do the writings of Francis and the early movement. In clear normative language, Thomas goes to the heart of Franciscan identity, inferring the interrelatedness of minority and obedience to all. Thomas recounts the story of Francis' naming the community, *et sint minores*. He continues, *Et vere minores, qui omnibus subditi existentes*,<sup>211</sup> a direct echo of *Test*. Hence, in Thomas' legend obedience to all humanity, the wider human *fraternitas*, was essential to the Minorite charism. Also, a motif of seeking martyrdom in mission abroad undercuts the missionary charism of submissive service. *VbF* thus shifts the meaning of such notions by neglecting somewhat the early identification of *servus Dei* as *servus hominum* preferring instead to flesh out Francis' inner desire to succumb to a martyr's death. The motif provides a classic holiness proof attributable to the occasion of Francis' canonisation.

Thomas and his ken did not regard the universal paternity of God as Francis and those immersed in the *RegNB* of the early movement had. In point of fact, *pater* represents the most common designation for Francis. Nonetheless, those deemed father in the legend truly merit the title by their holiness. Paternity is thus not exclusive to God, but Thomas affirms the divine origin of true fatherhood, deeming Pietro di Bernardone as a merciless father, while Francis serves as a merciful model of fatherhood. Obedience to all living creatures and to all

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<sup>209</sup> *VbF* 100 (*FF* 376-8)

<sup>210</sup> *VbF* 101 (*FF* 378-9)

<sup>211</sup> *VbF* 38 (*FF* 312-3)

creation takes on different significance in Thomas' legend. While Celano has Francis calling all creatures brother and sister,<sup>212</sup> stories regarding the creatures are predominantly hagiographical *topoi* used as proofs of holiness. A likewise similar instance is the obedience of demons to Francis, as with Christ in the Gospels. Francis shows love and affection for even the tiniest creatures and praises the Creator in them. Francis had affection particularly for animals with a likeness to Christ, such as the humble lamb.<sup>213</sup> Nevertheless, union with creatures and creation is expressed on the basis of their obedience to Francis as mediator of the Word of God, an outcome and sign of Francis' own obedience to God.<sup>214</sup> Just as fish are a common metaphor for heretics in the registry of Gregory IX, perhaps at some level hagiographical accounts of Francis and the animals mean to liken the brothers to creatures. To Francis' dominion over the elements of the physical world Thomas supplements his God-given ability to perform exorcism in the spiritual realm.<sup>215</sup> In such a way, Francis' grace-induced capacity to manipulate cosmic entities, both physical and spiritual, to his favour inverts the submissive attitude toward the whole of God's creation outlined in the writings. There is perhaps reason to doubt that Thomas fully grasped this aspect of the charism.

*Julian of Speyer's Vita sancti Francisci*

1. Textual Features and *Sitz im Leben*

Aside from a sole dispute long since discredited by attentive study, *Vita sancti Francisci* is of tenable and acknowledged authenticity and integrity.<sup>216</sup> Much like with Thomas'

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<sup>212</sup> VbF 81 (FF 356-7)

<sup>213</sup> VbF 77 (FF 352-3)

<sup>214</sup> Other relevant passages include VbF 58: *Sicque factum est, ut ab ilio die cuncta volatilia, cuncta animalia, cunctaque reptilia et etiam creaturas quae non sentiunt, ad laudem et amorem Creatoris sollicitus hortaretur, quoniam quotidie, invocato nomine Salvatoris, propria experientia ipsarum obedientiam cognoscebat.* VbF 81: *Sic et segetes et vineas, lapides et silvas et omnia speciosa camporum, irrigua fontium et hortorum virentia quaeque, terram et ignem, aerem et ventum sincerissima puritate ad divinum monebat amorem et libens obsequium hortabatur.*

<sup>215</sup> VbF 69 (FF 343-5): *Vocavit quoque tres fratres ad se, qui erant cum eo, et in singulis domus illius angulis singulum fratrem constituens, dixit eis: "Oremus, fratres, ad Dominum pro muliere hac, ut iugum diaboli ab ea excutiat Deus, 'ad laudem et gloriam' suam. Stemus separatim", inquit, "in angulis domus, ne spiritus iste malignus nos fugere aut decipere valeat, quaerens diverticula angulorum". Completa quoque oratione, beatus Franciscus in virtute Spiritus accessit ad mulierem, quae miserabiliter torquebatur et horrendo clamabat, et ait: "In nomine Domini nostri Iesu Christi, per obedientiam praecipio tibi, daemon, ut exeas ab ea, nec audeas ipsam amplius impedire". Vix verba compleverat, et tam velocissime cum furore atque stridore foras egressus est, quod, propter subitam sanitatem mulieris et tam citissimam obedientiam daemonis, sanctus pater sibi putaret fore illudum.*

<sup>216</sup> H. Felder sought to counter the *Vita sancti Francisci's* (hereafter *VJS*) attributability to Julian of Speyer by appealing to the lack of mention in Jordan of Giano's chronicle. He also disputed the prologue's authenticity by putting forth the argument that it would be unbecoming to discuss Francis' sordid youth and to scandalise believers looking to him for example. See: Felder, 1900, 243 & 436-7. In the *praefatio* of his edition, however, Van Ortroty asserts a conclusive counterargument, citing a relationship of parallel and dependence between the *Officium rhythmicum* and *VJS* and also the 14<sup>th</sup> century attestation of Nicolai Glassberger. See: Van Ortroty 1900, 331 & 337 and Van Ortroty, 1902, 156 & 149-50.

first legend, the manuscript tradition of *VJS* shows signs of having suffered substantial losses due to the textual destruction sanctioned by the fateful Paris chapter meeting of 1266. Seven manuscripts preserve the legend,<sup>217</sup> four of which date back to the 13<sup>th</sup> century.<sup>218</sup> The paucity of extant medieval witnesses may thus suggest a somewhat thin transmission when compared to other Minorite *legendae* of the pre-Bonaventurian period. See the concise bibliographical delineation above.

A lesser known work of mid to late 14<sup>th</sup> century origin ascribed to Arnaud de Sarrant hails four distinct Minorites who wrote of Francis by appeal to the four Evangelists.<sup>219</sup> The text likens Thomas of Celano to Matthew, Leo to Mark, Julian of Speyer to Luke, and Bonaventure to John. Whatever the author's intention in making such a parallel, the underlying message shines through. Not only did Julian of Speyer compose a legend, but his was perceived more than a century after its redaction as among the memorable contributions to the rich Franciscan hagiographical tradition. Regardless of the common opinion among scholars that *Vita sancti Francisci* (1232-35),<sup>220</sup> legend of a gifted cantor from Speyer, is – as DESBONNET phrases it – “except for a few details ... just a summary of Thomas of Celano's *Vita I*,”<sup>221</sup> scholarship in recent decades has revealed its value as an autonomous piece of literature, synthesis of Thomas' *VbF* with a fair amount of ideological re-elaboration and in part exegesis of *OffJS*. *VJS*, an unofficial legend, resembles in some ways that of Thomas. And while Julian demonstrably utilised Thomas' legend as a source, substantial literary restructuring and re-articulation signal the work of an independent mind, rather than a copyist. *VJS* also differs from Thomas' legend in compositional context. Dissimilar to Thomas, a companion of Francis and native to the Italian peninsula, Julian had most likely little to no personal contact with Francis, inhabited the urban settlements of Speyer and Paris, and was a liturgically-minded *cantor Parisiensis et corrector mensae*.

In addition, Julian admits to striving for brevity in his legend,<sup>222</sup> and in the interest of brevity relates virtues at the expense of miracle accounts.<sup>223</sup> Textual composition thus reflects

<sup>217</sup> For a description of the surviving textual witnesses, see the *praefatio* of the *Analecta Franciscana* edition: *De Fr. Iuliano*, 1926-41, pp XLVIII-XLIX

<sup>218</sup> G. Cremascoli, 'Introduzione,' *FF*, 1022

<sup>219</sup> Arnaud de Sarrant, *De cognatione beati Francisci*, ed. F.M. Delorme, *Miscellanea francescana*, 42, 1942, 126 (CSF 1).

<sup>220</sup> Dating *VJS* has proven difficult. Cf. Van Ortoy, 1900, 338.

<sup>221</sup> *From Intuition to Institution*, Appendix, 155.

<sup>222</sup> *VsF* 45 (*FF* 1066-7): *Ipse quoque, etsi minimum quid haberet corporalium virium, humeros tamen proprios saepius ad sublevanda supposuit onera pauperum. Quorum etiam pio zelo multa alia faciebat frequentius in hunc modum, quae, nisi brevitati studeremus, scribere non fuisset indignum.*

<sup>223</sup> *VsF* 56 (*FF* 1076): *Tot et tantis refulsit beatus Franciscus, tum adhuc vivens in carne, tum post excessum vitae, miraculis, quod ea plenius explicare multo prolixioris est operis. Nam praeter alia quasi innumera, quae in diversis aegritudinum, necessitatum seu periculorum generibus gessit, multos etiam mirifice mor-*

Julian's own reality and intent. What results is a somewhat decontextualised and spiritualised Francis, who speaks with utmost selectivity not sparing a word, which are nearly all *logia*, rather than *Scripta* citations. The legend reports fewer circumstantial facts, thereby placing more focus on its protagonist and the communication of his meaningful gestures. Julian's 'Francis of example' contrasts with the 'Francis of the Rule' in Thomas. Considering the legend's unofficial nature and focus upon didactical-spiritual essentials embodied in the Assisian, Julian likely composed his work for refectory reading and the daily edification of his high-minded Parisian confreres.

Regarding the textual relationship between *Officium rhythmicum* and *VJS*, the intertextual analysis of J-B LEBIGUE has produced definitive results not only as regards the *VJS*'s chronological posteriority to and dependence upon the *Officium*, but also vis-à-vis the intimate dynamic interaction and complementarity between the texts. LEBIGUE argues that the *Officium* chants, systematically inserted into the legend, appear not as literal citations, but are re-employed as embellishments, which highlight a crucial dimension of the text.<sup>224</sup>

The *Vita sancti Francisci*, an unofficial legend in Sabatierian terms, resembles the first legend of Thomas. Recent scholarship has revealed its nature as a synthesis with some ideological re-elaboration.<sup>225</sup> Julian clearly used Thomas' legend as a source, but substantial restructuring and re-articulation reflect the work of an independent mind, not a copyist. The compositional context also differs from that of Thomas. Julian was not a companion of Francis, lived largely in the urban cities of Speyer and Paris, and was a liturgically-minded *cantor Parisiensis et corrector mensae*. Additionally, Julian wrote his legend striving for brevity,<sup>226</sup> and in the interest of brevity relates virtues more so than miracles.<sup>227</sup> The text reflects Julian's own reality and intent. What results is a somewhat decontextualised and spiritualised Francis, who speaks more selectively; his few words are nearly all *logia*, rather than *Scripta* citations. Fewer biblical citations frame the overall narrative, many of which are from the Psalter, as one may expect of the liturgically-attuned Julian.

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*tuos suscitavit; quorum, etsi de pluribus non sumus incerti, numerum tamen ad praesens certum non ponimus, nisi quod undecim esse a viris fide dignis accepimus. Haec igitur de miraculis eius in praesentiarum utcumque tetigisse sufficiat, ne cursum vitae eius breviter audire volentes taedio miraculorum narratus afficiat. Quid enim miraculis, quae sanctitatem magis ostentant quam faciunt, immoremur, cum etiam miraculosae conversationis eius insignia, quorum pauca perstringimus, plurima propter brevitatem subtere cogamur? Paucissimas enim arbitror esse virtutes, in quarum exercitiis vir iste beatus notabilia multa non gesserit, quae ad narrandum forent utique potiora miraculis.*

<sup>224</sup> ,Introduction,' 729.

<sup>225</sup> E. Prinzivalli & L. Fiorelli, 'Alcune riflessioni sulla «Vita s. Francisci» di Giuliano da Spira,' *Hagiographica* 3 (1996) 137-61.

<sup>226</sup> *VJS* 45 (FF 1066-7)

<sup>227</sup> *VJS* 56 (FF 1076)



## 2. Thematic-theological Analysis

Rather than charity, obedience, or even humility, Julian often employs the motif of *perfectio*, the virtue of most frequent occurrence in the legend. Dissimilar to Thomas, for Julian *perfectio* (11x), *paupertas*, and *simplicitas* (each 9x) take precedence over *obedientia* (8x). Purely statistical data suggests a shift in the economy of virtues. Also, the introduction of a virtue mentioned only once in the writings suggests a further step in the direction of the intellectualisation of Minorite discourse through the theologicalisation of virtues and the entrance of external concepts into the textual sources. *Obedientia ad invicem* makes no appearance, not even implicitly. Julian affirms the individual qualities of Francis more often than those of the entire *fraternitas*, thereby accenting Francis' role as model disciple of Christ. Julian does, however, assert the Holy Spirit as Francis' teacher, *doctrice Spiritus sancti gratia sufficienter instructus*.<sup>228</sup> The operative idea here is that the sum of all virtue resides in Francis, *in omni virtutum culmine*,<sup>229</sup> an idea not seen in Thomas. Obedience never appears adjoined to charity, but to humility twice. Each time it is the other brothers who obey humbly to Francis' commands, one time prostrating humbly at Francis' feet to receive the mandate of obedience.<sup>230</sup> It seems the friars were soon reflecting on a much different obedience than that which appears in the writings of Francis and the early movement.

### *Francis' Authority*

Although *VJS* refers to Francis as *minimus inter minores*,<sup>231</sup> it transfers relatively little of that principle over into the realm of institutional or charismatic leadership. Francis, it seems, was a natural born leader predestined to gather followers, as he had been a leader (*caput et ducem*) even when in sin.<sup>232</sup> Once Francis learned infallibly (*infallibiliter*) what he was to do through devout prayer, being sufficiently taught in all things perfect by his tutor the Holy Spirit,<sup>233</sup> he discerned and illuminated the path to perfection. The heightened explication of the aid of providence and divine intervention serve to increase the transcendence of Francis' holiness. Julian clarifies allusions to Francis' apostolic authority in *VbF* by establishing that he had received such authority at the Pope's approval and not of his own merit.<sup>234</sup>

Familial and pastoral motifs provide the vehicle for communicating the sort of authority and leadership enjoyed by Francis in the early movement. For Julian as for Celano, Francis

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<sup>228</sup> *VJS* 24 (*FF* 1045-6)

<sup>229</sup> *VJS* 24 (*FF* 1045-6)

<sup>230</sup> *VJS* 19 (*FF* 1040-1)

<sup>231</sup> *VJS* 17 (*FF* 1039)

<sup>232</sup> *VJS* 1 (*FF* 1026-7)

<sup>233</sup> *VJS* 23 (*FF* 1044-5)

<sup>234</sup> *VJS* 23 (*FF* 1044-5)

is above all *pater*.<sup>235</sup> As a good father to his new offspring (*novae prolis*),<sup>236</sup> Julian's Francis did issue intermittent paternal mandates. Nevertheless, not even once does Julian employ *imperium*, as did *VbF*. Francis issues the other brothers mandates only on two occasions, and they are of negligible importance. Rather than *imperium* or *mandatum*, *VJS* characterises Francis' rule and direction 'from above' as *vigilantia*.<sup>237</sup> Francis thus instructed and forewarned, but his vigilance was barbed, as he never let a punishable offense pass with impunity.<sup>238</sup> The title of *pastor*, absent in *VbF* introduces a novel element into Minorite discourse that is evocative of a model of influence 'from above' under the pretext of *cura animarum*. In a telling passage not in *VbF*, pericope 19 utilises a pastoral motif of shepherd and sheepfold in order to describe Francis' disposition toward his companions as leader of the group. After Francis' instruction on patience and humility, the brothers fall prostrate before Francis, kissing his feet to receive the mandate of saving obedience (*ad recipiendum salutaris obedientiae mandatum*). Here, obedience takes on a nuanced quality, as it is a sure path to salvation. Francis then raises them up and kisses them affectionately as a mother would her sons. Dissimilar to Thomas, Julian demonstrates willingness to incorporate maternal imagery into his portrayal of Francis' authority and his model of leadership. Francis would thus issue direction (*dirigere*) in addition to orders in ruling over them. Thus, although *VJS* implies a non-charismatic reading of the rule and in part also of Francis, select residua of the charism do survive in the text.

#### *Gospel, Rule, Testament*

Once again the features describing accounts of the rule characterised by QUAGLIA and outlined above serve as a point of departure for analysis and facilitate the designation of the unity of redaction, brevity, proportionality between Gospel and institutional regulations, confirmation, definitiveness, and simplicity,<sup>239</sup> to which the study supplements authorship. Of the features present in *VbF*, Julian's account of the rule's origination<sup>240</sup> adopts only the elements of singular authorship (*Franciscus ... conscripsit*) and brevity (*brevi*). The confirmation, which *VbF* anticipated to the earlier *viva voce* blessing and approval of Innocent III, becomes

<sup>235</sup> Francis receives the designation *pater* in the following passages of *VJS* 17, 20, 27, 28, 29, 31, 43, 49, 52, 55, 57, 64, 67, 69, 71, 72, and 73.

<sup>236</sup> *VJS* 20 (FF 1041)

<sup>237</sup> *VJS* 24 (FF 1045-6)

<sup>238</sup> *VJS* 24 (FF 1045-6): *Non est passus in se vel in aliis, ut quidquam disciplina plectendum impune transiret, ne forte remissa manus negligentiae torporem induceret.*

<sup>239</sup> Quaglia, *La regola francescana*, 475-6.

<sup>240</sup> *VJS* 21 (FF 1042-3): *Cernens... b. Franciscus... accrescere numerum fratrum... Brevi... regulam sermone conscripsit, interpositis in illa sacris Evangelii verbis, ad cuius perfectionem.... Dans... duodenario fratrum pium summus Pontifex de regula confirmanda consensum....*

in *VJS* a more accurate and complete affair, whereby Julian also marks the occasion of Honorius III's official confirmation.<sup>241</sup> Julian dismantles *VbF*'s formula *vitae formam et regulam* by erasure of the former element and inclusion of the latter as a stand-alone unit. *VJS* removes traces of *RegNB* left in his predecessor's account including the element of definitiveness attached to the *forma vitae* approved by Pope Innocent and thereby eliminates all doubt as to redactional unity. Even the distant echo of Francis' proposal to the world in *VbF* (*formam, regulam et doctrinam*)<sup>242</sup> becomes in *VJS* *vivendi Regulam*.<sup>243</sup> He thus subscribes to and perpetuates the fiction of identity between the two rules. The formal characteristics of the passage have conceptual repercussions that echo throughout the legend, on which more below. Not unrelated to the issue of redactional unity is the proportionality of Gospel to rule content. Whereas Thomas' account indicates the prevalence of Gospel passages in the rule, *VJS* parts company by insistence upon another model. Julian eliminates the qualifier *praecipue* and instead elects to describe the event in such terms, *interpositis in illa (regula) sacris Evangelii verbis*. *VJS* thus offers a conflicting account implying the prevalence of non-Gospel content in regular stipulations and as a result downplays equivalence between Gospel and rule and a charismatic reading of *RegB*, the consonance of which exists in manifold other Minorite textual sources.

As suggested, the passage relating the setting of the rule's origin lends itself to additional connotation with regard to the work as a whole and its broader economy of meaning. If the literary design of *VbF* sought to instil a reading of the rule through *Test* and thus a reading based primarily upon the early movement's core charismatic principles, then one may similarly purport that Julian's legend represents an entirely different, post-*Quo elongati* understanding of the rule. Gregory's abrogation of the *Test* in *Quo elongati* just a few years prior had wedged a divide in approaches to the rule, one charismatic, and the other juridical. In conjunction with the section below on charism, textual indications point to the suggestion that *VJS* reads the rule through the lens of *Quo elongati* rather than that of the *Test*. The papal document itself establishes the likelihood of such a scenario. In his legend, Julian thus entered into a more juridical spirit with regard to approach to the rule, a spirit which treated the rule as a document without a history whose meaning the Church circumscribed. *VJS* contains but a single opaque reference to the *Test*, which is little more than an echo of a motif taken up by Thomas. Also, far fewer references to the rule appear. In *VJS*, the brothers no longer read of

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<sup>241</sup> *VJS* 73 (FF 1092-3): *Quorum prior (Innocent) sicut in omnibus viro Dei de institutione consentit, sic et alter (Honorius) ut in Regula tangitur, omnia... benigne postmodum confirmavit.*

<sup>242</sup> *VbF* 37 (FF 311-2)

<sup>243</sup> *VJS* 23 (FF 1044-5)

and reflect upon a Francis of the rule, rather a theologised Francis, relatively detached from charism and rule, in particular when compared to the Francis of Thomas' legend. Already at the stage of the mid 1230's a man could identify as a Minorite without even the slightest familiarity or consideration for the charismatic vocation declared in the writings. As a consequence, *VJS* represents the logical conclusion of *Quo elongati* in hagiographic form. It is a legend nearly absent of rule, Testament, and charism; in essence, without the Francis of the writings.

#### *Order Authorities*

Julian's legend contains very little that explicitly regards the order's leaders; rather, the concepts with respect to leadership, which may or may not be transferable, centre on the figure of Francis. For instance, *VJS* appears to advocate a hybrid style of leadership, firm-handed yet affectionate, that consists of an equilibrium between paternal and maternal models of hierarchical authority. Both Francis and Elias oscillate between fatherly mandate and motherly affection.<sup>244</sup> Julian had incorporated the familial model of relationality common in the early movement, but in a nuanced manner that allowed for legitimate earthly fatherhood, going so far as to name Pope Gregory *specialissimus pater*. While *minister* appears twice in relation to order superiors,<sup>245</sup> *magister* makes no appearance whatsoever. *VJS* thus presents a somewhat ambiguous stance toward worldly structures as represented in titles associated with Minorite and Christian leaders more broadly.

#### *Charism and Charismatic Principles*

The narrative simplifies the foundational account in the Spoleto Valley to fraternal contemplation of two components rather than four (22), thereby lessening the complex intricacy intimated by Thomas' legend. Julian also excludes paradigmatic narratives of early companions. Saving grace in that regard is a pericope relating to the companion's request and reception of Francis' teaching on prayer as found in the *Test*. Here, the brothers regard Francis' teaching as having the normative force of a mandate of obedience (*verbum simplex pro mandato obedientiae reputantes*),<sup>246</sup> even though Francis displays no intention that the teaching should have such a force. Julian limits *VbF*'s paradigmatic relation of the early companions (38-41) to a few brief, generalised sentences (24 & 26).<sup>247</sup> In fact, they are so generalised as to

<sup>244</sup> *VJS* 19 & 65 (*FF* 1040-1, 1082-3, respectively)

<sup>245</sup> *VJS* 30 & 41 (*FF* 1051-2, 1062-3, respectively)

<sup>246</sup> *VJS* 27 (*FF* 1048-9)

<sup>247</sup> *VJS* 24 (*FF* 1045-6): *Verum qualiter ipse beatus Franciscus Ordinem Fratrum Minorum in omni virtutum culmine magnifice supererogando servaverit, qualiterve ad omnia, quae sunt verae religionis, suos fratres et filios informaverit, quis enarrare per singula poterit? ... Qualiter autem et fratres, sub tanto duce per-*

be practically superfluous. In addition, Julian thus depicts a somewhat theologised figure of Francis in his legend. The utmost place of the *perfectio* motif coupled with Julian's accent upon the stigmata somewhat subordinate the imitable nature of Francis in the overall economy of the work. The whitewashed depictions of companions, charisma, and rule contribute to the focus lent to Francis' evangelical perfection and exceptional holiness, culminating in the narrative recounting of his stigmatisation. In the process, *VJS* sets up the optimal conditions for assimilation of the stigmata event as institutional symbol. Coupled with its focus upon divine intervention in his life and the exceptional quality of Francis' holiness, indeed his *perfectio*, *VJS* serves as an accomplice to the reliquification of Francis, whereby enhanced significance placed upon the transcendence of Francis' holiness at the expense of concrete, imitable features intrinsic to the charisma renders the Minorite *sequela Christi* less a *sequela Francisci*.

Particularly in the elevated status of the stigmata miracle Francis thus becomes institutional symbol at the behest of communal devotion and evangelical authentication, and much less to the end of actual imitation. The elevated, transcendent status of Julian's Francis may be read in conjunction with the hagiographer's liturgical interest and expertise and the sacramental-liturgical dimension of the stigmata. Having overtly established the sacramental character of the miraculous event, Julian bolsters the centrality of Francis' stigmatised flesh for the brothers' consideration by portraying Francis in classical terms as an extraordinary saint. As he had in *LChor*, Julian seeks to instil the agentic role played by the stigmata in the life of the brothers and links it to the original marks of Christ, which are evoked and renewed in the authentication of Francis's way by means of stigmatic piercing. Thus, each time the brothers partake in a sacrament, they are encouraged to consider the blessed wonder of their founder's wounds and the reverence owed him in turn.

#### *Universal and Cosmic Obedience*

Cosmic obedience assumes a somewhat nuanced form of expression in Julian's legend. There is no indication of obedience to all human beings. Julian describes Francis as *minimus inter minores* in the early *fraternitas*,<sup>248</sup> but whether he refers to obedience here is unclear. A hierarchical model of obedience prevails. Although some material from Thomas' legend is omitted for brevity's sake, the stories of Francis and the animals are no fewer. In relating creature narratives, Julian likewise employs proofs of holiness. He does, however, minimise Francis submitting his will to God, and instead accents Francis' command and the

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*sonaliter militantes, ad illius exemplum et doctrinam in omni perfectione profecerint, potius arbitror sub-ticendum, quem diminute etiam cum sermonis prolixitate dicendum. 26:*  
<sup>248</sup> *VJS* 17 (FF 1039)

creatures' obedience. Nevertheless, a familial model of relationality rebounds in a cosmic context in *VJS*, as a reference to *frater agnellus* not seen in *VbF* recalls the universal consciousness and God's universal paternity in the writings. Yet Julian also uses animal narratives to anticipate relating Francis' attitude toward the poor.<sup>249</sup> The *VJS* narrative even regards the creatures over which he rules as inferior (*creaturis inferioribus*).<sup>250</sup> Again, a shift in virtues is manifest. The *fraternitas* is universal, but the bond is not based upon obedience; rather, the love of poverty, humility, and other traces of the Creator in the created. As with Thomas, paternity is not exclusive to God. Nevertheless, the maternal motif of leadership takes a more prominent place than in Thomas,<sup>251</sup> and relatively fewer non-God designations of father characterize Julian's legend. Julian ultimately confirms the divine origin of true fatherhood, while also exalting the nurturing, motherly qualities of a model leader.

### *Ecclesial Obedience*

Obedience in its ecclesial dimension adopts a slightly more specific posture in Julian's legend. Obedience to the priesthood comes especially to the fore in Julian's writings. In particular, Julian (similar to the writings) heightens the obedience due to priests with specific theological reasoning. Reverence for priests is based upon their status as ministers of the Lord's Sacrament.<sup>252</sup> Julian's Francis also invokes reverence for teachers of divine law and all ecclesiastical orders. Of chief interest for Julian is the sacramental, which he marks with crucial, liminal moments, such as Francis' conversion experience in a church during Mass, the festivities at his canonisation celebrated with a Mass, and above all the sacramental character of the stigmata. Otherwise, there are no notable deviations from the model of ecclesial obedience in Thomas' legend. Francis devoutly obeys all levels of church hierarchy, but as is to be expected in an unofficial legend, Julian downplays somewhat the bond between Francis and Hugo.

#### *Excursus: Sacrum commercium: A Charismatic Vision between Allegory and Polemic*

##### 1. Textual Features and *Sitz im Leben*

Few texts originating in the early decades of Minorite history are so meaningful and yet so equally illusive to scholars as *Sacrum commercium sancti Francisci cum domina Paupertate*. Of undisputed authenticity and integrity, the work appears in fifteen manuscripts, a fair showing in relative terms. After its 1894 rediscovery and nearly a century of scholarly

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<sup>249</sup> *VJS* 45 (*FF* 1066-7)

<sup>250</sup> *VJS* 28 (*FF* 1049)

<sup>251</sup> *VJS* 19, 65 (*FF* 1040-1, 1082-3, respectively)

<sup>252</sup> *VJS* 28 (*FF* 1049)

debate,<sup>253</sup> S. BRUFANI scrutinised the manuscript tradition with neo-Lachmannian rigour in the redaction of his authoritative edition,<sup>254</sup> superlative to the previous Quaracchi edition of 1929, which had utilised only seven of the thirteen then known testimonies and that without a critical apparatus.<sup>255</sup> BRUFANI's textual analysis and resulting *stemma codicum* of the manuscript tradition individuated two branches, one strong, one weak. In particular, the strongest case of the former became the basis for his edition.<sup>256</sup>

Questions regarding authorship, dating, and circumstance of the unique text have as yet found no decisive resolution and continue to vex those who wish to find one. Enigma begins with the very first words of the title, *Sacrum commercium*, all but untranslatable into modern languages.<sup>257</sup> Matrimonial connotations appear to be a result of subsequent interpolation based among other things upon passages such as *VbF* 7 and Dante's *Paradiso* XI. In the former account, Francis proclaims that he will take a bride nobler and more beautiful than any has ever seen, and she will surpass the rest in beauty and exceed all others in wisdom. The bride in the account remains strangely unnamed.<sup>258</sup> Dante's elegant, albeit somewhat more romanticised, rendition narrated by Thomas Aquinas has Francis engaging in a mystical mar-

<sup>253</sup> The Dante scholar Edoardo Alvisi unearthed the manuscript and brought it to the attention of scholars occupied with Franciscan topics. S. Brufani, 'Excursus,' in *Sacrum Commercium sancti Francisci cum Domina Paupertate*, S. Brufani, ed. and trans. (*Medioevo Franceseano. Testi 1*. Collana diretta da Enrico Menestò).

<sup>254</sup> *Sacrum commercium sancti Francisci cum Domina Paupertate*, a cura di S. Brufani (S. Maria degli Angeli: Edizioni Porziuncula, 1990). This edition formed the basis of the *FF* edition, also executed by Brufani, which is the edition used in the current study.

<sup>255</sup> *Sacrum Commercium S. Francisci cum Domina Paupertate*, Quaracchi 1929. Cf. M. Bigaroni, OFM, 'Sacrum Commercium sancti Francisci cum Domina Paupertate, Nuova edizione critica,' in *AFH* 86 (1993): 99-103; Cusato, 'Introduction,' 846.

<sup>256</sup> Assisi, Biblioteca storico-francescana di Chiesa nuova, 2. The text is a copy originating from the 13th/14th centuries.

<sup>257</sup> Some translators render a simplistic title with words corresponding directly to the Latin, such as the French "Commerce sacré" or Italian "Sacro commercio." L. K. Little also opted for "The Holy Commerce," citing a 14<sup>th</sup> century author who named it "The Business of Poverty." See: *Religious Poverty and the Profit Economy in Medieval Europe* (Ithica: Cornell University Press, 1978), 200. Similarly, Rawnsley chose the title "The Converse of Francis and his Sons with Holy Poverty" for his 1904 translation. Others, such as the editors of the American or German editions, have opted for titles more faithful to original meaning, for instance „The Sacred Exchange“ (*FA:ED*) or "Der geheiligte Bund" (*Franziskus-Quellen*, 660-685). A. van Corstanje also chose "covenant" in his *The Covenant with God's Poor: An Essay on the Biblical Interpretation of the Testament of Saint Francis of Assisi*, trans. G. Ready (Chicago: Franciscan Herald Press, 1966). For a reflection on the various possible meanings of the Latin *commercium*, see: Cusato, Early Documents commentary. Significantly, K. Esser and E. Grau argue that the lack of "Brautmystik" typical of High Medieval spiritual motif disqualifies the traditional rendering "The Mystical Espousals," "Die mystische Hochzeit," "Les noces mystiques," or "Mistiche nozze" induced by connotations of the two variants *dipsensatio* and *desponsatio* and likely also due to the influence of Dante Alighieri's romantic rendering in his *Paradiso* XI. See: Esser, 1964, 82 & K. Esser, 1972 (1966), 9 and E. Grau, 'Das *Sacrum commercium* sancti Francisci cum domina paupertate. Seine Bedeutung für die franziskanische Mystik,' in: K. Ruh (ed.), *Abendländische Mystik im Mittelalter. Symposium Kloster Engelberg 1984* (Germanistische Symposien 7), Stuttgart 1986, 269-285, here 271. Brufani appears to be in agreement with Esser's indications and the rendering of the title as *Sacra alleanza* in Italian. Cf. 'Introduzione,' 1695.

<sup>258</sup> The passage seems to imply that Francis is to wed the Gospel, although it may be argued otherwise.

riage. Hence authors traditionally wedded the two accounts in the interpretation of *Sacrum commercium*. The enigmatic nature of the work does not, however, end there.

While scholars tended to posit a probable date of 1227,<sup>259</sup> S. BRUFANI's analysis furthered discussion from a philological perspective.<sup>260</sup> The first of two manuscript branches, determined by Brufani as the weaker of the two, contains seven manuscripts. All but one bear a date of 1227 in a rubric suffix but list no author,<sup>261</sup> although consensus has shifted in recent decades against the plausibility of such an early date.<sup>262</sup> Meanwhile, the six witnesses belonging to the other branch – with one exception – offer no clue to chronology and diverge between Anthony of Padua, Crescentius of Jesi, and John of Parma as author.<sup>263</sup> Other authors, the object of subsequent proposal, include Brother Leo, Thomas of Celano, John Parenti, John Pecham, and Caeser of Speyer.<sup>264</sup> Since ESSER published the results of his detailed studies, scholars have come to terms with the ultimate insolubility apropos date and author.<sup>265</sup> Due to the abstract, allegorical nature of the *SCom*, it does not lend itself to easy chronological situation.

Both in theology and in tone, the *SCom* presents itself upon internal analysis as an operatic piece of literature marked by allegorical complexity and mettle, but also polemic.<sup>266</sup> As a consequence, theories regarding *Sitz im Leben* in the plight of conflict, be it within or without, have emerged in recent decades of scholarship and fall largely into two camps. At the

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<sup>259</sup> He expressed such notions most clearly in his introduction to the 1904 English language translation. P. Sabatier, 'Les noces mystiques du S. François avec la Pauvreté,' in: *Sacrum Commercium: The Converse of Francis and his Sons with Holy Poverty*, trad. C. Rawnsley, London 1904, III-XIII.

<sup>260</sup> *Sacrum commercium beati Francisci cum domina Paupertate*, ed. E. D'Alençon, in: *Analecta Ordinis Minorum Cappuccinorum* 15 (1899): 158-60, 186-89, 212-16, 249-52, 276-87, 309-17; 16 (1900): 18-30, 50-7, 90-3, 109-17, which was then published in one piece *Sacrum commercium beati Francisci cum domina Paupertate opus anno Domini 1227 conscriptum ad fidem variorum codicum Ms. adiuncta versione italica inedita*, Roma 1900.

<sup>261</sup> *Actum est hoc opus mensae iulii post obitum beati Francisci anno millesimo ducesimo vigesimo septimo ab incarnatione Domini Salvatoris nostri Iesu Christi.*

<sup>262</sup> A. Marini retains the 1227 date and argues for its plausibility. See: Valori evangelici e senso storico nel <*Sacrum commercium Santi Francisci cum domina Paupertate*>, in: A. Marini – M. Bartonli, *Il <Sacrum commercium> del beato Francesco con madonna Povertà*, Vicenza 2003, 9-61. For his argument, see especially pp. 21-59.

<sup>263</sup> *Sacrum commercium*, (ed.) Brufani, 20, 50-2. The same author refers to the manuscripts upon which the names appear that they "occupano nello stemma posizioni disparate, tali da non permettere ipotesi fondate sull'attribuzione." 'Introduzione,' *FF* 1696.

<sup>264</sup> In 1899-1900, E. d'Alençon adjudicated John Parenti as the work's author on the basis of four testimonies. See: *Sacrum commercium*, ed. E. d'Alençon, 1899-1900. P. Sabatier once proposed brother Leo as the writing's author, placing it in the context of 1227. See: Sabatier, 1904. Cusato argues for the case of Caeser of Speyer. See: *Dissertation and Early Documents commentary*.

<sup>265</sup> K. Esser, 1972 (1966), 9.

<sup>266</sup> Other significant studies in the developing reflection on the work and its theological significance include U. Cosmo, 'Il primo libro francescano,' in: Id., *Con Madonna Povertà, StudiFran*, Bari 1940, 33-58; A. Van Corstanje, *Un Peuple de Pèlerins*, Paris 1964; K. Esser, 'Untersuchung zum Sacrum Commercium beati Francisci cum domina Paupertate,' in: *Miscellanea Melchor de Pobladora*, I, Roma 1964, 1-33; & K.Esser-E.Grau, *Der Bund des heiligen Franziskus mit Herrin Armut*, Werl/Westfalen 1966, 87-165.



forefront of the first group, Brufani views the *SCom* as a conceptual precursor to such texts as Bonaventure's *PerfEv* and *TribQu* and situates the writing in the nascent conflict between secular and mendicant masters at the University of Paris that erupted at mid-century and would sustain into the 1270's.<sup>267</sup> He thus appears to favour John of Parma as prime candidate for author.<sup>268</sup> F. ACCROCCA has suggested the possibility of a theologian closely linked to John of Parma.<sup>269</sup> *SCom* may be somewhat lacking in refinement and scholastic delivery.

Nevertheless, argues the Umbrian scholar, there are consonant points between the Christological overtones of poverty's salvific value in *SCom* and lines of thought typical of the period of scholastic debate regarding the legitimacy of the order as an ecclesiastical entity by virtue of its extraordinary calling to poverty and thus linkage to Christ. Focal point of the two streams of legitimacy is Christ. Spearheads of the other camp are FLOOD and to a greater extent CUSATO. Via a series of articles,<sup>270</sup> Flood's convincing re-assessment of the *SCom* as a text relevant to the 1220's and 1230's has made a plausible case for an earlier date and circumstance by appealing to the politics involved in the order following the death of its founder and the attempt to express in a compelling, intelligible manner the consciousness of the early movement in the face of charismatic compromise.

On the heels of FLOOD, CUSATO has taken indications available in authors both medieval and modern and built a sort of character profile for the text's composer. The brother, whom he believes best fits the profile, is none other than Caesar of Speyer, a cultured, well-versed theologian, yet committed to the rigour of primitive eremitism and immersed in the romantic ideal behind it. Based on internal evidence, he situates composition to 1235-38 in the context of three phenomena perceived by some as an affront to the primitive ideal; namely, the promulgation of the bull *Quo elongati*, Elias of Cortona's generalate, and the construction of the immense *ecclesia specialis* complex in Assisi, due not only to the placement of Francis' remains within, but also to the official title as *caput et mater ordinis* and the presence of a friary wing inside. Caesar, thought to have had a propensity for the idyllic life of solitude

<sup>267</sup> Brufani, 'Introduzione,' *FF* 1698-1703.

<sup>268</sup> Given that the two most frequent names attributed in the Mss. are those of Anthony of Padua and John of Parma, Brufani advanced a timid hypothesis that the author was John of Parma, a theory concordant with that of previous authors. Alvisi, Cambell, & Desbonnets. Cf. M. Bigaroni, 103.

<sup>269</sup> F. Accrocca, "*Viveva ad Assisi un uomo di nome Francesco*": *Un'introduzione alle fonti biografiche di san Francesco*, Padova 2005, 90-91. He states, "Forse la cosa più logica è pensare allora a un teologo (l'autore del *Sacrum commercium* mostra peraltro di possedere una piena conoscenza della Scrittura) dell'*entourage* di Giovanni, che con lui condivide idealità e convinzioni."

<sup>270</sup> D. Flood, 'The domestication of the Franciscan movement,' *FranzStud* 60 (1978): 311-327; Idem., 'The Politics of *Quo elongati*,' D. Covi & F. Raurell (eds.), *Metodi di lettura delle fonti francescane*, Roma 1988, 370-385; *Poverty's condition: a reading of the Sacrum Commercium*, Chicago 1990; & Idem., 'The *Sacrum commercium* and Early Franciscan History,' *Haversack* 1, 1 (1977): 13-6; 1, 2 (1977): 18-21; 1, 3 (1978): 17-20; 1, 5 (1978): 15-25; 1, 6 (1978): 19-23.

outlined in *RegEr*,<sup>271</sup> had been given permission to retreat to the quiet of eremitical seclusion fostered in a small tributary of the movement, dedicated to rigorous observance of the rule in light of the rule for hermits. Necessary evidence has accumulated to posit a plausible case for Caeser of Speyer's authorship. It is difficult to say with greater precision. An earlier chronology of the work is nevertheless preferable.

## 2. Thematic-theological Analysis

### *Sacrum Commercium as Recall to Charismatic Spirit and Minorite Counter-Culture*

If one posits a *Sitz im Leben* of 1235-38, the struggle to define a definitive Minorite identity was quite present due to the events that had occurred in previous years. Questions remained similar to those stirring controversy and unrest in Francis' final years, though now entailed a supplementary element regarding elicited papal declaration. Did their rule, in particular now with *Quo elongati*'s absconding of the *Test* and alteration of regular injunctions, correspond to the charismatic ideal? Were those said to be the guardians of the brothers' souls and upholders of just such an ideal prepared to fulfil their duty? The *SCom* would issue a series of discrepancies, however allegorical. Its author crafted a fine-tuned response to the perceived affront on the charism, to which influential endeavours and trends even from within the movement itself had lead and would continue to lead, as suggested.

No mistake ought to be made about it; there were most certainly misgivings concerning the direction of the order, one may say the brothers' obedience, both collective and individual, to their God revealed charism. The *SCom* played into the pattern of resistance to emerging institutional developments. Neither the Latin substantive *obedientia*, nor its verbal counterpart *obedire* appear in the lines of the *SCom*. The work therefore serves as an interesting litmus test for the current study's wider theoretical framework. Had a shift in the hierarchy of values once again transpired or did the *SCom* attempt to alter the grammar of the argument? On the face of it, the *SCom* affirms poverty above all. Poverty is the "queen," "foundation and custodian of all virtue" (1 & 16). Poverty was the language for their recall to the primitive ideal, to proper obedience,<sup>272</sup> because poverty was also the name of its betrayal. Chief among correlative factors is the infringement of pauperistic prescriptions in the rule. The *SCom*, then, engenders issues of regular interpretation. Thus in a subtle manner, that is

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<sup>271</sup> Cusato substantiates such a thesis in his analysis of others sources, including *EpMin*.

<sup>272</sup> *SCom* 5, 13 (*FF* 1711) initiates an obedience motif directed at the broader notion of charism when it reads, *Arta est via, fratres, et angusta porta que ducit ad vitam, et pauci sunt qui inveniunt eam. Confortamini in Domino et in potential virtutis eius quoniam facile erit vobis omne difficile. Deponite sarcinas proprie voluntatis et onera peccatorum abicit et accingimini tamquam viri potentes.*

without mentioning the rule, the *SCom* endeavours to set up the rule more or less in light of the *Test* and thereby also *RegNB* as outlined guide to charism.

If *Quo elongati* turned the *Test* into a paper weight, an ephemeral fixture to the Minorite normative domain, the *SCom* sought to unveil what *Quo elongati* had palliated under the guise of regular clarification; namely, the sanctioned relaxation of regular observance and thus the partial abandonment of the charismatic spirit with particular regard for poverty. Thus, in part the *SCom* represents an attempt to capture and reiterate that *altissima paupertas* so dear to Francis and the early movement, an attempt that nevertheless whether consciously or unconsciously reframes the issue on its own terms. In addition, whether the brothers were willing to acknowledge it or not, the *Testament* had created a terrible conflict for those eager to follow the will of the founder and adhere to the charism. Strict observance of the rule meant obedience to the will of Francis. Obedience to Church also meant obedience to the will of Francis. Since the ‘exemplified Francis’ of the zealous brothers, whose camp *SCom* represents with somewhat romantic tones, was the ultimate mediator of God for the order’s correct path, the rule became the vehicle for accomplishment of God’s will, as Francis had enshrined it in his *Test*. With the abrogated the *Test* and relaxed poverty norms conferred by *Quo elongati*, an official papal declaration, the only option of legitimate protest was to write in allegorical form in favour of strict observance. Open protest attracts unwanted attention and scrutiny and invites trouble in an unfavourable manner. *SCom* thus scrambled the grammar of the Minorite obedience argument. Poverty became the language of their obedience. It constituted an artful attempt to get others to realise what was at stake in the order’s recent developments that had abandoned the brothers’ calling and compromised their identity. One may deduce the high theological implication of the work from the concept of covenant that *SCom* appears to attribute to observance.

While not explicitly, cataphatically about the *Testament*, the *SCom* signals the immense significance attributed to *Testament*, which would prove a covenantal significance. In addition to passages consonant in theme and content,<sup>273</sup> appeal to a key passage regarding Christ’s covenant (*Testamentum Christi*, Cg. IX) provides a suggestive reference to Francis’ *Test* and a covert statement that the movement’s very charism was at stake. The *SCom* thus proposes a reading of Francis’ *Testament* through Christ’s own *Testament*. Also, a Mosaic motif of wandering the desert followed by the covenant and directives to live in material pov-

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<sup>273</sup> *SCom* 6, 6 (FF 1711) is reminiscent of *Testament*’s *exire de seculo* when it declares *Beati pauperes spiritu, quoniam ipsorum est regnum celorum* and then v. 8 reads, *regnum tuum non est de hoc mundo*. Moreover, 27, 11-6 (FF 1727) contains a reference to spiritual fervour by gustatory motif contrasting bitter and sweet and thereby echoing Francis’ account of the leper.

erty link the unique significance of *Test* to poverty and in particular poverty norms in the rule.<sup>274</sup>

Detectible parallels to the *Testament*'s call to Gospel living (*vivere secundum formam sancti Evangelii*) supplement such an interpretive perspective. In such a manner, the *SCom* entails a diverse portrayal from that in the *Sermones* by Anthony of Padova, which presents a faceless, canonical-monastic vision of obedience supported by penitential theology and strictly hierarchical ecclesiology. *SCom* centres on the charism, Francis, and the spirit of the early movement. *SCom* contains nothing about hierarchical structures of obedience; its focus is rather the movement's charismatic paradigm and how it relates to codified normative structures (Gospel-Rule). The *SCom* proposes a charismatic view of normative anchors – what one may designate a critical stance toward obedience –, such that a prioritisation from left to right leading from Gospel to hierarchy would take on such an appearance – Gospel-rule-Church-hierarchy. Anthony's *Sermones* show another preference, represented graphically as Gospel-Church-hierarchy-rule.

Observance of poverty, a vital, neglected element of the rules and the charism forged by the early movement, amounted to obedience to God's will in the way of Francis and the primitive movement in virtue of God's extraordinary calling for the Minorities. *SCom* is not the product of some abstract spiritual substrate, nor is it a fit of whimsical nostalgia about the early years; rather, it is a theological, melodramatic take on strict observance of the rule that by now was their own and of the *Test*, the definitive charismatic statement, which read the rule in light of the *RegNB*. It was part of a polemic against the tendency of regular relaxation legally enabled by *Quo elongati* and principally encouraged by those who live in indiscriminate manner and without regard for Francis or the charism to which he pointed, *Testament*, or the rules. Thus, in such a way, *SCom* appealed to Francis as a transcendent source of legitimacy and immanent agency of God's will for Minorite identity. It did so, however, within a fraternal context. More follows on the topic below.

The *SCom* issued a recall in much the same spirit as the *Test*, though its harsh critique comes forth in various shades and nuances. The obscure and enigmatic nature of the source material has contributed to the difficulty for scholars in situating its direct context. Scholars have tended to underestimate the normative, legitimising character of the *SCom*, frequently categorising it as a brand of visionary literature. Regardless of the work's visionary and polemical content, it endeavours to call to mind and codify an experience. The *SCom* is thus not

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<sup>274</sup> *SCom* 8, 26-9 & 9, 1-6 (*FF* 1715-6)

primarily a visionary text; it is rather a narrative work with normative import. Its purpose is ultimately that of a paradigmatic recall to charism, albeit in somewhat abstract terms.

*SCom* thus provides a dialectical counterweight to declarations of *Quo elongati* by attribution of covenantal importance to the *Test* and supplying a fraternal context to the early movement and its charism. The personal focus of *Mira circa nos* and *Quo elongati* upon Francis shifts in *SCom* to Francis and the brothers as the courtiers and recipients of the charism personified in *domina paupertas*. Lady Poverty, supplies the narrative thread, which draws the story together, is the personification of virtue, not Francis. The author shows himself somewhat against the cult of Francis, in particular when it obscures Minorite *sequela Christi* in the charismatic spirit. Nevertheless, the group of companions is the subject interlocutor of the discourse, not Francis. The *SCom* thus also highlights the fundamental choice of *sequela Christi* and the manner in which it outweighs the *sequela Francisci*, and transforms it into a collective effort, a *sequela Minorum*.

In effect, the *SCom* grants evangelical authenticity and dignity to the way of life preferred by the eremitical faction and in a slightly roundabout fashion also their strict observance of the rule. It is thus also precursor somewhat to *DeInc* with its emphasis on the charismatic force of the entire movement as opposed to the singular importance of Francis. In fact, as MERLO and MESSA indicate, intense discussion ensued in the wake of *Quo elongati*, which rekindled internal dispute as old as the movement itself between adherents of two tendencies, those who preferred urban life, and those who preferred eremitical life.<sup>275</sup> It is thus salutary to situate the work in the context of the reissue of *Cum secundum consilium* in response to the eremitical torrent of order. Significantly, the brothers listen to, acquiesce to, and follow in the footsteps of a feminine figure, reminiscent of *RegEr*.

Moreover, CUSATO's proposed *Sitz im Leben* outlined and supported here with additional evidence invites implications that suggest that the *SCom* also constituted a recall of those living out the idyllic reality of *RegEr*, those faithful adherents of the charism who reflected day and night on seeking first the kingdom of God and his justice. The Matthean biblical allusion employed here invokes eschatological urgency to render present the kingdom, for the wider pericope on discrete prayer and the 'Our Father' and giving no thought for the morrow contends and justifies the brothers' solitary yet solidary existence in interiorising and bringing forth God's reign at their own expense. Evidences tension between those who

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<sup>275</sup> G.G. Merlo, 'Eremitism in Medieval Franciscanism,' in: A. Cirino & J. Raischl (eds.), *Franciscan Solitude*, St. Bonaventure 1995, 265-82. P. Messa, *Tra vita eremitica e predicazione: il percorso di Francesco d'Assisi e della sua fraternità*, Assisi 2009. *VbF* 35: *conferebant ... utrum inter homines conversari deberent, ad ad loca solitaria se conferre*.

wished to leave the world and live in it only *sicut advene et peregrini* (*Test*) and those who saw no conflict between ecclesiastically sanctioned ministry and certain worldly comforts. *SCom* thus delivers a charismatic response to contrived poverty of *Quo elongati* based upon juridical distinctions.

### *Ecclesial Obedience*

Though not rendered explicit, the work also implied ecclesiological consequences. With particular emphasis upon poverty, it underscores the exceptionality and universality of the Minorite calling in a fashion that would ostensibly usurp the Church's authority and its necessity for salvation, all the while noting the 'falling short' of prior religious traditions, a reinforcement of the movement's avowed, yet short-lived rejection of traditional monastic components in their life, which was likewise subversive. It called for the rejection of corrupt appeals to traditional authority. Given the *SCom*'s implicit rejection of papal interdict, it constituted a critical response to external, rule-altering decrees. The writings appears to relate to a principle first uttered by the *expositio* of 1241/2, which carefully considers the limits of unquestioning obedience to the Church where it would contravene true obedience to the rule. In addition to the utmost insistence upon the movement's fraternal origins and the charism, the hint of subversion to the Church sets the *SCom* apart from other writings of the period.

### **Chapter Conclusion**

As the study has shown, while Martin Luther's critique vis-à-vis the conception of obedience fostered by Francis and the early movement was wholly unwarranted, it appears that certain of his thoughts were not so far astride from opinions held by those who were given a voice in the era just after his death. Conceptions of obedience in the era referred to as institutional interlude were subject to variety of factors. The authors and texts examined in the study employ a similar lexicon to that of the writings of Francis and the early movement (*Caritas, oboedientia, humilitas, paupertas*). However, due to shifting interests in the order, traditional monastic and canonist concepts began to seep into the order's discourse. Francis became a veritable mouth piece for various agenda. Francis is their link to both Gospel and Church. Difficulties in interpretation regarding the heredity of Francis and the early movement came to a head in Thomas' *Vita beati Francisci* and Gregory IX's bull *Quo elongati*. Mapped out with the *Test* in mind, *VbF* proffered a semi-compatible representation of charismatic meaning. *Quo elongati* curtailed the *Test* and made official a juridical interpretation of the rule and an initial phase of legal marginalisation. A pattern of resistance to institutional developments is perceivable in Elias' reticence to accept emerging changes, the retreat of

companions, and the anonymous *Sacrum commercium*. The latter instance constituted a recall to the charism with at times veiled, at times overt usurpatory ramifications. *Legenda ad usum chori* and *Legenda umbra* also put forth a liturgical image of Francis, which was relatively distant and of limited imitability. Julian of Speyer's *Rhythmic Office* enhanced performability vis-à-vis the 'prayed Francis.' Meanwhile, a second hagiographical effort by Julian (*VJS*) presented a more abstract, theological image of Francis sanctioned a departure from the centrality of obedience with its stress upon the virtue of *perfectio*. In general terms, as the claim to Gospel authenticity became more distant and remote in charismatic terms, the claim to ecclesial authenticity abided.

## New Laws, Old Theologies: Obedience in the Age of Institutional Rewrites

[Rewriters] owe what is probably one of the first statements on the “doctrine” of rewriting in Latin literature to St. Augustine. When faced with the fact that a fair number of passages in the Bible could ... not be said to correspond too closely to the behavior [that] the ... Christian Church expected from its members, he suggested that these passages should, quite simply, be interpreted, “rewritten,” until they were made to correspond to the teachings of the Church. (...) Augustine’s situation is exemplary for all rewriters.<sup>1</sup>

In his dynamic, thought-provoking volume entitled *Translation, Rewriting, and Manipulation of the Literary Frame*, postmodern literary and translation theorist André LEFEVERE<sup>2</sup> investigates the question of rewriters and the systemic constraints consequential to the production of their work. A prominent overarching theme of the current period with regard to texts is that of rewriting, or—so to speak—translating something into a new language. In the case of narrative sources (*DeInc*, *3Soc*, *CAss*, *Memoriale*) rewriters endeavoured to retell the story of Francis and the early movement, in effect furnishing a rewritten account of the entire significance of the order so bound to the image of its founder. The authors’ composition of rewritten norms in normative texts (*Pre-Narbonne Constitutions*, *QuatMag*, *ExpHug*) reconstructed the axiomatic grid, which dictated procedure codified at times in relationship to the rule, at times less so. They thus rewrote the rule. Liturgical sources (*LChor*) retold the story of Francis for to the purpose of prayerful and reflective recitation and consideration in a communal context. In the theological and instructional category, rewriters conceived and theorised anew systematic thought (*Summa Minorum*) and restandardise the discourse of novice initiation (*De Compositione*). The cultural narrative was thus retold, recodified, and retheorised. It was an age of complete institutional rewrite.

While the principles tersely outlined here apply in similar measure to the other periods covered in the study and while it remains true that all literature is some ways always a *re-scriptio* and that writers are already more often than not also rewriters, the period at hand aligns with a systemic analysis of rewriting with unique explanatory potential. In the earliest days of the movement outlined in the study’s initial chapter, the oral tradition was at least as

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<sup>1</sup> A. Lefevere, *Translation, Rewriting, and Manipulation of the Literary Frame* (referenced hereafter as *Trans.*) (Routledge, 1992), 7.

<sup>2</sup> Other of Lefevere’s fascinating more theoretical writings comprise: A. Lefevere, ‘Why waste our time on rewrites? The trouble with interpretation and the role of rewriting in an alternative paradigm’, in: Theo Hermans (ed.), *The Manipulation of Literature: Studies in Literary Translation* (London & Sydney: Croom Helm, 1985); Idem., *Translating Literature: Practice and Theory in a Comparative Literature Framework* (New York: MLA, 1992); & Idem. With S. Bassnett, *Constructing Cultures* (London: Multilingual Matters, 1997).



important as the written word. As Lefevere notes, “[l]iterary systems that rely on the spoken word tend to be much more rigid and conservative than literary systems that rely on the written word, simply because there is no opportunity to ‘go back and check’ at a later time: once the word is spoken, it is gone.”<sup>3</sup> With the growth and expansion of the order and as the written word grew in importance, the early precedence of the spoken word was then gradually overtaken by that of the written word. However, since the earliest writings were all produced under the scrutiny of the charismatic leader, the dependence on the spoken word simply took on a new form that nevertheless still had an intimate connection with the movement’s charismatic core.<sup>4</sup>

Literature produced in the period of the second chapter catered more to the audience with occasional outright imposition of external constraint, whereas constraints of the internal institution emerge more overtly in the period bridging 1239-1257. As such, textual sources functioned more as an extension of immanent institutional concern. The purpose of the present extended introduction is to examine the textual sources with particular emphasis on their interrelation with the textual community and more specifically the literary system that produced them. In an attempt to do so, the present study makes appeal to LEFEVERE’s work as a means to garner insights into the present section’s literary landscape and the sociological dimension with respect to the process of its coming about.

Inspired and informed by the systems theory of Russian Formalists,<sup>5</sup> LEFEVERE’s reflection on the form and function of literary systems is concerned with rewriters more so than with everyman interpreters, as such. His title somewhat betrays the underlying motive of his theory; it is laid plain in the phrase ‘the manipulation of literary frame.’ Rewriters determine what non-professionals – the everyday readers/hearers and performers of the texts – read and thus wield control over the broad cultural narrative. The theoretical force of his investigation may perhaps be best punctuated with a question. ‘What are the systemic constraints that condition literary production?’ A system of literary production constitutes a “process resulting from acceptance or rejection, canonization or non-canonization,” which “is dominated not by interpretation” but by factors related to power, ideology, institution, and manipulation.<sup>6</sup>

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<sup>3</sup> *Trans.*, 27.

<sup>4</sup> *Trans.*, 28. He states, “In literary systems that rely on the spoken word, works of literature are intricately bound up with the identity of the community as such.”

<sup>5</sup> He employs synthetic citation from the work of Peter Steiner, who asserts that such an approach views culture as a „complex ‚system of systems’ composed of various subsystems such as literature, science, and technology. Within this general system extraliterary phenomena relate to literature not in a piecemeal fashion but as an interplay of the subsystems determined by the logic of the culture to which they belong.“ *Russian Formalism* (Ithica and London: Cornell University Press, 1984), 112.

<sup>6</sup> *Trans.*, 2.

Hence, though both are within the scope of his study, his methodological aims favour the phenomenological significance of *scriptio* over that of *lectio*. That his theoretical comments support the ultimate aim of analysis regarding translation as a form of rewriting is clear. It nevertheless fits the sociological bill of rewritten phenomena. All the same, present deliberations regard the rewriting community slightly more so than the interpretive community.

As LEFEVERE suggests, rewriters flourish in an environment of institutional control, and the factors influencing them reflect the particular system at the behest of which they perform their duties. As a system, literature is ‘contrived’ but not ‘deterministic,’ as it consists of objects (texts) and agents who read, write, and rewrite them, but it is not autonomous or capable of eliminating the freedom of individual agents. A literary system functions rather as the consequence of a series of constraints.<sup>7</sup> Such constraints may take a twofold form, the first regards ideology, the second poetics. Both kinds of constraints are operative in a literary system and delimit the parameters within which a rewriter works.

Given that culture for the Russian Formalists comprises a complex ‘system of systems,’ of which literature is but a subset, culture or society is thus the vast environment of a literary system.<sup>8</sup> As systems, literature and extraliterary phenomena remain open and receptive, one to the other, and are prone to interact and therefore exert mutual influence. Two ulterior forces impinge upon a literary system and ensure that it remains in step with a culture’s other subsystems and their dominant currents. Internal and external parameters are set upon a literary system in the form of professionals, that is, the rewriters, and those who set the parameters, or patrons. Internal to a system, professionals – as masters of their craft – “possess a monopoly of competence in their particular field,” which “lends its practitioners their authority and status.”<sup>9</sup> Professionals are able to influence literary systems in that they may pursue to determine the dominant ideological and poetological currents by selective favour and opposition to certain constraints.<sup>10</sup> Externally, patrons (individuals, groups, institutions) represent the repressive forces that can “further or hinder” the manner in which literature is read, written, and rewritten.<sup>11</sup>

Given that all textual sources of the period were either written by or for authoritative figures in the order, the matter of patronage is imperative. Two distinct kinds of patronage exert control over a literary system, each of which entails a specific combination of three

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<sup>7</sup> *Trans.* 12-3.

<sup>8</sup> *Trans.*, 13.

<sup>9</sup> *Trans.*, 14. Here, Lefevere cites Max Weber.

<sup>10</sup> *Trans.*, 14-5.

<sup>11</sup> *Trans.*, 15.

components, ideological, economic, and status-based.<sup>12</sup> The ideological component regards the dictation of form, theme, and convention that orders human action. Patrons may also be responsible for ensuring the economic welfare of their professionals by way of compensation. Finally, the status-based component regards that “[a]cceptance of patronage,” which “implies integration into a certain support group and its lifestyle....”<sup>13</sup> The first kind of patronal control, undifferentiated, consists in a single patron who dispenses and determines the three indicated components.

Conversely, a differentiated patronage entails a circumstance in which the economic component is relatively independent of factors regarding ideology and status and thus comes to bear on them to a lesser extent. With the objective of social and political containment, undifferentiated patronage operates by maintaining the stability of the social system. The literary system must produce in support of their patron’s stabilising aims and of the dominant cultural myths that form the basis of their power. Any other literature that opposes, or is even perhaps merely neutral to, the stabilising and legitimising cultural narrative, which it is their duty to uphold, risks being viewed as dissident<sup>14</sup> in nature and thus enters a stream of literature against which the powers-that-be will struggle.

LEFEVERE’s conception of a literary system with undifferentiated patronage lends valuable insight to the institutional developments that began to form and solidify and of the literary output produced in the Minorite order during the time period discussed in the current chapter. His theories are particularly pertinent provided two specifications to the Minorite microcosm. Firstly, the task at hand requires an expansion of the economic component of patronal influence from a restrictive concept of monastery dependence to a broad sense of general wellbeing within a closed system, provided that one is willing to allow for the relevance of other sorts of currency, as it were. Secondly, it requires calibration for the relative inflexibility in poetics proper to the medieval period, in particular relative to the modern era that LEFEVERE attempts to characterise. To be labelled a dissident or to in any way upset the social order within the Minorite movement was to invite potential expulsion from religious life, imprisonment, or potential excommunication; more broadly, to do so in the Church was to court eternal damnation and possibly even an unspeakable death. A few words on codification and the poetological components should round out the theoretical approach to the topic and

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<sup>12</sup> *Trans.*, 16.

<sup>13</sup> *Trans.*, 16.

<sup>14</sup> Dissident here should not refer here to expressly to those who rebel by their opposition. Rather, it should be understood within a more expansive realm of possible means of undermining a prevailing order.

foster a two-fold analysis based on the interrelation of patronal and poetological constraints. Over time, poetics begin to take on a life of their own and appear as the norm.

Here, the inventory and functional components of a poetics come into play. The inventory component of a poetics is less subject to ideological regulations once a normalisation begins to set in and therefore represents a conservative influence within the literary system and bears on “the ways in which a theme can be treated.”<sup>15</sup> The functional component, on the other hand, remains susceptible to direct influence from external constraints from above and thus exerts an innovative influence on the system of literary production.<sup>16</sup> The themes discussed serve as the primary outlet of such influence. He writes, “[p]articlar themes tend to dominate certain periods in the evolution of a system.”<sup>17</sup> Both the possible themes treated, chief among which in the Minorite case is certainly obedience, and the manner in which they may be treated, that is, their poetics, were subject to a host of constraints that become evident in the study that follows.

The *Vita beati Francisci* by Thomas of Celano (the order’s primary professional) supplied the poetological axis of orientation in the prior period, as the writings of Francis and the early movement had done before that. In the wake of the bull *Quo elongati* and when it became time for revision of the system’s literary production (*Memoriale*), the boundaries of the literary system were redrawn according to the dominant ideological current; the ideological constraints thus asserted themselves, allowing the dismissal and full integration of its predecessors.<sup>18</sup> Intrinsic to poetics, Lefevere points out, is a tendency to proclaim absoluteness and to deny or rewrite the previous history.<sup>19</sup> Once established, the new poetological order dictates the boundaries of what constitutes an acceptable rewriting in a literary system, “what is in and what is out,” but it frequently does so in an ahistorical manner.<sup>20</sup>

And so it is that by means of influence exerted on the functional component of a dominant poetological current and via the poetics’ own internal dynamics, the ideological begins to breach the sphere of the poetological, penetrating the selection of themes and in part also their treatment. Such a pattern bears out in intertextual analysis; the consequence of its influ-

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<sup>15</sup> *Trans.*, 34.

<sup>16</sup> *Trans.*, 33-4. “Themes and, to a lesser extent, the functional component of a poetics exert an innovative influence on the literary systems as a whole, whereas the inventory component of the poetics tends to exert a more conservative influence, which also affects the way in which a theme can be treated.”

<sup>17</sup> *Trans.*, 34.

<sup>18</sup> *Trans.*, 31. “...the real boundaries of literary systems tend to be drawn by their common ideology, often extended through conquest or imposed by authority, or by a succession of ideologies social systems have evolved or are able to accommodate simultaneously.”

<sup>19</sup> *Trans.*, 35.

<sup>20</sup> *Trans.*, 36.

ence is particularly detectable in *Memoriale* and in the last chapter in the works of Bonaventure. The present study represents a concerted attempt to bring clarity to the thematic evolution of obedience and with any hope play into Lefevere's sociological scheme of literary production. The study provides at the very least an illustration of the manner in which a literary system rearranges a set of themes and grants them new priority according to the dominant ideological current and the dominant cultural narrative.

During the phase of institutional interlude (Ch. 2), the internal representation of literary sources came about with the interests of the brothers and in part also the charisma in mind and did so in the course of questionable stability of the institution and social order. The output of literature in the current period displays a much more firmly established institutional motive, which corresponds to the gradual setting of the institutional cement. Nearly all texts were composed to be read aloud in a communal context or intended for a wide readership. The liturgical legend *LChor*, which rewrites the image of the 'prayed Francis' for to the purpose of communal recitation on the feast of the saint is a prime instance of a likely institutional motive and of an innovative effort to dictate the dominant poetics to an end that suits the institution's interests. The account of Francis' encounter with the seraph and his concomitant stigmatisation assumes a heretofore unprecedented posture. The absolute immediacy with which Francis comes into contact with the cruciform celestial being and the extraordinarily miraculous nature of the event underscore the institution's desire to bolster devotion to the cult of Francis, but more importantly their need to propagate a specific and vivid image of the saint that might redouble the order's claim to evangelical validity and thus increase their legitimacy in the eyes of the Church and other orders.

On the point of patronage and the reconstitution of a literary canon, in the aftermath of Elias' deposition a sort of revolution began to transpire in the order, which was not *de facto* of a popular nature, but instead regarded a change of hands that followed with sweeping alterations to the order's internal framework. Having been sparked and in part brought on by the 1230 bull *Quo elongati* among other factors, the revolutionary period witnessed reform in the order on a vast scale. Viewed from a pragmatic perspective, policy-makers enacted changes that were perhaps necessary for adaptation. However, the period also saw the victory of one cultural narrative over another. Analogous to the source categories in the present study, such alterations were of liturgical, hagiographical, normative, and theological character. If one may consider the present time period an institutional revolution and if LEFEVERE's assertion that institutions tend to undertake the reconstitution of a literary canon in the wake of revolution

holds,<sup>21</sup> then further analysis of the Minorite system of literary production may ensue with an all-the-more bolstered interpretive framework.<sup>22</sup>

As the Minorite institution became stabilised and relatively self-determining within the ideological constraints imposed upon it by the Church, its policy-making members began to redact internal legislation (*Pre-Narbonne Constitutions*). A major point of orientation, legislation is tantamount to an extension of the patron's institutional arm. Laws are the result of a direct codification of the dominant ideological current. Commentaries on the rule (*QuatMag*, *ExpHug*) may be viewed as commissioned attempts to check the pulse of the social order, reassure conflicted consciences, address legal pronouncements of external patronage (Church), and update the cultural narrative with regard to the rule, the order's original and at least in appearance primary codified framework. Such writings, in particular the constitutions, may appear today as treacherous in retrospect. Lefevere confirms the adage that rewriters, just as translators, are indeed traitors, but at once also argues that their rewritings seem natural to the author at the time – he tends to view his work in light of and as a consequence of the organic unfolding of history.<sup>23</sup>

A source written at the very outset of the period, *De Inceptione*, reflects the manifest inadequacy of a prior writing, or more specifically a difficulty in reconciling the erstwhile official literary fixture, represented in Thomas of Celano's writing of Francis and the early movement *Vita beati Francisci*, with the manner of living in the present relationship to Church and order. He writes, “[c]hange is a function of the need felt in the environment of a literary system for that system to be or remain functional.”<sup>24</sup> The author of *De Inceptione* thus rewrote the story in the attempts to reframe the cultural narrative as he deemed appropriate. As John of Perugia performed his rewriting prior to the institutional rewrite and not on official commission, he was at liberty to express the Minorite cultural narrative with particularly individual tone and was able to articulate both the need for a relevant narrative and the story that had heretofore gone untold.

Sensing the insufficiency of *VbF*, Crescentius of Jesi called for the gathering of stories on the life, deeds, and miracles of Francis at a 1244 chapter meeting, another instance of the institution checking the pulse of the social order. Crescentius' complicity in the issuance of the papal decree *Ordinem vestrum* substantiates the notion of an institutional motive in rewrites.

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<sup>21</sup> *Trans.*, 19.

<sup>22</sup> M. Lambert certainly has no difficulty in referring to the period as a revolution. He states, „It was a revolution, but the most striking changes were made after Elias' fall, in the new legislation whose first aim was to prevent any recurrence of his misrule.“ *Franciscan Poverty*, 89.

<sup>23</sup> *Trans.*, 13.

<sup>24</sup> *Trans.*, 23.

ing. Additionally, as LEFEVERE connotes, literary systems with undifferentiated patronage lend themselves to the formation of an elite coterie that subsists within the trajectory of the institutional heads of power structures. Thus, unsurprisingly, when it came to pass that the demand of a new official legend surfaced, the institution looked to Thomas of Celano. The collection of stories then made its way to Thomas with the expectation that he would compose a new official legend (*Memoriale*).

In such a fashion, ideological constraints oriented toward institutional interest exert, on the one hand, exclusive influence as they combat the slightest hint of a rival ideology and, on the other, inclusive influence as they exhaust the works that correspond to the dominant current most aligned with its agenda. One may consider this period of production of the Minorite literary system as tantamount to an institutional pursuit to update, advance, and codify the emerging dominant ideology and to express it through a poetic attuned thereto. As for unofficial and potentially disagreeable literary contributions, according to LEFEVERE not only do institutions tend to deny access to channels of circulation for the works that fall outside of a certain pattern, but also that the “inbuilt conservative weighting” of patronal institutions absorb even those who were once in part anti-institutional or even remotely avant-gardes in character.<sup>25</sup> Hugh of Digne, who displays a vastly more polemical tone in his other surviving writings, maintains the cadence of diplomacy and common interest becoming of a commissioned writer in his rule commentary (*ExpHug*). The collection of stories that surfaced in response to the 1244 initiative (*3Soc*, in part *CAss*), themselves already rewritings, became subject to filtering and recomposition under patronage. The official rewriter Thomas of Celano, who had himself exhibited a partially avant-garde spirit in his first work, effected the rewriting under weighty constraints. So it was with the Minorites that all elements, which happened to fall outside of the arising patterns, were absorbed into the dominant cultural narrative.

Two other instances of canonised literature from the Minorite system include the theological treatise *Summa fratris Alexandri* (here, *Summa Minorum*) and the novice manual *De Compositione*. The latter underwent a sort of literary canonisation, albeit largely in a subsequent period, enjoyed a wide transmission both in and outside of the order as its classically monastic and ascetical instructions suited the institutional aims, not only of the Minorite order but of other religious communities, as well. In addition, educational institutions are of interest for LEFEVERE, in particular when it comes to literary canonisation. Perhaps more so than other contexts in which canonisation occurs, LEFEVERE underscores the supreme effectiveness of canonisation in the cooperation between patronal publishers and institutions of higher educa-

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<sup>25</sup> *Trans.*, 22.

tion.<sup>26</sup> When such patronage acts in synergy with educational institutions in canonisation the result is often so powerful that “what survived this process appears to be timeless.”<sup>27</sup> Such appears to have been the case for the *Summa Minorum* (at least the first three volumes), which within the passing of a decade had become the standard theological text for Minorites order-wide. Begun by Alexander of Hales and brought to completion by future Minorite University masters, the *Summa* appears to have been the privileged text by institutional patrons due to its status as an authoritative scholastic document and its being in alignment with the conventions of the day such as theological study and knowledge of the Scriptures in preparation for preaching. Highly critical of the *Summa Minorum* and of the prevailing Minorite curriculum more broadly, Roger Bacon certainly constitutes a dissident to the dominant narrative of the Minorite literary system.<sup>28</sup>

The various phenomenological agents outlined in LEFEVERE’s theory and the dialectical forces exerted between them thus interact and result in a system’s literary production. At the close of his theoretical section, Lefevere draws together the dialectical strings of his argument and furnishes an apt summation of their outcome.<sup>29</sup> The overarching dialectic exerts its influence on the literary production of the period and shapes the motifs, symbols, and themes employed in them. The authors of the period rewrote the Minorite landscape of meaning according to the constraints and cultural narratives at work and with that they effectively rewrote obedience. The poetics expressed in the works suited the dominant cultural narrative espoused by their authors and the most prominent among them catered to the dominant cultural narrative and the institutional ideology. Specific analysis of each textual source now ensues in order to grant the conceptual theme of obedience as presented in the various works systematic treatment.

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<sup>26</sup> “Canonization appears at its most obvious and also at its most powerful with the spread of higher education. It has found its most impressive ... monument to date in the publication of that hybrid crystallization of the close and lucrative cooperation between publishers and institutions of higher education.” *Trans.*, 22.

<sup>27</sup> *Trans.*, 22.

<sup>28</sup> On Bacon’s critique of the Minorite curriculum and preaching methods, see: Timothy J. Johnson, ‘Preaching precedes theology: Roger Bacon on the Failure of Mendicant Education,’ *FrancStud* 68 (2010): 83-95; Idem., ‘Roger Bacon’s critique of Franciscan Preaching,’ in: F. Felten, A. Kehnel & S. Weinfurter (eds.), *Institution und Charisma. Festschrift für Gert Melville* (Köln et al., 2009), 541-548

<sup>29</sup> He writes, “Once a literary system is established, it tends to try and reach and maintain a ‘steady state,’ ... a state in which all elements are in equilibrium with each other and with their environment. (...) Yet there are two factors ... that tend to counteract this development. Systems develop according to the principle of polarity, which holds that every system eventually evolves its own countersystem ... and according to the principle of periodicity, which holds that all systems are liable to change. The evolution of a literary system is the complex interplay between the desire to reach a steady state, the two opposing tendencies just mentioned, and the way in which the social system’s regulatory component (patronage) tries to handle these opposing tendencies. Rewritten literature plays a vital part in this evolution. The struggle between rival poetics is often initiated by writers, but fought and won or lost by rewriters.” *Trans.*, 38.



## Thematic-Theological Analysis of Normative Texts

Normative texts in the current time period were witness to the triumph of two phenomena: virtual victory of legislative power over executive power and victory of ecclesiastical cultural narrative regarding the rule. One may consider the drafting of constitutions in particular as tantamount to the full appropriation of a canonist caste of mind, which not only undercut Francis' *Test* but also the charismatic culture that it insinuated. Legal marginalisation of the 1223 rule continued, both from within and from without. Both external and internal efforts in that regard handle the rule as if it were a fungible commodity. Papal decrees enacted the mitigation of regular norms, but did so in a manner that lessened or delegated centralised executive power. Constitutions also put measures into place which ensure proper fulfilment of the office of minister general. Thus increased relative decentralisation of institutional structures. Otherwise established and enforced standardised mechanisms of organisation and control. Expanding normative grid while narrowing normative potential to a set of specifically defined laws that have as their foundation not the Gospel or the early movement's Gospel alternative, but the norms of the new rising culture, a dialectic synthesis of Minorite and ecclesiastical trends and Minorite institutional concerns.

Normative texts walk the tight rope between what is in favour of the rule and what is against the rule. Given the force of *RegB X* and its clear injunction to ministers which precludes illicit commands *contra regulam* or *contra animam*, the rule prevented its own contravention on an individual basis. With regard to the communal level, normative texts attempted to conciliate the extremes of Francis' prohibition against glossing the rule (*Testament*) and all-out doing away with the rule. Precedent for their task was the bull *Quo elongati*, which resulted as a sort of proto-constitution. While all sources here treated called for or endorsed a form of regular norm mitigation, the rule commentaries in particular were not without their traditionalist pushback to earlier standards.

### *Constitutiones Praenarbonenses*

#### I. Textual Features and *Sitz im Leben*

Rediscovered and first published by C. CENCI,<sup>30</sup> the *Constitutiones Praenarbonenses* represent a body of collected norms and prescriptions of relatively uncertain origin and context that nevertheless certainly predate the constitutions promulgated on the occasion of the

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<sup>30</sup> C. Cenci, 'De Fratrum Minorum Constitutionibus Praenarbonensibus,' *AFH* 83 (1990): 50-66, Idem. 'Fragmenta priscarum constitutionum praenarbonensium,' *AFH* 96 (2003): 289-91 & Idem. 'Vestigia constitutionum praenarbonensium,' *AFH* 97 (2004): 61-98.

1260 general chapter of Narbonne. A scant group of three 13<sup>th</sup> century witnesses transmit the distinct and partial fragments,<sup>31</sup> the continued existence of which, analogous to hagiographical sources of the pre-Bonaventurian era, is most likely the result of coincidence due to the 1260 call at the general chapter of Narbonne to destroy all prior statutes of the Minorite order and to uphold the newly promulgated constitutions. Amid the broad milieu of Minorite normative texts,<sup>32</sup> the early *Constitutiones* represent the first legislative impulse identifiable from within the order since the 1223 drafting of the *Regula bullata*. The constitutional remnants consist of *fragmenta, particulae*, and *vestigia*.

The scattered, fragmentary nature of the documents at hand renders dating with exact precision difficult. Cenci proposed three overlapping chronological phases and divided the text portions accordingly. The earliest set, *Fragmenta Priscarum Constitutionum Praenarbonensium*, he dates from 1239,<sup>33</sup> the second (*Particulae*) and third (*Vestigia*), 1239-1254<sup>34</sup> and 1239-1257<sup>35</sup> respectively. Based upon the testimonies of 13<sup>th</sup> century chroniclers concerning the redaction of constitutions at the chapter of 1239, the very chapter that saw Brother Elias' deposition,<sup>36</sup> Cenci situates the *Sitz im Leben* of the documents from 1239 onward.

There is, however, no concretely established *terminus post quem* for the initial legislative set. Thus, although it goes against CENCI's hypothesis, it is conceivable to suggest that the earliest of the sets has its origins even during the tenure of brother Elias of Cortona. The chronicler Salimbene's assertion that under Elias no constitutions were written has thus far loomed large for scholars in the dating of the first extant legislative sources. There appears, however, to be an ample amount of evidence to support a counterargument.<sup>37</sup> Also the blatant aversion for lay brothers articulated in numerous passages of Salimbene's chronicle gives

<sup>31</sup> *Fragmenta*: Todi, Bibl. Com. 106. L. Leònij, *Inventario della Comunale di Todi*, Todi 1878, 39; *Particulae*: Roma, Bibl. Casanatense 529 (C) ff. 26a-27d. Catalogo dei manoscritti della Biblioteca Casanatense VI, A. S. Revignes (ed.) (Ministero della Pubblica Istruzione, Indici e Cataloghi, n.s., II), Roma 1978, 33s; *Vestigia*: Toledo, Bibliodeca del Cabildo, cod. 25-11, ff. 4d-6c. A. Lopez & L. M. Nuñez, *Descriptio codicum franciscanorum bibliothecae ecclesiae primatialis toletanae*, in: *Archivio Ibero-Americano* 7 (1917, I), 274-6. C. Cenci, *Constitutiones Generales Ordinis Fratrum Minorum I* (Saeculum XIII), cura et studio fratrum Caesaris Cenci et Romani Georgii Mailleux O.F.M., *Analecta Franciscana* XIII, Nova Series Documenta et studia 1, Grottaferrata, 4, 16 & 39.

<sup>32</sup> C. Cenci, *L'Ordine Franciscano e il Diritto: Testi legislativi dei secoli XIII-XV*, Goldbach: Keip Verlag, 1998 (Bibliotheca Eruditorum 15) & P. Ippolito Jan Lipinski, *Rapporti Fondamentali tra la regola di San Francesco e la legislazione dei Frati Minori nel Secolo XIII*, Rome: 1975.

<sup>33</sup> With an indication from n. 49, Cenci establishes the *terminus ante quem* to the chapter of Montispezzulani (1241). *Constitutiones*, 4.

<sup>34</sup> With indications from ns. 45 & 48, Cenci establishes the *terminus ante quem* of 1254. *Constitutiones*, 15-6.

<sup>35</sup> Ns. 32, 122 & 123 allow Cenci to conclude that the corpus of *vestigia* precedes the chapter of 1257, which saw the change of hands from John of Parm to Bonaventure. *Constitutiones*, 40-1.

<sup>36</sup> Salimbene de Adam, *Cronica* I, G. Scalia (ed.) (CC, Continuatio Mediaevalis CXXV), Turnholti 1998, 149, 151, 245; *Chronica fratris Jordani*, H. Boehmer (ed.), in: *Collection d'Études et de Documents* VI, Paris 1908, 57; Thomas of Eccleston, *De Adventu*, 70.

<sup>37</sup> See Accrocca's forthcoming article on the figure of Elias as minister general.

reason to doubt or at the very least call into question the credibility of his testimony regarding Brother Elias more broadly.

The 1254 *terminus ante quem* of the legislation's wide chronological range, chiefly the *particulae*, appears to coincide with the halting of constitutional redaction at the 1254 chapter of Metz where minister general John of Parma notoriously uttered that the order's old norms ought first to be observed before the drafting of new ones.<sup>38</sup> There was further legislation following the 1254 chapter, the surviving fragments of which (*Vestigia*) are thought to have spanned the time of 1239 to 1257 at which point the election of Bonaventure took place. It is CENCI's express claim (on the witness of various chroniclers)<sup>39</sup> that the earliest of the constitutions were drafted in the direct aftermath of Elias' deposition under the guise of a commission in Rome consisting of twenty members.<sup>40</sup> As M. BITTERLICH argues, it is also not unlikely that curial influence played a hand in the redaction of the constitutions, in particular that of the order's cardinal protector, who were known to have overseen numerous general chapter meetings and other goings-on in the order.<sup>41</sup>

The fundamental place occupied by the Pre-Narbonne Constitutions among later legislative texts, in particular with regard to their influence, is difficult to overstate. As Salimbene relates, the brothers drew up a great multitude of constitutions in the year 1239 (or thereabouts), though they were rather disorderly. Later Bonaventure provided them with the order due them. The Pre-Narbonne Constitutions provide the framework for further constitutions, which, apart from the prescriptions on visitation, subsequent generations of brothers would adopt even into the modern era. Yet, as BITTERLICH notes, any study conducted on the early constitutions must take into account the problems presented by the current state of research. He rightly brings to mind such difficulties as the fragmentary nature of the legislative corpus, their scant transmission, and the inconclusive chronological indications relevant to redaction and period of validity.<sup>42</sup> In addition to the adoption of manifold norms in the redaction con-

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<sup>38</sup> Cenci / Mailleux, p. 16. John of Parma also preferred to settle current disputes rather than to forge new ground, including a prominent case of disputed burial rights. See: M. Bihl, *De Capitulo generali O.M. Metensi anno 1254 adsignando deque antiquo sigillo ministri generalis*, *AFH* 4 (1911): 425-35, here 428-430.

<sup>39</sup> Salimbene de Adam, *Cronica* I, (ed.) Scalia, pp. 149, 151, 245; *Chronica fr. Jordani*, (ed.) Boehmer, 57; & *De adventu*, (ed.) Little, 70.

<sup>40</sup> Cenci / Mailleux, p. 3.

<sup>41</sup> M. Bitterlich, *Statuten Mittelalterlicher Ordensgemeinschaften: Strategien normativer Stabilisierung mittels statutarischer Gesetzgebung am Beispiel der Zisterzienser, Prämonstratenser, Dominikaner und Franziskaner*, as yet unpublished doctoral dissertation, Technische Universität Dresden, p. 429.

<sup>42</sup> On this point, he writes, „Eine Untersuchung der präarbonensischen Statuten bringt zweifellos viele Probleme mit sich. Allein die zeitliche Einordnung der Texte bereitet Schwierigkeiten. Welche Normen bis zum Jahr 1260 in Kraft waren und Geltung besaßen, beziehungsweise wie das franziskanische Rechtskorpus ausgestaltet war, kann nicht mit Sicherheit gesagt werden. Außer Frage bleibt, dass umfangreiche Ordensgesetze statutarischen Charakters bis 1260 existierten. Nicht nur die spätere Politik Bonaventuras, sondern

firmed at the chapter of Narbonne, scholars have pointed to two papal bulls in particular, Innocent IV's *Ex parte dilectae* (15 May 1254) and Alexander IV's *Virtute conspicuos* (2 Aug 1258), as sure proof that at least a kind of order-wide official legislative corpus predates the year 1260.<sup>43</sup> In *Virtute conspicuos*, Alexander acknowledges the validity of the Minorite rule *and* constitutions in an official capacity and in so doing recognises the latter as an independent legal system. As such, the bull grants each an equal measure of confirmation. In particular, the decree contains numerous useful indications as to the brothers' constitutional order and gives reason for B. MATHIS to declare it a "Privilegienbrief seltener Art, welcher die Magna Charta des Franziskanerordens bildete."<sup>44</sup>

As a consequence of the problematic nature of the sources and their precise context, for the purposes of the present study, each set of norms shall receive individual treatment below. Cognisant of the difficulties presented by the texts, the study allays all pretence to a comprehensive historical analysis and examines the available material as a set of communal laws 'in progress' and of indeterminate normative worth. Treatment thus ensues regarding central points of reference and salient themes. Of particular assistance in the study of the earliest extant Minorite constitutional legislation is the extensive, synoptic analysis published by DALARUN, in which he investigates parallels between the three textual sources.<sup>45</sup> His study proved invaluable in the advancement and execution of the current section. As with *RegB* and other normative sources from the early Minorite milieu, it is a legitimate, albeit perhaps ultimately unanswerable question as to whether the new legislation reflected or contravened the common conscience of the brothers. What is clear is that the legislative decisions met were a result of an increasingly elitist exercise. In terms of LEFEVERE's analysis of literary systems, the institution and its patrons sought to formulate and solidify an official manner of procedure that codified an interpretation of the rule, which was compatible with the prevailing order in the wake of the bull *Quo elongati*. Top players, perhaps even Gregory IX himself, constituted

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auch die Bulle *virtute conspicuos* Alexanders IV. vom 2. August des Jahres 1258 belegt dies in beachtlicher Weise." Bitterlich, *Statuten Mittelalterlicher Ordensgemeinschaften*, p. 435.

<sup>43</sup> BFr I, pp. 722b-723a, n. 545 and BFr II, pp. 298-303, respectively. In *Ex parte dilectae*, Innocent's reference to Crescentius of Iesi's concession of silken vestments *non obstante contraria constitutione ipsius Ordinis facta, vel facienda* absolutely verifies the existence and corporate validity of Minorite constitutions as early as 1254. Alexander's *Locis pia Religione* (3 July 1257) also derogates the order's constitutions, granting the Neapolitan brothers the same permission *non obstante statuto contrario eiusdem Ordinis*. A 28 Aug 1260 decree addressed to the brothers at La Verna, which concedes a similar permission under the constitutions of Narbonne, bolsters the evidence in favour of the global quality of prior references and confirms their precedential status in relation to subsequent concessions. Cf. C. Eubel, *Bullarii Franciscani Epitome sive summa bullarum in eiusdem bullarii quattuor prioribus tomis relatarum* (Quaracchi 1908), n. 1089.

<sup>44</sup> Burkhard Mathis, *Die Privilegien des Franziskanerordens bis zum Konzil von Vienne (1311)*, Paderborn 1928, 14.

<sup>45</sup> J. Dalarun, 'La Règle et les constitutions jusqu'à Bonaventure,' in: *La regola dei frati minori: atti del XXXVII Convegno internazionale*: Assisi, 8-10 ottobre 2009, Spoleto 2010, 213-268.

the order's professionals, who then rewrote the institution's normative framework and set it into play with legal force.

## II. Theological-Thematic Analysis

Constitutions were in essence a tool for the regulating the life of the brothers. This new tool was put into play and began to dictate the dance of Minorite life. It is apparent that the norms arose due to necessities intrinsic to all institutions; namely, better organisation and scrutiny of an array of members to the end of efficient execution of its vision. With that ever-present necessity comes the correction of past transgressions. In such a way, the constitutions thus serve as a mirror of prior abuses and difficulties encountered within the order. Whether its larger normative force that the drafting of constitutions represented and the institutional edifice which it buttressed were in concurrence with the common conscience of the brothers is surely a poseable question. The constitutions certainly used the rule as a primary reference point. The *Vestigia* being demonstrably modelled to address the eleven-chapter document bit by bit<sup>46</sup> and the not infrequent passage beginning with the words *Cum regula dicat* ratify the notion. The legislative redactors were also the possessors of an acute awareness of what was at stake. On the face of it the constitutions represented an unequivocal affront on the charism in that they posed a real threat to observance of the rule *simpliciter et pure, sine glossa*. Yet while the constitutions helped to accomplish the legal marginalisation of the *RegB* in a broad sense, they were at once also, albeit admittedly to a lesser extent, a safeguard for its proper observance or for the solidification of softened regular norms.<sup>47</sup> A marked instance of both principles appears in a single norm regarding the probing of candidates to the order. Here, *Part. 31*<sup>48</sup> envisages that as is prescribed in the rule aspirants must be probed on matters of the catholic faith. However, it then goes on to add that they must also be examined regarding matters of the ecclesiastical sacraments, which is an entirely different matter, one which was not foreseen by the prescriptions of the rule. Such is the meshing of original and novel elements in the norms and prescriptions of the constitutions.

In terms of explicit content regarding daily activity in the order, a central concern of the early constitutions were regulations concerning procedure. Procedural regulations regarded the coordination of chapter meetings, visitations, the election of the minister general, and the like. The latter case was of particular significance as the rule's chapter on the minister general (*RegB VIII*) was fraught with ambiguities in that regard. One may perhaps presume

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<sup>46</sup> Dalarun, 'La Règle et les constitutions,' 235-245 as well as the synoptic tabel on 258-262.

<sup>47</sup> The case of the exchange or sale of goods serves as a fine example.

<sup>48</sup> *Recipiendus ad ordinem examinetur de fide catholica, secundum regulam, et ecclesiasticis sacramentis.*

that the standard procedure of the period to which one would default would have been election by majority vote at a chapter meeting of the entire order. Nevertheless, the constitutions then clarified and set out the proper manner of electing a minister general by a majority vote of appointed officials at a general chapter.

The constitutions themselves attest to a varied observance of regular norms throughout the order and a degree of sanction in that regard. But by no means was all permissible. Two other practical concerns addressed in the constitutions were the handling of Minorite architecture<sup>49</sup> and the maximum permissibility of portable, that is, unchained, Bibles apropos their relative value.<sup>50</sup> Two categories introduced for the adjudication of proper architectural convention were *curiositas* and *superfluitas*. The order thus sought to regulate any feature of a Minorite edifice determined to be of questionable (*curiosus*) elaborateness, in the case of pictures, roof constructions, windows with coloured glass, columns, and similar embellishments, or superfluously grandiose, in the case of entire edifices or even bells of inordinate, which is to say immodest, shape or size. Also the order's authorities were to control the establishment of new convents, in part for a practical lack of resources, in part for a necessity of control mechanisms for use in maintaining a measure of visible austerity and modesty. Additionally, the brothers were not permitted to receive or use portable Bibles exceeding a certain value, unless immediately traded for Bibles of a lesser value which were then to be redistributed.

In the intervening years since the rule of 1223 a marked development in the order's structures transpired. A particularly notable instance lies in the restriction of the brother's ability to roam about freely and of their permissible activities. Although the brothers were more or less free to move about, their movements were soon placed under strict control by the normative force of the constitutions. Brothers were duty-bound to be in the order's *obedientia* at all times, an extension of the spatial metaphor of obedience (*extra obedientiam vagari*) established in the early 1220's with the implementation of the bull *Cum secundum consilium*. When travelling, the brothers were to be accompanied by a companion (*socius*) and were additionally required to obtain letters either from their custodian, if exceeding the boundaries of their custody, or from their minister provincial, if exiting the province.<sup>51</sup> In addition to confining them spatially, the constitutions also circumscribed the roles and activities proper to them. Here the official regulations updated *RegB* III addressing how the friars are supposed to go through the world, thereby assigning it supplementary meaning and specificity. The brothers

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<sup>49</sup> *Frag.* n. 34 (*Constitutiones*, p. 9); *Ibid.*, n. 38 (*Constitutiones*, p. 10)

<sup>50</sup> *Frag. & Part.*

<sup>51</sup> *Part.* n. 54, (*Constitutiones*, p. 28)

were not permitted to act as executors of testaments,<sup>52</sup> nor to be involved in legal disputes.<sup>53</sup> They were to exercise strict observance of the papal privileges regarding burial in their cemeteries,<sup>54</sup> and they were not to accept the depositing of valuable goods in their convents.<sup>55</sup>

### *Development of the Rite of Profession*

Also of interest for the question of obedience, a fragmentary indication of the Minorite rite of profession is found in *Vest.* 12. The rules envisage that new recruits were to be accepted into obedience (*recipiatur ad obedientiam*) after committing themselves to their ministers by a promise of obedience and reverence. Being received into obedience had as its prerequisite a promise of obedience. *RegB* specifies that the aspirant promised to his minister that he would observe this life and rule (*promittentes vitam istam semper et regulam observare*). The object of the promise was thus the rule itself. Nevertheless, early prescriptions contained no hint of a transcript or formula that brothers were to declare in the ritual making of their promise, which undoubtedly ensued in every religious community. The Pre-Narbonne Constitutions offer the first trace of a formulaic statement or rite of profession. At first glance, the fragment appears to commence with the identical opening words of the rite prescribed in the Narbonne Constitutions. Nevertheless, the absence of a single word provides the chief distinction between the few words contained in the *Vestigia* and the more developed rite which would follow. Whereas the form of profession in *Narb.* I, 11 opens *Ego frater N. voveo et promitto deo et beate marie vergini*, *Vest.* 12 reads only *Ego .A. promitto deo et beate*.<sup>56</sup> The official Minorite profession stated by each aspiring new member was thus delimited to a promise and not a vow. The qualitative distinction of the form of profession as a vow of obedience rather than a solemn promise first arrives with the Narbonne Constitutions. Here, the beginnings of an important shift in canonical language can be evidenced. Therefore, absent the technical apparatus of a vow, Minorite profession by all accounts subsisted in a promise and not yet, as had become the canonical protocol, in an official vow of obedience. The topical heading next addressed in the constitutions immediately reinforces the connection of the rite of profession with the topic of obedience when it reads, *Et illi qui promiserunt obedientiam*.

L. DE ASPURZ astutely remarks that evocation of the verb *promittere* or *impendere* employed in religious rules contemporaneous to the early movement reflects the influence of

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<sup>52</sup> Part. n. 66 (*Constitutiones*, p. 31)

<sup>53</sup> Part. n. 67 (*Constitutiones*, p. 32)

<sup>54</sup> Part. n. 69 (*Constitutiones*, p. 32)

<sup>55</sup> Part. n. 70 (*Constitutiones*, p. 32)

<sup>56</sup> *Vest.* n. 12 (*Constitutiones*, p. 45)

the juridical practice proper to priestly ordination in use during the time of Innocent III, which had distinct roots in feudalism via the monastic adaptation of the serf's contract to his lord, whereby he abandoned himself fully into the hands of his master (*professio* or *promissio in manus*).<sup>57</sup> Honorius III's 1220 bull *Cum secundum consilium*<sup>58</sup> takes for granted a proper rite of profession or at least the need for one if any disconformity be in play. It is difficult to say with any degree of precision what the exact form a primitive rite of profession would have taken, but the Pre-Narbonne *Vestigia* garner indication that there were few if any real developments in the meanwhile, at least in terms of the grammatical vehicle *promittere*. Three papal decrees issued in the period between *Cum secundum consilium* and the chapter at Narbonne suggest that the verb *vovere* was customary among curial officials and was for practical purposes interchangeable with *promittere*,<sup>59</sup> but the custom appears to have found no purchase in the formal rite of the Minorites until 1260. Usage of the substantive *magister* to refer to their superior rather than *minister* in the former decree is suggestive of the extent to which curial officials remained deaf to the subtleties implied by the Minorite lexicon. Such may well also apply to the case of the rite of profession. In any event, the same verb *promittere* persists in *Vest.* 12, as does the significance of the formal profession of which it was a key constituent. In divergence to the contention of DE ASPURZ,<sup>60</sup> it would thus appear that, though they had in the intervening years since *RegNB* developed a formal rite of profession that bound Minorites to their ministers, the profession included in *Vest.* 12 perpetuated the juridical practice employed for priestly ordination during the time of Innocent III, which comprised of a promise rather than a vow. The *oblatio votiva* component of Minorite profession would only take hold in a legislative context in a subsequent period under Bonaventure, which is not to say that it did not pertain to the Minorite landscape of the period.<sup>61</sup> Interestingly, whereas the

<sup>57</sup> L. De Aspurz, 'Il rito della professione nell'ordine francescano,' *StudiFranc* 2 (1969): 245-67, here 248-252.

<sup>58</sup> BFr I, 6: *Inhibemus ne aliquem ad professionem vestri Ordinis, nisi per annum in probatione fuerit, admittatis. Post factam vero professionem, nullus fratrum Ordinem vestrum relinquere audeat.*

<sup>59</sup> BFr I, 6s, *Constitutus in praesentia*, 9 Dec 1220: *Ordinem fratrum minorum se voverat suscepturum.... Delicto filio Fratris Luca Magistro Fratrum Minorum de partibus Romaniae, in cuius vovisse manibus idem Praepositus dicebatur.* BFr I, 19, *Fratrum minorum*, 18 Dec 1223: *Etsi liberum est in vovendo arbitrium, nec necessitas in votis locum habeat, sed voluntas; usque adeo tamen solutio necessaria est post votum, ut non sine propriae salutis dispendio alicui resilire liceat ab iis quae sponte ac solemniter repromissit.* BFr I, 546s, *Humilis nobis*, 13 July 1250: *... in manibus ministri Ordinis fratrum minorum te intraturum eundem Ordinem promissisti; qui, licet te receperit pacis osculo mediante, an tanem a te obedientiae sponsionem acceperit, tibi, ut asseris, non est certum...; praeertim cum praedicta promissio sit occulta, nec processeris ad alia, per quae votum regularis propositi sit solemne.*

<sup>60</sup> De Aspurz, 'Il rito della professione,' 254. His express claim is that the appearance of *voveo* in the Narbonne Constitutions suggests that either Innocent III or Honorius III had first dictated it and the tradition had been adopted and transmitted unto the time of Bonaventure's tenure. He surely cannot be blamed for not having access to the Pre-Narbonne Constitutions in the late 1960's.

<sup>61</sup> *HugExp*, p. 102 & p. 104, etc.



promise in the rule appeared to be directed largely to the minister, God counted first and foremost among the recipients of the promise in the rite appearing in *Vest.* 12, which nevertheless evinces a nuanced approach to their profession.<sup>62</sup>

### *Minister General*

The office of minister general cuts to the heart of the duties entrusted to Minorite officials and the manner in which authority – for that reason also obedience –, functioned in the order. A reflection of the early movement’s focussed attention on the practices and dispositions of those in charge, the two rules were sure to discuss authority figures in the order, albeit the *RegNB* much more at length. The rules thus represented a primary locus of such communal deliberations. While the *RegB* intimated the head minister’s basic mode of conduct, it was vague on precisely what powers were and were not afforded him. In effect, the minister general was able to exercise full reign. The proper relationship between the head minister and the chapter had not yet been clarified, and more fundamentally the general assembly, the only forum for the legitimate assessment and deposition of a minister perceived as inadequate (*non sufficientem*), convened either once every three years or at his discretion. Also the order had yet to establish the criteria for the inadequacy of a minister. As such, much depended on the holder of office.

Thus prior to the reformation of Minorite government 1239-42, perhaps in part in reaction to some form of neglect or excess (or both) on the part of Brother Elias, the minister general had absolute authority. A likely impetus that undergirded such reform was an involved effort to implament a more collegial style of government, whereby the new constitutions placed enhanced authority in the hands of the general chapter, which began to convene on a regular triennial basis. A high priority on the sessions’ redactional agenda was the office of minister general. The constitutions dealt with matters of his assessment, deposition, election,<sup>63</sup> and his role as link to Church officials. The foremost innovations of the constitutional documents were the norms regarding assessment and deposition. The first order of business at a chapter assembly was the assessment vis-à-vis the performance of the minister general and a vote whether to retain or discharge him. *Fragm.* 3-12 contains the mode of procedure for chapter meetings with particular regard for assessment of the head minister’s standing (*circa*

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<sup>62</sup> *Vest.* 12 (*Constitutiones*, p. 45) The *Test* also contains a reference to that which the brothers had promised to God.

<sup>63</sup> 23. *Absolutio, confirmatio et electio generalis ministri generali tantum capitulo reservetur. Cetera vero omnia subditorum capitulum expediendi similem habeat potestatem.* 24. *Quorum unum est quod, si videbitur maiori parti capituli, possint generali ministro discretos socios assignare, sine quibus ordinis negotia non valeat pertractare.*

*statum generalis ministri*, n.4).<sup>64</sup> Number 6 declares that the minister provincial, or a custodian in the event of his absence, is required to express any grievances before the chapter as to excess or insufficiency regarding the minister general.

A twofold democratic impulse thus supported the legal force of the constitutions. The thrust that produced the constitutions came about as a consequence of holding regular chapter meetings and it also enacted official accountability on the order's head minister. Each member of the general chapter was to publicly declare any accusations concerning the minister general (n. 9). The measure thus served as a control mechanism regarding the head minister and the proper exercise of power allotted to the holder of said office. Yet, although the community wished to keep a check on authority, a distinct character of the prescriptions is their non-specificity, that is, the lack of explicit criteria assigned to such excess or insufficiency. Far removed from the more express criteria of the early movement based upon the notion of the minister's living *spiritualiter* or *carnaliter*, it would appear in the present case that the determination of a judgement was a matter of conscience and thus lay in the hands of those present who each cast their vote regarding the motion at hand.

Nevertheless, the constitutions go on to describe the proper setting and protocol for a deposition. If found wanting, the minister was either to be scolded or urged to concede, depending upon the gravity of his offences (n. 10). Given a majority vote that the minister be removed, he was urged to concede of his own will (n. 11). If the recalcitrant office holder would not agree to a voluntary concession, he was to be forcefully removed of his post.

#### *Provincial Ministers*

While the rule of 1223 had already undercut the principle role allotted the provincial minister in *RegNB*, which had primarily been a pastoral role of overseeing the candidate's early vocation, the constitutions entrusted the holders of the provincial office with largely administrative tasks. With the earliest constitutions provincial ministers thus regain a sort of fraternal control over the minister general that brings to mind the *RegNB* and the policies of the early movement before the instatement of the *RegB*. Two principle additions regard provincial ministers, that is, the control of their office and the delegation of rights formerly exclusive to the head minister. *Part. 20* entrusts visitors with the task of correcting transgressions as set out in the constitutional prescriptions (*iuxta formam premissam*).<sup>65</sup> Regarding the provincial ministers, the constitutions enact a measure of control operationalised by the principle of correction. Visitors were to furnish a possible case against a perpetrator at such time

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<sup>64</sup> *Fragm. 3-12 (Constitutiones, pp. 5-6)*

<sup>65</sup> *Part. 20 (Constitutiones, pp. 20-1)*

as would be appropriate, namely at the provincial chapter. (*Part. 35.*) Also worth noting is that the new legislative documents delegated to provincial ministers the right to excommunicate, capture, incarcerate, and otherwise punish apostates. In cases of manifest need, could even be delegated to a lesser office.<sup>66</sup>

#### *Custodians and Guardians*

Whereas prior sources had suggested unclarity in the distinction between *guardianus loci* and *custos*, the early constitutions contain clear indications of set roles and delineation of proper jurisdiction and tasks. *Fragm. 2* clarifies the matter regarding who may represent their custody at a chapter meeting. Custodians may be present at provincial chapters. The document considers guardians as ministers of a convent and extends certain responsibilities to their charge.<sup>67</sup> Even so, the legislation maintains a patent distinction between custodian and guardian, such that custodians were liable to receive delegation of a provincial ministers' task,<sup>68</sup> whereas guardians remained within the realm of the individual community house. However, a marked passage suggests that the guardian of the convent as well as the provincial minister and custodians are also in part responsible for undertaking the evaluation of the current minister general in the sense that house guardians were to be consulted regarding their take on the status of the minister general (n. 4). Additionally, custodians enjoyed an enhanced degree of discretion. *Part. 6* permits the custodians to transfer brothers from one province to another when they judge it to be a case of evident necessity or usefulness to the community.<sup>69</sup> They are to determine such necessity or usefulness by appealing to their conscience (*et hoc de conscientia custodum illorum*). The prescription thus grants added discretion to leaders.

#### *General Chapter, Provincial chapters, and Definitors*

The nascent constitutions evince an early effort to instantiate a functional form of government operationalised by the principle of regular assemblies both at the corporate and local level. *Fragm. 1* prescribes the convening of provincial chapters at a regular annual interval, at which ministers and custodians alike were present and where they tended to matters regarding the province and also examined the minister general.<sup>70</sup> It appears that provincial chapters were also the site of the triannual visitations to the provinces. Yet, while the provincial chapters gain increased specificity, DALARUN advances the proposition that the expressly exalted place of the general chapter in the Narbonne Constitutions (*precipua residet auctoritas Ordinis gu-*

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<sup>66</sup> *Part. 35 (Constitutiones, p. 24)*

<sup>67</sup> *Fragm. 4 (Constitutiones, p. 5): Guardianus loci ... dictos ministros cum custodibus ...*

<sup>68</sup> *Fragm. 6. (Ibid.): Minister provincialis ... vel ... custos eius.*

<sup>69</sup> *Part. 6 (Constitutiones, p. 18)*

<sup>70</sup> *Fragm. 1 (Constitutiones, p. 5)*

*bernandi*) can already be surmised from the existence of prior constitutional redactions and the prescriptions enacted therein. It thus appears as though the constitutions asserted the primacy of the general assembly over that of local chapters. In such a fashion, they maintained and indeed strengthened the centralised government of the *RegB*. MONTI outlines the role and proper tasks of the new office of definitors.<sup>71</sup>

In addition to the office of visitation, the early constitutional legislation addressed the office of definitor, detailing its responsibilities and recognising its legitimacy. The documents thus distinguished between various kinds of chapter assembly. They established separate chapters of ministers and chapters of definitors. The task charged the definitors was one of lesser application of current laws and gathering of opinion for subsequent regulatory restrictions or softening provisions. A parallel for the office of definitor lay in the priors in case of the Dominicans. The policy was thus likely absorbed from that of Order of Preachers,<sup>72</sup> whose rational and juridically-attuned system of government had served them well in their organisation.

#### *Visitors and Correctional Structures*

The early constitutions created two further innovative elements, which were generated in synergy. The documents thus detailed the office of visitors and the correctional structures of service in the undertaking of their charge. Unlike with *RegB*, the early constitutions introduced specific corrections for transgressions to the regular and constitutional norms and set up the structures for their enforcement. Punishments varied but were in large part mere disincentives when compared to other religious communities, apart from apostasy and harsh physical violence, which incurred the strict punishments of incarceration and expulsion.<sup>73</sup> Otherwise the vast majority of offences incurred little more than a meal of fasting on bread and water.

Monti indicates of the prescriptions of the Narbonne constitutions, “This last sentence institutionalizing the office of general visitors antedates Narbonne (...) as does virtually this entire rubric spelling out their function.”<sup>74</sup> The chronicler Jordan of Saxon relates that *primus visitator in Theutonium est missus*<sup>75</sup> and both the chronicles of Jordan and Thomas of Ec-

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<sup>71</sup> He writes, “These definitors formed an 'executive committee' which managed most of the practical business of the chapter (cf. nos. 16-17 below). This was an institution introduced by the Dominicans (OCD, 2.1), and taken over by the Franciscans in 1239 or shortly afterwards. While the chapter was in session this group served with the minister as the governing board of the province. They were not permanent 'provincial councilors' as the Order has today, but *ad hoc* officials, whose office came to an end with the chapter.” *Writings*, 124, n. 196

<sup>72</sup> *Francis of Assisi and Power*, 157.

<sup>73</sup> *Part. 35, Part. 37 (Constitutiones*, p. 24)

<sup>74</sup> *Writings*, 111, n. 157

<sup>75</sup> *Chronica*, 49, (ed. Boehmer).

ceston confirm that Brother Elias himself commissioned visitors in the year 1237,<sup>76</sup> consequently, a policy also enacted by the Dominicans in 1238.<sup>77</sup> Salimbene provides a more explicit account of the visitors under Elias' rule and the policy concerning visitations, recounting that there was one located in each province at all times, and he exercised free reign over his jurisdiction and was permitted to roam about visiting houses and correcting brothers as he saw fit.<sup>78</sup> There had been obvious grievances shared at the policy-making sessions producing the early Minorite constitutional legislation that regarded the prior abuses of visitors. Instances of such events are related in the chronicle of the English brother Thomas of Eccleston.<sup>79</sup> A particularly poignant case involves Wygerius, a German Minorite and canonist, who became notorious for issuing the severe sanction of excommunication for suspected concealment of or unclarity in the providing of information. So severe were his sanctions that the brothers in Scotland and Wales outrightly refused his visitation. The early constitutions sought to curb such misconduct and put a more or less tight hold on the exercise of the office of visitations.<sup>80</sup> Though the visitors were afforded a degree of power and responsibility, their authority was limited to the proper accomplishment of the tasks outlined in the constitutional legislation, the very document that granted them their authority in the first instance and thus their source of authority.

If the constitutions achieved the legal marginalisation of the *RegB* and in large part replaced it as the principle source of textualised normativity, the visitors became its chief enforcers. Officials of visitation were to punish transgressions of the norm against architectural superfluities throughout the order.<sup>81</sup> At times also referred to as *inquisitores*, such brothers were responsible for the punishing with due severity any transgressions of the norm regarding the permissible price of portable Bibles and books.<sup>82</sup> *Part. 7* entreats them to go out every

<sup>76</sup> *Chronica*, 55 & *De adventu*, n. 10, pp. 37-38. *Factum est post haec ut mitterentur specialies visitatores in Angliam, qui causa visitationis capitula celebrabant ... Tertius visitator venit a latere generalis ministri, fratris scilicet Eliae ... (contra quem reclamaverunt fratres). Igitur cum venissent fratres Romam, impetraverunt ut fratres in suis locis visitaruntur per capitulum generale, secundum quod habet constitutio de visitatoribus.*

<sup>77</sup> *Inchoamus hanc constitutionem ut de tercio in tercium annum mittantur de provincia in provinciam visitatores.* Reichert, *Acta capitulorum* I, 10.

<sup>78</sup> *Cronica* fr. Salimbenis, 155. *Helyas habebat in qualibet provincia unum visitatorem qui stabat ibi per totum annum et circuibat provinciam ac si esset minister, et morabatur cum socio in quolibet loco XV diebus vel uno mense vel secundum suam voluntatem plus et minus; et erant provinciae minores (amplitudine, quia revera plures sub Elia) quam sint modo... Et quidquid minister ordinabat in provincia sua, visitator totum proterat irritare et addere et demere, prout sibi videbatur.*

<sup>79</sup> Little (ed.), *De adventu*, 37-40.

<sup>80</sup> Cenci / Mailleux (eds.), *Part. n. 24 (Constitutiones)*, p. 21)

<sup>81</sup> *Fragm.* 34-5 (*Constitutiones*, p. 9)

<sup>82</sup> *Fragm.* 39 (*Constitutiones*, p. 10)

three years and visit a province.<sup>83</sup> ESSER observes that it is evident from these constitutions that the visitors represent the general chapter, whereas originally they had been personal delegates of the general minister, meant to establish a “bond between the highest superior in the Order and his widely dispersed brothers”<sup>84</sup>

*Part.* 14-23 treat of the protocol for local visitations. They begin by prescribing a public recitation of the rule and constitutions. Visitors then ordered all brothers by their obedience (*in virtute obedientie*) to make themselves and others accountable for infringements of the norms read out. *Part.* 19<sup>85</sup> discusses the obedience due to visitors. Brothers are held to obedience in relation to their visitors in all those things relating to the office of visitation and in no others. An echo of the *RegNB* and in particular the *RegB* is detectable here. The passage entails the same force as the *RegB* in the sense that addressed to brothers but also highlights their act of obeying and their agency in that regard. The focus here remains the organisation-oriented function of obedience, but is not limited by the content of the rule and the friar’s soul, rather by standards of proper execution of a task as outlined by the constitutions. The prescription thus constitutes a sort of extension of the principle of non-obedience. Whereas the *RegNB* had put forth an explicit principle of dissent, the *RegB*’s rendition was more of a weakened principle of non-obedience. In addition, a visitor was not permitted to require any brother to execute a corrective measure under obedience unless the testimony of two other brothers could be furnished as to the culpability of the accused.

According to *Part.* 20, visitors are to correct transgressions as set out in the constitutional prescriptions (*iuxta formam premissam*).<sup>86</sup> Regarding the correction of provincial ministers, visitors were to present their case at such time as would be appropriate, namely at the provincial chapter. As suggested, it is a measure of control vis-à-vis the provincial ministers. In accordance with *Part.* 22, disagreements and discrepancies between ministers and visitors regarding a correctional case are to be drawn up and referred to the higher authority, which the constitution provides as the general chapter.<sup>87</sup>

Of interest with regard for institutional obedience and the limited exercise of an office, *Part.* 23 contains one of the few norms in the early constitutional sources reinforced by the

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<sup>83</sup> *Part.* 7 (*Constitutiones*, p. 18)

<sup>84</sup> Esser, *Origins*, pp. 83-4

<sup>85</sup> *Part.* 19 (*Constitutiones*, p. 20): *Teneantur autem fratres visitatoribus suis, in his que ad officium visitationis pertinent et non in aliis, obedire. Et in nullo teneatur aliquis visitatori obedire, quod non possit per duos alios fratres probari.*

<sup>86</sup> *Part.* 20 (*Constitutiones*, p. 20)

<sup>87</sup> *Part.* 22 (*Constitutiones*, p. 21)

order *per obedientiam firmiter et districte*,<sup>88</sup> in contrast to the disproportionate number of appearances of the phrase in the Narbonne Constitutions. The norm's appeal to a demand of strict and firm obedience refers to the a duty demanded of the visitors in their obligation to maintain secrecy with regard to the faults with which he becomes acquainted as a result of his position and their duty not to broadcast them. Significantly, the visitor's duty to secrecy reflects that asked of a priest in the administering of the sacrament of confession. Significantly, the office of visitor is thus to some extent framed with the model of the priesthood.

### *Rule and Constitutions*

Absent a reference linking the constitutions to the rule, the *expositio* of 1241/2 loomed large on the issue of the constitutions' legitimacy. It argued that although the rule binds brothers to obey the minister general, the commentators contrast the authority (*auctoritas*) of rule and chapter with the power (*potestas*) of ministers.<sup>89</sup> All brothers must obey the minister general and no chapter nor brother can change the rule. In their turn they also assert that if minister and chapter should disagree, a minister has no authority to countermand a chapter's decision.<sup>90</sup> The masters' conception thus grants chapters as having legislative power; ministers executive power. By a hierarchised "cascade de légitimité,"<sup>91</sup> the text also insinuated that the rule, not the chapter or hierarchical rank, is the source of the order's – by that reason, also the general chapter's – authority by virtue of its papal approval, and thus also the source of the minister's power. Neither inferior, nor superior, nor chapter may change it. The rule is therefore the effective end-all, trumping even the general chapter and its constitutional legislation, the latter of which receives no mention in the rule and is expressly prohibited in *Test*. Thus, in the intervening years between the *expositio* release (1241/2) and the Narbonne Constitutions promulgated in 1260, the constitutions held an ambiguous place in the normative structure and its theoretical stream of legitimacy. Thus, DALARUN is correct in his indication that the masters' *expositio*, though it asserted the general chapter's authority over the head minister, it damaged the legitimacy of the constitutions somewhat by weakening their link to the order's font of legitimacy; namely, the *Regula bullata*.<sup>92</sup>

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<sup>88</sup> Part. 23 (*Constitutiones*, p. 21)

<sup>89</sup> *QuatMag*, 160-2.

<sup>90</sup> *QuatMag*, 160-1. *si capitulum propter vitandum periculum religionis coarctat potestatem generalis aut provincialium ministrorum, et aliqua alia salubria ordinat inter fratres generaliter observanda auctoritate regulae, quae praestat auctoritatem capitulo generali, per generalem ministrum non poterunt infirmari.*

<sup>91</sup> J. Dalarun, *François d'Assise ou le pouvoir en question. Principes et modalités du gouvernement dans l'ordre des Frères mineurs*, Bruxelles, De Boeck Université, 1999, 93. English: *Francis of Assisi and Power*, 143.

<sup>92</sup> J. Dalarun, *François d'Assise*, 102. Eng. *Francis of Assisi and Power*, 158-9.

In actual practice, the order would for the most part operate, – with occasional interruption<sup>93</sup> – as if the general chapters were the ultimate authorities with all hierarchical ranks and charges dancing to the tune of their finely composed symphonic refrain, the constitutions. All charges functioned at its service and answered to it. The order’s prevailing practice thus implied the theoretical proclamation that the general chapter amounted to the veritable central organ of the of the order’s corporal expression with the constitutions as its circulatory channels.<sup>94</sup>

*Part. 14* entails a visitation protocol that prescribes the reading of rule and constitutions in that order before their interrogations began (*Primo legatur regula in comuni, deinde legantur constitutiones*).<sup>95</sup> The procedure is suggestive of the privileged position of the rule but also of the standard authority of constitutions throughout the order and of their enforced implementation in its various communities. An avowed function of the chapters and visitations set about by the constitutions was a resolute endeavour to check whether and in what way the rule and constitutions were followed within each province. Such measures were put into place in order to safeguard the rule and constitutions and assess and ensure their observance. Prominent instances include poverty norms regarding architecture, books, and coined money. Also privileged treatment of certain norms shows importance placed upon particular regular injunctions as opposed to others. A particular device employed in such a respect is the phrase *per obedientiam*, which nevertheless comes to the fore in the Narbonne redaction to a greater extent than in previous constitutional legislation.

#### *Poverty and Pauperistic Norms*

The radical commitment to poverty outlined in the rules and upheld in the early movement had by the time of the constitutional age undergone a transmutation by which the former focus upon both interior and exterior principles of poverty had been confined to the realm of material exteriority. Such is evident at least in the early constitutions. Multifarious passages on the handling of material goods in various circumstances attest to a general concern with issues regarding poverty in the order. Prescription regulating external practices related to poverty included those concerning the precise habit allowed them,<sup>96</sup> interference with

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<sup>93</sup> Haymo of Faversham’s policies regarding the appointment of lay members to higher roles and John of Parma’s halting of supposed constitutional redaction must be factored into to any account of the years initiating the constitutional age.

<sup>94</sup> *Fragm. 19 (Constitutiones, p. 7)*

<sup>95</sup> *Part. 14 (Constitutiones, p. 19). Et provideatur per generalem ministrum et diffinitores de singulis ut oportet, de correctione corrigendorum et de ordinatione ordinandorum. Et queratur diligenter qualiter regula et statuta generalis capituli in singulis provinciis fuerint custodita.*

<sup>96</sup> *Part. 39-41 (Constitutiones, p. 25)*



the temporal goods of new recruits,<sup>97</sup> handling coin,<sup>98</sup> and begging alms.<sup>99</sup> In particular, three instances bear attention. The constitutions soften architectural restrictions, clarify the permissibility of portable Bibles, and enhances regulations on handling coinage and marketing. *Fragm.* 34 softened the order's official stance on houses, which, despite regular prohibition against all edifices, was now attentive only to superfluous decoration and size.<sup>100</sup>

The rules had advanced the prohibition against all books aside from breviaries in the case of a literate brother. *Quo elongati* then extended the permissibility of goods from a necessity-based system to one of usefulness. As in the case of architecture, books then came to pertain to the permissible items. Such items included breviaries and other liturgical books, but also portable copies of the Sacred Scriptures. *Fragm.* 33-6 dictate that portable Bibles and other books must not exceed a certain price unless bequeathed, and even then are only permissible for temporary use.<sup>101</sup> They are otherwise conceded to no one and must be either subdivided or sold for less valuable Bibles. *Part.* 76-84 address the begging of alms.<sup>102</sup> *Part.* 80 is a telling passage providing for an exception to the norm against the acceptance of a Bible as alms. One may accept such goods as alms only in the event that the recipient be prepared for study or suited to preaching and that only with the license of his minister, which links the normative force of the prescription to a control mechanism from the rule.

*Part.* 63 then calls for a striking alteration in the observance of poverty norms relating to coined money and goods.<sup>103</sup> It extends the prohibition regarding the acceptance and use of coined money to the very act of selling or even exchanging goods at all. The novel policy introduced by the constitutions appears to be a rare instance in which post-*RegB* legislation rendered regular norms more conservative than is expressly stated therein. Interestingly, the norm is based upon the same conservative principle evoked in the commentary of 1241/2.<sup>104</sup>

#### *Normative Divide, Constitutional Shift, and Charism*

The drafting of constitutions marked the decisive victory of one cultural narrative over another within the order. Whereas *Quo elongati* brought about the outside ruling on a rather sizeable matter of internal dispute, albeit at the appeal to the Papal See from within, the Pre-Narbonne Constitutions. The drafting of constitutions came as the ultimate and inevitable

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<sup>97</sup> *Part.* 38 (Ibid.)

<sup>98</sup> *Part.* 62-63 (*Constitutiones*, p. 31)

<sup>99</sup> *Part.* 64 (Ibid.)

<sup>100</sup> *Fragm.* 34 (*Constitutiones*, p. 9)

<sup>101</sup> *Fragm.* 36-3 (*Constitutiones*, p. 24)

<sup>102</sup> *Part.* 76-84 (*Constitutiones*, pp. 34-5)

<sup>103</sup> *Part.* 63 (*Constitutiones*, p. 31)

<sup>104</sup> *QuatMag*, p. 141.

consequence of *Quo elongati*'s normative divide and its concomitant mitigation of the rule of 1223. *Quo elongati* sanctioned and legitimised mitigation and in part also accomplished it, the first set of constitutions brought the culture of regular mitigation to completion with internal legitimising force. It consummated the triumph of canonist culture, which pervaded in the Church and infiltrated the order, over that of the early movement, the former with its reading of the Gospel through the lens of the rule, but which reads the rule through a lens of constitutional drafting and ecclesiastical procedure, the latter which reads the Gospel through the lens of their direct and immediate experience of it and their concerted efforts to live it out. Represented set of values appears to have transformed into one that overlooked the Gospel as the early movement lived it and instead focussed upon proclaiming the Gospel as the Church dictated, namely in terms of dogmatic content from the mouth of a priest.

In its highly fragmentary comments on *RegB I, Vest. I* reiterates *Quo elongati*'s proclamation on the particular content of the Gospel to which the rule obliged the brothers and does so in the form of a direct citation.<sup>105</sup> We read, *Ad hec sicut per predictos nuntios intelleximus, dubitatur ab aliquibus fratrum vestrorum, ne tam ad consilia quam ad precepta evangelii teneantur.*<sup>106</sup> It renders explicit precisely that which the constitutions represent; namely, the logical conclusion of the post-*Quo elongati* normative divide, that is, the rift open in the Minorite horizon of normativity, one that left a void in its wake. The constitutions thus filled the normative void formerly occupied by Minorite Gospel culture and the rule with new laws. In reality, *Quo elongati* was at once already the problem and the solution in proper canonist fashion as it accomplished the normative divide and then automatically filled the void with supplementary norms. In such a way, *Quo elongati* were in many ways the first constitutions of the Minorite order, of which the Pre-Narbonne Constitutions were but a continuation, albeit the result of a largely internal impulse.

The changing policies with regard to new recruits provide a springboard for a brief discourse on the attitude toward and manifest disregard for charismatic principles. *Part. 31* envisages that as is prescribed in the rule aspirants must be probed on matters of the catholic faith.<sup>107</sup> However, it then goes on to add that they must also be examined regarding matters of the ecclesiastical sacraments, which is an entirely different matter that was not foreseen by the prescriptions of the rule. *Fragm. 41* then envisions and instates a wholly innovative recruit-

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<sup>105</sup> *Vest. I (Constitutiones, p. 43)*

<sup>106</sup> *Quo elongati, 21.*

<sup>107</sup> *Part. 31 (Constitutiones, p. 23)*. Brooke argues that the initial constitution regarding the new model for recruits is probably dated 1242 and is thus subsequent to Gregory's bull, though her view does not represent the scholarly consensus. (Brooke, 1959, 243-4).

ment policy, one which clearly contravenes that of the early movement.<sup>108</sup> The new recruitment model aimed to gather additional members, but only provided that they fit a specific profile, namely if they were schooled in a trade<sup>109</sup> or of noted pedigree, status, or fame.<sup>110</sup> The injunction set the stage for the conscription of an exclusive and aristocratic class into the order. The new model indicates a shift in values, which favour intellectual posturing and societal standing over spiritual willingness regardless of one's upbringing. *Vest. 11* and *Part. 30* then supplement the prescription with an added criterion, that is, members entering into the order must have previously obtained clerical status.<sup>111</sup>

The change in policy was most likely enacted during the term of the minister general Haymo of Faversham. In an erstwhile papal bull (*Gloriantibus vobis*) of 1241 addressed to the order's ministers, Gregory IX had sought to impress upon the brothers greater selectivity in the admittance of their recruits. He strongly admonished them not to admit new candidates on an indiscriminate basis but to accept only those deemed to be useful (*utiles*) to the order and those who would prevail in building up the example of its conversion.<sup>112</sup> As MERLO notes, the order's structural and institutional transformation enacted in the constitutions operated on the basis of the principle of *utilitas*, which determined an aspirant's idoneity not by his inner and outer willingness to commit to a particular manner of life but by his societal and ecclesiastical standing.<sup>113</sup> Also *Part. 74* compels superiors, under the pain of punishment by visitors, to busy the brothers (be they lay or priest) with the work of writing and other tasks within the realm of their competency.<sup>114</sup> Superiors, not ministers, were thus relevant to all levels of the hierarchy and active in all houses throughout the order. Thus in addition to enhancing the specificity of the postulant enlistment standards, the early constitutions put the existence of an aristocratic, clerically-orientated recruitment policy prior to the time of Bonaventure and the Narbonne Constitutions adamantly on display.

#### *Ecclesial Obedience*

As regards the ecclesial realm of obedience, the constitutions strengthen the link between Church and order via the minister general, mention the authority of the cardinal protec-

<sup>108</sup> *Fragm. 41 (Constitutiones, p. 10)*

<sup>109</sup> *nisi talis qui rexit in artibus, vel qui ... rexit in medicina ... etc.*

<sup>110</sup> *... sue valde famosus predicator, seu multum celebris et approbatus advocatus, vel qui in famosis civitatibus vel castellis laudabiliter in gramatica rexit, vel sit talis clericus vel laycus, de cuius ingressu esset valde celebris et famosa edificatio in populo et clero.*

<sup>111</sup> *Part. 30 & Vest. 11 (Constitutiones, pp. 22 & 44)*

<sup>112</sup> BFr I, 298, n. 344

<sup>113</sup> Merlo refers in this context to the „antico concetto di *utilitas*: non tutti coloro che vogliono convertirsi alla vita religiosa possono essere accettati, bensì *soltanto* coloro che, col supporto della propria formazione culturale e clericale e di altre commendevoli condizioni, possono essere utili all'Ordine e a se stessi attraverso una vita meritoria ed essere di esempio per gli altri." *Nel nome di san Francesco*, 160.

<sup>114</sup> *Part. 57 (Constitutiones, p. 29)*

tor, and address the policy on burial rights. The rules had established a binding link between Church and order. Under the constitutions, the sole pathway between Church hierarchy and the order was now regulated via the office of minister general. All those wishing to undertake curial visits were required to obtain a special license from the minister general to legitimately carry this action out.<sup>115</sup> *Frag.* 31 contains a reference reflective of *RegB*, which reinforces the Lord of Ostia as an authority over the order.<sup>116</sup> The office described with the epithets *gubernator corrector et protector* continued his position of oversight, which nevertheless appeared through policy to be geared in practice to the guarantee of privileges more so than the regulation, thereby prioritising the protective role declared by his title over his gubernatorial or corrective functions. *Part.* 69<sup>117</sup> regards the matter of the burial rights of externals in the places of the brothers, which had caused many a dispute with secular clergymen. The constitutions opted to make recourse to the procedures sanctioned by the Holy See in two papal decrees, *Ita vobis* (26 July 1227)<sup>118</sup> and its subsequent reissue (9 Mar 1233).<sup>119</sup>

### *Papal Legislation regarding the Order (1240-1241)*

#### I. Textual Features and *Sitz im Leben*

With Albert of Pisa unexpectedly deceased and Haymo of Faversham at the order's helm, Gregory IX issued a series of bulls proposing minor amendments to the application of the rule to the end of expediting the brothers' day-to-day activity, the decrees *Prohibente regula* (12 Dec 1240),<sup>120</sup> *Licet ad hoc fratrum* (6 June 1241),<sup>121</sup> and *Gloriantibus vobis* (19 June 1241).<sup>122</sup> The timing of the bulls telegraphs their back-story. Haymo had just been elected not a month's time prior, and we now know that Haymo had reform on his mind, though much was yet to come in the way of liturgical reform and official policies. The English minister had held sway in the order even before acceding to the office, having had a hand in the initial drafting of the constitutions at the chapter in Rome, where the Pope or at least a trusted curial official such as the cardinal protector was more than likely at hand. The two men were well acquainted, as Haymo had been present with the contingent sent to Rome to request a papal ruling on internal affairs, which resulted in the arbitration *Quo elongati*.

<sup>115</sup> *Part.* 58 (Ibid.): *Nullus ad curiam domini pape vadat vel mittat absque licentia generalis ministri.*

<sup>116</sup> *Fragm.* 31 (*Constitutiones*, p. 9)

<sup>117</sup> *Part.* 69 (*Constitutiones*, p. 32): *Sepulture in locis fratrum stricte servantur iuxta privilegium ordinis, concessum a sede apostolica.*

<sup>118</sup> BFr I: 31a, n. 8

<sup>119</sup> BFr I: 99a, n. 92

<sup>120</sup> BFr I: 287, n. 325

<sup>121</sup> BFr I: 295-6, n. 341

<sup>122</sup> BFr I: 298a-b, n. 244

All three bulls granted privileges delegated authorities (previously exclusive to the head ministers) to provincial ministers, thus freeing the minister general up to tend to other affairs. One may rightly suspect a motive underlying the bulls, such that Gregory had been want of a minister general to do his bidding in relations with and in gaining leverage against his rival for global domination in the figure of the emperor Frederick II. It is also likely the primary reason for Elias' deposition in the first instance, as it transpired by Gregory's own doing. The measures enacted suggest a growing confidence in the order, which he personally had a large part in shaping and molding, in its ability to recruit and elect to higher offices trustworthy and capable men of a certain standing, and in particular in their new-found constitutional governance and systems of control.

The legislation can be seen as part of a larger plan to realise the gradual but complete transformation of their order into a streamlined institution in whom he could confide to undertake extraordinary tasks such as perhaps the preaching in favour of indulgences and crusades and against heretical dogma and respective sects. Scholars have reason to label the process a Dominicanisation.<sup>123</sup>

## II. Thematic-Theological Analysis

The set of decrees softened rule injunctions for purposes of delegation of authorities to the lesser jurisdictions of the ministers provincial. In so doing, they further legitimised the mitigation of regular norms and more broadly aided in accomplishing the legal marginalisation of the rule. More specifically, the first of the three bulls, *Prohibente regula* softened *Quo elongati's* ruling concerning the centralised authority to license brothers to the *officium praedicationis*. By the pronouncement, the licensing of preachers formerly reserved as an authority exclusive to the minister general was then delegated to the jurisdiction of provincial ministers. From the Minorite perspective, the bull decreed mitigation of the rule in favour of the decentralising delegation of authority. As a matter of practicality, it must have proved a source of relief to those involved in the long and arduous administration due to the covering of great distances or the slow at best lines of communication. In addition, as a countermeasure to ensure quality control, it also entreated the brothers to raise the standard of a candidate's idoneity for the office, at which point the bull makes an equivocating statement. At the con-

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<sup>123</sup> For a fine example of such an account, see: M.P. Alberzoni, 'Minori e Predicatori fino alla metà del Duecento,' in: *Martire per la fede: san Pietro da Verona*, Bologna 2007, 51–119. Desbonnets, *Intuition et Institution*.

vening of the diffinitors for the provincial chapter, candidates were to be examined and approved by brothers *in sacra pagina eruditos*.<sup>124</sup>

A mere half-year's time had passed when the Pope issued the decretal *Licet ad hoc fratrum*. Parallel to the delegation in the prior bull, the follow-up document affords provincial ministers the authority to grant absolution to brothers having been excommunicated either prior to or during their time as a Minorite brother. The expedition of pardon regarding excommunicable offenses is a great deal more serious than the licensing of preaching. The decentralising alterations of regular application continued. With an eye for the erudite brothers mentioned above, Gregory goes on to discuss certain *fratres discreti*, God-fearing and literate men (*litterati sint et Deum timentes*), who designate erudite members of the community elected to serve as assistants to various levels of order hierarchy.<sup>125</sup> Thus, granting the either of the cases of the above quandary, the reference implies that the university trained brothers began to constitute a class all their own within the order, a sort of unofficial elite among the brothers that aided the hierarchy in the making of decisions. It is for such reasons that one can affirm what N. SENOCAK means when she writes, "Education was becoming more and more a prerequisite to hold any kind of administrative office in the Order."<sup>126</sup>

Therefore, by the early 1240's, nearly all of the minister general's responsibilities had been delegated to some extent, either by papal arbitration or by internal constitution. Thus the rights and duties exclusive to the head minister grew ever fewer. With the early constitutions, the office of visitation had for all intents and purposes replaced the minister general's duty prescribed by the rule to visit the provinces. The discretion to call a chapter had also been stripped away. Aside from official oversight of general chapter meetings, which would remain a permanent fixture, all that remained, at least until *Ordinem vestrum* (1245), was *Quo elongati*'s legal involvement of the minister general in the sanctioning of marketing material goods and the constitution's assignment of head minister as official liaison to the cardinal protector.

## The *Expositio super Regulam* of 1241/2

### I. Textual Features and *Sitz im Leben*

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<sup>124</sup> *Ut singuli vestrum in suis Provinciis cum Diffinitoribus in Provincialibus Capitulis congregatis Fratres in sacra pagina eruditos examinare, ac approbare, & eis officium praedicationis, deum habendo prae oculis, committere valeant.*

<sup>125</sup> *De conscientia discretorum fratrum vestrorum, qui litterati sint et Deum timentes, impertiri valeant absolutionis beneficium.*

<sup>126</sup> *The Poor and the Perfect*, 71.

Of the efforts to follow from the order's upper echelon to conceptualise and affect Minorite structures of obedience, a rule commentary<sup>127</sup> of Parisian provenance known in the manuscript tradition as *Expositio Quatuor Magistrorum super Regulam Fratrum Minorum* (1241/42) was most considerable.<sup>128</sup> Preserved in 27 integral manuscripts and in 5 other codices by fragmentary witness of predominantly fourteenth and fifteenth-century origin,<sup>129</sup> the Minorite document is of undoubted integrity and authenticity. If transmission is representative of a document's afterlife, then that enjoyed by the *Expositio* was a relatively fair one. Of the extant source material, L. OLIGER consulted 13 manuscripts in the realisation of his exemplary edition, which is the text utilised in the present study. A 1241 chapter of diffinitors had entreated each province to gather a committee comprised of learned brothers who should then address in written form problematic issues concerning the rule of 1223 (*dubitalia regulae*).<sup>130</sup> The French province appointed two masters and two bright sententiary bachelors from the University of Paris. Alexander of Hales (ca. 1185-1245), Jean de la Rochelle (ca. 1200-1245), their pupil and master-to-be Odo Rigaldus (ca. 1220-1275), and Robert of Brescia, a student "who later held office in the province of France,"<sup>131</sup> took up the task.

The authors set out to address problems with the rule as experienced in their province and brought their expertise to bear on the text. The *Expositio* ensued, providing us the sole surviving text occasioned by the chapter's insistence. Proposing a canonistic approach to the rule in a similar vein to that of *Quo elongati* (indeed, they carried over just such a juridical turn), the authors issued their somewhat selective commentary on the rule where it concerned questions of the proper relationship between minister general, general chapter, other brothers, and regular norms. As the outset of their comments show, it is undeniable that the authors had *Quo elongati* on their mind as they committed their thoughts to ink. The first chapter delivers a concerted approach to the rule's relation to Gospel as envisaged in the *Test*. In particular, the commentary's authors allude to the intention behind Francis' words, which were determined to ensure that the brothers *regulam spiritualius observarent*.<sup>132</sup> Usage of the early movement's lexicon (*spiritualiter*) in a context of regular observance implies that while the masters uphold Gregory's ruling, they also acknowledge, even if they do not enter fully into, a

<sup>127</sup> A volume of studies on rule commentaries is underway and shall be published by the Franciscan Institute.

<sup>128</sup> For background on the text and a review of the literature, see: D. Flood, 'The 1242 Commentary on the Franciscan Rule: The So-Called Commentary of the Four Masters,' in: Idem. (ed.), *Early Commentaries on the Rule of the Friars Minor*, Vol. 1, St. Bonaventure 2014, 1-9.

<sup>129</sup> *QuatMag*, 37-69.

<sup>130</sup> *QuatMag*, 11ff. Did the invocation function principally as a means to shore up and ease the transition into the constitutional era, or was it merely a scholastic annotation on the rule? Cf. *Poor and Perfect*, 71-3.

<sup>131</sup> Flood, 'Three Commentaries on the Rule,' in: *La regola dei Frati Minori*, 159.

<sup>132</sup> *QuatMag*, 125-6.

deeper, unrefined level of meaning in the *Test*, and consequently also of the charism, that exceeds the external confines to which it was subject. However, the ambivalent reference would remain rather formless.

The authors of the *Expositio* offer their own responses in the commentary, which as any pursuit in a group setting to determine meaning was of course met with various reactions and opinions. A textualised answer to the brothers' many queries came from within the order and not from above as in the case of *Quo elongati*, but from University masters who had only joined the movement at the earliest in 1236. The authors prepared their comments at the behest of a provincial chapter (*secundum iniunctam nobis in provinciali capitulo*),<sup>133</sup> which together with the comments of theology masters and students are evidence the influence of the few began to dictate the dance of Minorite life for the many. The commentators catered to their topic in the manner with which they are acquainted, that is, as scholastics and lawyers. One may be tempted to ask whether the work reflected the common conscience of the brothers? It is quite plausible that it did not, at least in the case of the English province.<sup>134</sup> Whether all the brothers were prepared to have their rule explained to them by high-minded schoolman appears most unlikely.

By way of appeal to LEFEVERE's theories on literary systems, the *expositio* of 1241/2 represents an effort to produce texts in concert with the institution's dominant narrative, which was increasingly supported by a legal conception of the rule that followed *Quo elongati* and accompanied the redaction of constitutions. The order thus bid the aid of a set of professionals to address concerns about interpretation of the rule and in so doing thus fostered official understanding complementary to the dominant order and its cultural narrative.

## II. Thematic-Theological Analysis

### *Ministers and Lesser Authorities*

Regarding the ministerial charge and the weight of chapter proclamations, the masters delineated order hierarchy by degrees of authority. Although they purported a collegial spirit of governance, the sessions were by no means public and their pronouncements favoured a select few. Nevertheless, they anticipated and sought to halt future monopolous control of the order. While *RegB* outlined with broad strokes the conduct and attitude proper to the head minister, its prescriptions were vague with respect to the actual powers wielded by the post

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<sup>133</sup> *QuatMag*, 124.

<sup>134</sup> For a treatment of the day-to-day praxis of obedience in the English province, see: A. Power, 'The Problem of Obedience among the English Franciscans,' in: M. Breitenstein, J. Burkhardt, S. Burkhardt & J. Röhrkasten (eds.), *Rules and Observance: Divising Forms of Communal Life*, Vita regularis 60, Münster 2014, 129-67. For a study on the practical dimension of obedience and disobedience to the rule, see: J. Röhrkasten, 'Franciscan Obedience and Disobedience in Practice,' *Op. cit.*, 107-28.



and of their limits. *RegB*'s equivocal message regarding the exact limits of the minister general's power and of his relationship to the general chapter rendered the exercise of ministerial influence dependent upon the residing holder. Elias' reign stands to fact.

The reformatory impulse within the order successive to Elias' deposition, of which the initial constitutions were an integral part, aimed to settle the matter, placing restraints on the head of the order. They thereby enact measures to ensure order-wide accountability both by the suspension of his powers if ascertained *non sufficientem* and by the restriction of the influence given the recent addition in the office of visitor.<sup>135</sup> The rather nondescript phrase *non sufficientem* gains unparalleled specificity in the master's reading of the rule, insofar as it denotes the event of crime, enormous excess, incorrigibility, or neglect.<sup>136</sup>

PARISOLI offers an illuminating statement on the masters' distinction between the power afforded to ministers and custodians and that of lesser offices such as guardian.<sup>137</sup> As PARISOLI suggests, the authority allotted higher officials in the order distinguishes itself in a qualitative manner from that of lesser authorities. Ministers and custodians, as official decision-makers and thus in a sense legislators, enjoyed full-fledged power supported by means of an authority afforded them by the rule with certain clearly-defined restrictions. Lesser officials, such as guardians, whose post did not extend from the directives of the rule, fulfilled their duties with the proviso that their office functioned as a secondary, organisational and ministerial service, an extension of the authority proper to higher officials. Whereas commands of the former were incontrovertible and absolutely binding when valid, the commands of lesser authorities were subject to scrutiny and contestation, as their power entailed an added limitation, that is, the proper execution of injunctions. A ministers' command, if valid according to the determined criteria, enjoins a lesser authority with incontestable force. Due to their derivative powers as conduits of their superiors' will, the same does not follow for guardians. Parallel to the manner in which the rule's authority originates from that of the Church, the power vested in such lesser officials originates with those who generate decisions that secure province-wide policy in accordance with the responsibilities entrusted them by the rule.

#### *The Commentary in Context*

It is perhaps not entirely superfluous to point out the basic incongruity of Minorite brothers donning the title *magister* who had been appointed by a chapter to submit an explica-

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<sup>135</sup> *Const. Praenarb.*, 8 & 19-21.

<sup>136</sup> *Const. Praenarb.*, 8.

<sup>137</sup> "...i ministri e i custodi dei conventi sono catalogati come poteri *per auctoritatem*, mentre ai loro sottoposti il potere è determinato *per ministerium*: i primi sono produttori di decisioni, sono nomoteti, i secondi sono esecutori sindacabili in base al modo di adempiere le direttive ricevute, non sono nomoteti." Parisoli, 26. *QuatMag*, IV, p. 146.

tion of their rule.<sup>138</sup> Nor is it gratuitous to dwell briefly on the duplicitous manner in which said masters glossed the rule while claiming only to clarify it according to its original meaning.<sup>139</sup> Also worth noting, a shift in attitude toward lay brothers occurs contemporaneous to the *Expositio*. While the two rules foresee equal opportunity to both lay and clerical candidates for ministerial posts,<sup>140</sup> sources indicate the onset of discriminatory policies that restricted the influence proper to lay brothers. The policy of differentiation based upon priestly orders likely took place under the generalate of Haymo of Faversham (1240-44) or shortly prior in the period directly subsequent to Elias' deposition, during whose reign lay brothers are believed to have had preference.<sup>141</sup> The constitutions of coetaneous origin introduced a policy that restricted admission into the order, barring access to unlettered laymen, in effect fixing an enlistment profile on aristocratic priests.<sup>142</sup>

The era thus countenanced an even higher degree of disproportionate representation in the brotherhood. There was an inversion of the already inverted hierarchy. The greatest became greater and the least ever lesser, where great is progressively more synonymous with learned priest become minister; least with simple lay non-minister.<sup>143</sup> Before long lay brothers would be regarded in the order as little more than chambermaids, suited only for tending to household chores while the other brothers studied and aspired to preaching careers. The insti-

<sup>138</sup> See above indications. Also, a statute claimed to have been promulgated under John Parenti at the chapter of 1227 expressly prohibited the title *magister* to Minorite brothers. We read: *Statuit etiam, nullum fratrem magistrum vel dominum vocari. Chronica XXIV Generalium, AF 3 (1897): 1-575, here 211.*

<sup>139</sup> *Novam autem expositionem vel glosaturam contra regulam non astruimus, sicut a quisbusdam intentionis purae damnatoribus et zelum suum in animarum suarum periculum et fratrum scandalum pervertentibus predicatur. Immo simpliciter et pure intellectum ipsius regulae, quae omnes nos ligat, et eius ignorantia nullum excusat, non ex nostro sensu, sed ex ipsa littera, ut potuimus, extrahentes, secundum iniunctam nobis obedientiam, arbitrio vestro dirigimus iudicandum, vestrae sententiae plusquam nostro sensui in hiis et in aliis innitentes, interpretationem, si alicubi necessaria, sedi apostolicae reservantes. QuatMag, 124.* Thus begins the history of transparent glossing of the rule on the pretext of clarification. Similar to Gregory IX in his bull, to strengthen their case the masters make frequent appeal to Francis' or the rule's *intentio* (123, 136, 149, 160, 163).

<sup>140</sup> *RegB* contains explicit reference to such equal opportunity. *RegB VII, 2, Scripta, 330.*

<sup>141</sup> Pellegrino de Bologna, *Chronicon abbreviatum de succession ministrorum generalium*, ed. A.G. Little, in: *Tractatus fr. Thomae vulgo dicti de Eccleston de adventu fratrum minorum in Angliam*, Collection of studies and documents on the religious and literary history of the Middle Ages, 7 (Paris, 1909), 142. On this point, see: A. Boni, "Accessibilità indifferenziata (chierici e non-chierici) agli uffici di governo nella Regola francescana," *Apollinaris* 55 (1982): 599-608. G. de Paris views it differently, maintaining that the policy was instated directly after Elias' deposition. *Histoire de la fondation et de l'évolution des Frères Mineurs au XIIIe siècle*. Paris, 1928, 152-3.

<sup>142</sup> *Const. Prenarb.*, 30.

<sup>143</sup> This to the extent that in the 1280's, the chronicler Salimbene of Adam, who had entered the order as a young man in 1238, wrote openly of his ardent dislike for lay brothers, calling them uncouth, unlettered, and prone to transgress the rule; in a word, useless. In a shocking example, Salimbene recounts with distaste a certain fervent lay brother, Martin the Spaniard, who travelled alone and tended to the sick in hostleries. The chronicler plainly wished that the fixed structure of society also be maintained within the order. Salimbene of Adam, *Cronica fratris Salimbene ordinis minorum*, Monumenta Germaniae Historica, XXXII, O. Holder-Egger ed. (Hannoverae & Leipiae: Impensis Bibliopoli Hahniani, MDCCCCV – MDCCCCXIII), 102.

tutional changes would poise the brotherhood open to lay and priest alike to bear resemblance to the community of aristocratic monks at the abbey of Cluny. LEFEVERE's thoughts on themes and patrons find a link to the Minorite literary frame. The ruling order and its cultural narrative demanded the increased professionalisation of the organisation. The constitutional constriction of themes in favour of those preferred by patrons – in this case, the priest-oriented Church under Gregory IX – results in the restriction of lay members and the relegation to a second class. The dominant cultural narrative developed into one that was antithetical to that encouraged in the early movement or the period of institutional interlude. Surely Thomas, the organisation's professional hagiographer, intended to deliver a veiled critique of priestly elitism as another connotation of the *Memoriale* passage, which in turn concerns not only the Holy Spirit but also the actual brother at the helm. He had to take care not to appear a dissident, but his challenge rang true. So long as the Spirit infuses a brother's life and shown through in his words and deeds, he is fit to lead, whether lay or priest, noble or peasant. As with the early movement's *vita*, the presence of the Spirit, not a brother's cultured, priestly status, served as the benchmark for idoneity. The uninformed conscience was viewed as suspect.

Nonetheless, with regard to regular imperatives time would be witness to steady increments of compromise, however skilful the legitimisation. The *RegB*, which itself had already represented a concession for the early movement, was now also being marginalised by ecclesiastical methods and on extraneous grounds. To varying degrees, countless major conflicts throughout the order's history stem from conflicting views on the concerted endeavour to make the rule conform to current institutional mechanisms rather than vice versa. The same principle applies to the sanctioning of preachers, the absolution of grave faults, architectural standards, regulations regarding proper labour, alms begging, and so on. Already in 1226, it seems, Francis had sensed a tendency toward leniency and rationalisation that had begun to creep into the structures of Minorite life, as if termites into a wooden framework.

#### *Minister-Chapter Relations*

If viewed from the perspective of power relations, the rule commentary suggests a disenchantment among the order's learned priestly elite as to the abuse of ministerial charge with particular regard for the disparity between the authority of a minister general and that of the general chapter.<sup>144</sup> Undoubtedly, the masters' *expositio* provides the order's disregard for its

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<sup>144</sup> This is so especially when viewed in conjunction with the Pre-narbonne Constitutions of 1239, which state that chapter meetings are to be held on a triennial basis and that the first order of business should be to assess the sufficiency of the current minister general.

original ideals with a degree of erudition and congenial grace. Of note, though the rule binds brothers to obey the minister general, the commentators contrast the authority (*auctoritas*) of rule and chapter with the power (*potestas*) of ministers.<sup>145</sup> All brothers must obey the minister general and no chapter or brother can change the rule. Nevertheless, they argue:

*si capitulum propter vitandum periculum religionis coarctat potestatem generalis aut provincialium ministrorum, et aliqua alia salubria ordinat inter fratres generaliter observanda auctoritate regulae, quae praestat auctoritatem capitulo generali, per generalem ministrum non poterunt infirmari.*<sup>146</sup>

If minister and chapter should disagree, a minister has no authority to countermand a chapter's decision. The masters thus view chapters as having legislative power; ministers executive power. By a hierarchised “cascade de légitimité,”<sup>147</sup> the text also insinuated that the rule, not the chapter or rank, is the source of the order's – by that reason, also the general chapter's – authority by virtue of its papal approval, and thus also the source of the minister's power. Neither inferior, nor superior, nor chapter may change it. In effects, the rule trumps all, even the general chapter and its constitutional legislation, the latter of which receives no mention in the rule and is expressly prohibited in *Test*. Thus, in the intervening years between the *expositio* release (1241/2) and the Narbonne Constitutions promulgated in 1260, the constitutions held an ambiguous place in the normative structure and its theoretical stream of legitimacy. Thus, DALARUN is correct in suggesting that the masters' *expositio*, though it asserted the general chapter's authority over the head minister, it damaged the legitimacy of the constitutions somewhat by weakening their link to the order's font of legitimacy; namely, the rule of 1223.<sup>148</sup>

While the clear distinction between *inferiores* and *superiores* displays their giving in to a hierarchical cast of mind, the authors mention the consensus of superiors and inferiors at general chapters, implying the friars' engagement of conscience at some level. Chronicle re-counting, however, would suggest another, more exclusive praxis, which sought to narrow the range of voices at chapter.<sup>149</sup> Interestingly, it appears that a chapter commissioned the writing

<sup>145</sup> *QuatMag*, 160-2.

<sup>146</sup> *QuatMag*, 160-1.

<sup>147</sup> J. Dalarun, *François d'Assise ou le pouvoir en question. Principes et modalités du gouvernement dans l'ordre des Frères mineurs*, Bruxelles, De Boeck Université, 1999, 93. English: *Francis of Assisi and Power*, 143.

<sup>148</sup> J. Dalarun, *François d'Assise*, 102. Eng. *Francis of Assisi and Power*, 158-9.

<sup>149</sup> With the ever increasing number of custodians arose of course the question as to whether and how many custodians were permitted at general chapter meetings. They eventually settled on one per province. Jordan of Giano and Thomas of Eccleston mention the presence of *subditi* at a chapter in 1239, an experiment with a short half-life. Jordan reports: *Insuper statuerunt, ut ministri singuli in suis provinciis tenerent capitulum unum et subditi duo. Chronica fratris Jordani*, edidit, notis et commentario illustravit H. Boehmer (Paris: Librairie Fischbacher, 1908), 58. Thomas' account is more extensive. He writes: *Sub ipso* [Haymo of Fa-

of a commentary. A telling counterfactual would entail a minister general commissioning their work. The commentary then proceeds to argue that deposition of an insufficient minister general, once a prerogative of common brothers in conjunction with ministers at chapter, requires by Lateran Council IV's Canon 24 only the majority of ministers' consent and not all.<sup>150</sup> Implementation of such a measure would ensure greater collegial control over the minister general.

*The Rule in View of Ecclesial, Charismatic, and Order Authority*

The order's masters unfolded their argument on the rule's essential force on the basis of overt hierarchical reasoning. The Church, supreme in its authority, sanctioned the order's rule, which in its turn grounds the authority of the order. Thus the root source of the order's authority is hierarchically explicable, namely by its rule. The authors' verdict on the rule brings with it a corollary. Although the authors do not themselves spell it out in so many words, their reasoning connotes that the rule's authority is due precisely not to Francis having written it or to its foundation in the Gospel, but rather to the sanction granted it by the Church. As such, the masters diverge from any stance, implied or explicit, taken by a Minorite author and position themselves firmly in a camp, which had no precedent. Earlier propositions which had welled up from the order's literates articulated the rule's and the order's authority with a two-pronged approach. Such authors affirmed the rule's Gospel inspiration in a Minorite context and thus its charismatic foundation, while at once also declaring the enhanced authority granted it by the Church's sanction. The masters then forge a novel path, which in a manner even more radical than *Quo elongati*, undercuts the order's charismatic origins. Whereas Gregory's bull made minimal reference to the Gospel and introduced the normative divide between Gospel and rule, the *expositio* of 1241/2 formulated its argument with the base-line proposition that the rule's validity derives from the Church's authority. Therefore, in the final analysis the rule constitutes nothing other than an extension of ecclesial authority.

Despite the authors' staunch, ecclesiastically-minded approach to the matter of the rule's authority, they also appeal to the original stratum of meaning contained therein by way

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versham] *celebratum est primum et ultimum capitulum generale diffinitorum, quod unquam fuit in ordine, propter insolentiam quidem eorum; quia scilicet omnes ministros, qui in loco capituli fuerunt, eum generali modis omnibus voluerunt emitti a loco; quod et factum est. Igitur ordinatio, quae facta fuerat de isto capitulo subditorum coram papa in absolutione fratris Heliae, et etiam de custodibus et guardianis eligendis canonice, propter eorundem subditorum insolentiam in capitulo generali proximo deleta est. Voluerunt enim quidam fratres, ut custodes ab ordine penitus delerentur, dicentes eorum officium superfluum. De adventu*, 70-71.

<sup>150</sup> *QuatMag*, 161-2.

of the Latin term *intentio*.<sup>151</sup> Gregory had previously attempted to render his 1230 ruling on order matters more persuasive in an elicitation of Francis' pious intention. The masters' appeal is of a different nature, in that their notion seeks to ground its comments in a level of meaning intrinsic to the rule, while that of *Quo elongati* delineates the legal technicalities implied by the rule and separates them from the high ideal attached to it by Francis in his *Testament*. Each conducts their task under the guise of *expositio*. The masters also impose their own interpretative framework on the rule and discuss rule passages accordingly, though their pretence is one of clarification. The rule's authority descends from the Church, its meaning ascends from the charismatic origins of Francis and the early movement.

The masters also distinguish themselves from *Quo elongati* in their reticence to attribute a markedly legislative role to the general chapter. While they allot the rule and the general chapter comparable weight both in terms of authority, such authority pertains in particular to their standing within the order in relation to the minister general. The authors thus maintain a separation between the two authorities and assert the supremacy of the rule over the chapter.

As a result, the rule enacts an apparent supervention upon the chapter's influence in its determinating role. The rule's supreme authority in the order, derived immediately from the Church, overrides that of the general chapter and places limits upon its legitimate exercise. As in the case of the head minister, the rule debars chapters the right to in any way alter passages of the rule. The rule prevented its own contravention on the part of ministers in *RegB X*'s clause on commands issued *contra regulam* and *contra animam*. The masters' *expositio* then sets forth the contention that no individual or communal body has the jurisdiction to contravene the rule. In such a fashion, the *expositio* strikes a balance between the *Testament* and *Quo elongati* by maintaining a measure of Francis' preclusion of regular alteration absent the fullest consequence of *simpliciter et sine glossa* while also legitimising the decretal's conditioning of the rule without the fullest extent of its assertions on the authority of the general chapter to confirm it. Thus as with the *expositio*'s silent disapproval vis-à-vis certain rulings of *Quo elongati*, its absence of comment on the general chapter's legislative role in all things that do not contravene the rule allows the implications of the corollary to carry over into the reader's inductive conclusions.

#### *Rule and Regular Norms*

With regard to rule injunctions, the authors of the *Expositio* forged crafty distinctions both broad and specific in nature and consequence, all the while under the pretence of clarifi-

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<sup>151</sup> Transparent glossing of the rule under pretence of clarification takes place by frequent appeal to Francis' or the rule's *intentio*. See: *QuatMag*, 123, 136, 149, 160, 163.

cation and not alteration,<sup>152</sup> which presents another tie into LEFEVERE's theory on professionals in literary system. On hire from their patrons, the authors wrote under certain constraints and to fulfill well-defined demands. The authors' backgrounds in theology and law also helped condition the writing process. Broadly understood, having established the derivation of the order's validity from the Church via the rule, the masters go on to advise the brothers with caution and careful wording to disregard privileges that would countermand the spirit of the rule.<sup>153</sup> Their advice would no doubt spur brothers to challenge Church authority both in writing and in deed.<sup>154</sup> To that end, the principle stood that the integrity of the rule overrode the decision of Church officials. Heretofore unseen in Minorite history, the rule commentary took issue with two papal pronouncements concerning the delegation of the authority to sanction preachers. Additionally, in the attempts to systematise and guarantee a qualitative difference between regular norms and to make sense of the apparent gradation of injunctions in the rule (*iniungo, moneo, precipio, exhortor*), the authors then introduced a distinction between *praecepta, consilia, instructiones, admonitiones*, and *concessiones* which sought to categorise rule passages by degree of normative force.<sup>155</sup> Apart from the vows, argued the commentators, brothers were only duty-bound to obey the *praecepta*. Although it brought on no patent conclusion, the distinction evinces an admittance of selectivity regarding obedience of the rule at least at a theoretical level.<sup>156</sup> Clearly the masters had elected not to heed Thomas of Celano's advice in the spirit of *Test* not to distinguish precepts.<sup>157</sup>

<sup>152</sup> *Novam autem expositionem vel glosaturam contra regulam non astruimus, sicut a quibusdam intentionis purae damnatoribus et zelum suum in animarum suarum periculum et fratrum scandalum pervertentibus predicatur. Immo simpliciter et pure intellectum ipsius regulae, quae omnes nos ligat, et eius ignorantia nullum excusat, non ex nostro sensu, sed ex ipsa littera, ut potuimus, extrahentes, secundum iniunctam nobis obedientiam, arbitrio vestro dirigimus iudicandum, vestrae sententiae plusquam nostro sensui in hiis et in aliis innitentes, interpretationem, si alicubi necessaria, sedi apostolicae reservantes. QuatMag, 124.*

<sup>153</sup> *QuatMag*, 163-4. As Flood indicates, the authors' remarks reference the rulings of Gregory IX's *Quo elongati* (1230) and *Prohibente regula vestra* (1240). See: *ExpHug*, 63.

<sup>154</sup> It bears mention that the passage contains a hint of insubordination to the Church, the likes of which were heretofore unprecedented at the juncture in the order's history. The overarching message is clear. Not even a papal command had the authority to jeopardise the rule's integrity. The passage would certainly encourage Hugh of Digne in the composition of his own commentary. See Flood's comments on Hugh of Digne's rule commentary in the context of *Ordinem vestrum* and the chapter of Metz in 1254. *ExpHug*, 58-64.

<sup>155</sup> *QuatMag*, 33-4, 127, 140. On the distinction between *praecepta* and *instructiones*, see: Oligier, p. 34 & p. 127. On the example of the Gospel norm to eat what lie before you, introduce a fourth category of concession, p. 140) On the example of sending potential new recruits to provincial, they chart the dividing line between instruction and precept. Failing to execute a precept is a grave offense resulting in mortal sin, p. 127. The distinction would prove a useful point of reference for further commentaries: Oligier, 79 & 86-9. The debate on precepts and counsels would only be settled decades later when in 1312 Clement V issued an official ruling in the bull *Exivi de paradiso*.

<sup>156</sup> Hugh of Digne would in the early 1250's issue his judgment that the semantic difference indicating a gradation of norms was merely a matter of tonal emphasis and that all rule injunctions bore equal weight for obedience *spiritualiter*. *ExpHug*, 48ff.

<sup>157</sup> On the distinction between precept and counsel in thirteenth-century treatises, see: Silvana Vecchio, 'Precepti e consigli nella teologia del XIII secolo,' in: *Direzione spirituale*, 279-302.

After having contended with queries regarding regular norms and what may and may not constitute violation of the rule in casuistic technicality and of the soul in sin, the masters then express a somewhat conservative view of *RegB X*'s injunction relating to ministers' commands *contra animam et contra regulam*. Does *contra animam* only designate that which one considers tantamount to a mortal sin? The masters' careful response refers not only to orders leading to sin but also to that which may be a proximate incentive to commit a sin (*incentivum proximum ad peccatum*).<sup>158</sup>

Once again welcoming the recent constitutional developments, they argued that *contra regulam* comprises not only violation of regular precepts, but also violation of order statutes intended to preserve the purity of the rule.<sup>159</sup> Subsequently, they turned to the 'recourse to ministers clause,' proposing again a rather conservative view. They even hazarded a definition of the *RegB*'s *spiritualiter observare* clause, which in this case denotes observance in accordance with the rigour or purity of the rule or without proximate occasion to sin (*secundum suum rigorem, sive secundum suam puritatem, vel sine occasione proxima ad peccatum*).<sup>160</sup> Despite intimation of the charism in treating questions of the rule, obedience, and sin, the masters nevertheless delimit the scope of their treatment to a brother's avoidance of sin and his responsibility to the rule and that within a constitutional framework. Not until Hugh of Digne's rule commentary would a text, whether internal or external, stress the clause's reinforcement of the minister's duty to care for the brothers undergoing a crisis of conscience.<sup>161</sup> Although not technically normative – inasmuch as it never received any sort of officially approved status –, the masters' *expositio* would resonate within the order, becoming a recurrent point of reference for later commentaries.<sup>162</sup> A peak moment concerning the general chapter's authority, the point would, however, find rather little to no echo in succeeding Minorite texts.<sup>163</sup>

### *Poverty and Pauperistic Norms*

The *expositio* offered various comments on the interpretation of poverty and on norms regulating poor ways. They even boast of the exceptional quality of Minorite poverty, which, dissimilar to other religious communities, is perfect rather than imperfect (156-8). Regardless

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<sup>158</sup> *QuatMag*, 165.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> *ExpHug*, 178-9.

<sup>162</sup> *QuatMag*, 79 & 86-9.

<sup>163</sup> The authority of general chapters receives brief mention in the bull *Ordinem Vestrum* and in the rule commentaries of Hugh of Digne and John Peckham. Nevertheless, Bonaventure writes in his prologue to the constitutions of 1260, *pro salute animarum a generali capitulo statuitur, apud quod praecipua residet auctoritas ordinis gubernandi. Const. Narb.*, 69.



of *expositio*'s having established the rule above all else as the source of the order's evangelical authenticity confirmed by the Church, the masters nevertheless go on to mitigate certain regular passages. However, it should be noted, they also express reticence in subscribing to certain other rule mitigations. Essential to the masters' wider project, the commentary also reasserted *Quo elongati*'s proclamation, which operated on the basis of the principle of non-ownership that distinguished use and ownership of goods. Throwing a new term (*rei possessio*) into the mix,<sup>164</sup> they exposed an extensive legal definition of *dominium*, whereby one could use a thing but not have exclusive rights over it, most importantly the right to sell.<sup>165</sup> *Quo elongati* codified the fiction; the four masters grounded and perpetuated it.

In more specific terms, a classic instance of precept relegation arises in turn regarding compliance with poverty norms. The masters exploited the ambiguity of certain rule passages and appealed to a relative, thus softened standard. Regarding proper Minorite dress, after deliberations on the necessity of proper footwear in unfavourable conditions<sup>166</sup> the authors considered that which constituted poor vestments (*vestimenta vilia*). They adjudicated that the poor quality of one's wears was appropriate by regional standards and evaluated either on the basis of market value (*pretium*) or appearance (*color*).<sup>167</sup> By such logic, the permissibility of a habit in one province may have been at odds with that in another province.<sup>168</sup> The legal fiction<sup>169</sup> of Minorite poverty began to grow in scope and sophistication. However, by raising the question, the masters at least recognised a major difficulty in universal application of the rule's standards; namely, in finding a common standard valid order wide and the ambiguities that arise from excepting a variety of standards. They thus ruled in favour of comparative standards on a regional basis.

Another section regards *RegB IV* and the specifications on the handling of money and procuring of goods. *Nuntios* was thereby added as a new title for the intermediary agent and linked to the proper procedure regarding coined money. The *expositio* makes recourse to the agent for the purposes of procurement of necessities when it involves the handling of coin. He

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<sup>164</sup> *QuatMag*, 142.

<sup>165</sup> *QuatMag*, 152-6. The early constitutions prohibited the brothers from handling coin, but also extended the definition of *pecunia* to all that which one receives to sell. *Et dicimus pecuniam non solum denarios, sed rem quamlibet que accipitur ut venditur. Const. Praenarb.*, 63. Thus the idea of selling and trading goods had been considered in other Minorite fora.

<sup>166</sup> *QuatMag*, 134-136.

<sup>167</sup> *QuatMag*, 135-6. Interestingly, those are the exact categories used in the Pre-Narbonne Constitutions. *Vestimentorum vilitas attendatur in pretio pariter et colore. Const. Praenarb.*, 39-41.

<sup>168</sup> As a counter-argument to the notion of compromise by regional standards, one could argue that the *minor* in *fratres minores* is a comparative in technical grammar terms and not a superlative.

<sup>169</sup> For a reflection on the role of legal fiction and the separation of normativity from life in Roman law, see: G. Agamben, *State of Exception* (University of Chicago Press, 2008) and Thanos Zartaloudis, *Giorgio Agamben: Power, Law and the Uses of Criticism: Power, Law and the Uses of Criticism* (Routledge, 2010).

may leave alms to *spiritualis vel familiaris amicus fratrum*.<sup>170</sup> A loop hole is thus exploited in the ambiguous term *necessitas* stemming all the way back to the *RegNB*. In the intermediary figure of a *nuntius*, *Quo elongati* introduced the first example of the legal fiction. Such authors as *QuatMag* expressed perplexities on the privilege, as the *nuntius* was not appointed by the friars; he was an agent of the order's supporters. On the extension of *usus* to real estate property, the masters also exhibited a hesitant approach. Nevertheless, rather than disagree expressly with papal pronouncement (*Quo elongati*), the masters opted instead to compare the bull with *RegB* passages.<sup>171</sup> A similar tactic is detectable in Hugh's *expositio*. Once again, as Lefevere insists, rewriters within a literary system work with specific constraints.

### *Ecclesial Obedience*

The masters proffer relatively little content that relates the question of ecclesial obedience. The Church figures into their hierarchical reasoning, the authors make recourse to papal documents on a matter of policy, and they also take a stance against certain other ecclesiastically sanctioned policies. As indicated, the hierarchy of authority, which grants the order its legitimacy, derives from the Church. They argue that the order's legitimacy has as its origin the rule. The rule's validity in turn derives from its ecclesial sanction. With regard to policy, the commentators advance the judgement that one must appeal to the Holy See on matters of expelling perverse religious from the order.<sup>172</sup> As indicated, *QuatMag* (163-4) exhibits an attitude of struggle with *Quo elongati* and *Prohibente regula nostra* on matters of the *nuntius* and of delegation, displaying reticence to accept official curial policies.

### *Papal Legislation regarding the Order (1244-7)*

#### I. Textual Features and *Sitz im Leben*

Issued in 1245, the apostolic constitution *Ordinem vestrum* represents the second major papal proclamation concerning interpretation of the Minorite rule.<sup>173</sup> Curial officials composed the decree much in the tradition of its predecessor *Quo elongati* (1230). Similar to Gregory IX's decree, on which much of the text is based, *Ordinem vestrum* was not intended as a commentary on the rule, as it did not treat the chapters individually, nor did it take them on in order. Rather, the bull's authors were content to address the points deemed pressing in the bull of 1230, absent reference to the *Testament* and to the free sacrifice offered by brothers

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<sup>170</sup> *QuatMag*, 20.

<sup>171</sup> *QuatMag*, 152ff

<sup>172</sup> *QuatMag*, 133-4 & *HugExp*, 108-9 for Hugh's response. See also Brooke's commentary in *The Image of St. Francis*, 85-6.

<sup>173</sup> BFr I: 400-2

in observing evangelical injunctions not present in the rule. What passages *Quo elongati* does not dominate Innocent supplements with Gregory's bulls between 1240-1 on admittance of postulants and approval of preachers. As with the initial papal arbitration on the rule, *Ov*'s highly thematic agenda comes to the fore. Just as Gregory IX had done in 1230, Innocent IV issues an official qualification of obedience to the rule. The undeniable centrepiece of *Ov* was its arbitration on poverty norms, which allowed brothers the use of commodities in addition to necessities and utensils. It also shifted ownership of their goods to the Church and consolidated offices of *amicus spiritualis* and *nuntius*.

In Aug 1247, Innocent issued another decree *Quanto studiosius*, which permitted the brothers the right to appoint their intermediaries and eliminated the regulation of obtaining permission from the cardinal protector in the transferral of goods.<sup>174</sup> Interestingly, the bull's issuance occurs directly subsequent to a change of hands in the leadership of both Church and order. After remaining vacant since the 1241 death of Gregory IX, the College of Cardinals at long last elected a successor to the throne of Peter on 25 June 1243. Then the untimely death of Elias' successor Albert of Pisa left the office of minister general vacant until the election of Crescentius of Jesi in 1244. If the privileges obtained under Haymo had decentralisation as their dominant theme, then those under Crescentius had relaxation of poverty norms and ease of marketing. The release of *Quanto studiosius* came shortly after Crescentius' deposition, but it nevertheless bore the mark of his influence. Gregory IX had favoured the pastoral ministry of the mendicant brothers and saw to the necessary measures to ensure their success in that regard. *Quo elongati* and its sanction of the relaxation of regular norms plays into that political context. If Gregory IX privileged usefulness over stringency with regard to the Minorite rule, then Innocent IV and the erstwhile minister general Crescentius exhibited an attempt to execute the mission set out by Gregory and then some, the latter in his requesting of the decretal and former in the issuance of it. Here the stance toward certain regular norms assumed an extraordinarily relaxed posture.

With sweeping liturgical changes, the inception of internal constitutional legislation only a few years prior, and the commissioned gathering of stories on the life of Francis and rewriting of the official legend in the works, the air of reform and the concomitant innovative amendments to the normative structure were surely still palpable. The order had undoubtedly entered an age of revision, redefinition, and recodification, in a word rewriting.

The further relaxation of rule injunctions by papal interdict would not, however, go uncriticised. The successive period met with a host of reactions from those who retained the

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<sup>174</sup> BFr I, n. ccxxxv, pp. 487-8.

bull's position untenable. Though Innocent took to the page with the pretence of merely clarifying *Quo elongati*, even a cursory read reveals the substantive change in approach to the rule that it proposes. One may gauge by the brothers' reaction that it was a clear violation of the conscience common to numerous Minorite friars. Reactions to the bull materialised in two principal ways, as evinced in various sources in the current chapter. Firstly, the decree met with a widening internal division pivoting on the question of proper interpretation of the rule and further of the Minorite ideal at large. Secondly, the 1251 and 1254 chapters at Genoa and Metz respectively convened and collectively refused the standards outlined in *Ov*, opting instead to revert to *Quo elongati* and adopting it as the official standard of the order. Such would remain the stance of the order until the end of Bonaventure's tenure. In the meanwhile, the ministers general John of Parma and Bonaventure were entrusted with the charge of ensuring that the more strenuous regulation was upheld and enforced. By all appearances, they had their work cut out for them, as many local superiors considered the stringencies of Gregory's bull outdated and impracticable in a context of pastoral ministry.

## II. Thematic-Theological Analysis

As with other papal decrees treated in the present chapter, *Ordinem vestrum* legitimated mitigation of regular norms and share complicit responsibility for the legal marginalisation of rule. In fact, the decree largely consists of a reiteration of policies enacted in prior bulls, in particular *Quo elongati*, *Prohibente regula*, and *Gloriantibus vobis*. Given the order's rapid expansion, the Pope thus sought to shore up matters of practicality by summing previous papal arbitrations. A novel item, Innocent narrowed Gregory's admonition to limit admission into the order only to *utiles*, specifying that such brothers were to be *suffragantib[us] eis litteratura, & aliis laudabilibus circumstantiis*.<sup>175</sup> It is not likely the product of pure coincidence that appeal to the category of *utilitas* regarding materials permissible to the brothers, parallel to the enactment of the new recruitment model. Given that the importance of manual labour had been downplayed ever more since the rule of 1223 and that study, clerical status, and engagement in pastoral care were on the rise, it follows that the materials useful in their trade were of a different, more precious variety. With the new official contours, symbols, and structures, tendency toward updating the institution's according to the needs and wants of its most prized and cherished members; namely, the brothers who best suited the recruitment model of aristocratic clergymen fresh from the lecture halls of universities, who were eagerly contemplating their prospect of beginning a career as a professional preacher. For their train-

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<sup>175</sup> *Ordinem vestrum*, 400a.

ing and the undertaking of their tasks, many brothers began to expect the use of certain more precious items, such as books and other utensils considered necessary for their craft.

Undeniably, the centrepiece of the 1245 decree was to be its arbitration on the rule's prescriptions for the brothers' poor manner of living. In a striking new policy toward effects permitted to the brothers, Innocent allowed for the use of commodious goods as well as of necessities and utensils. The non-commercial acquisition of immanent necessities and utensils (*rem necessariam, pro necessitate*) allowed for in *Quo elongati* then carries over into *Ov*, only here it takes on a form unforeseen to the prior canonistic culture in the order. *Dominium*, or property rights, no longer reside with the original proprietor, but with the Church. Innocent legitimates the permissibility vis-à-vis the acquisition of necessary, useful, and commodious items (*et utilem, et pro commodo*).<sup>176</sup>

Firstly, non-commercial acquisition refers to the absolute prohibition against handling coined money prescribed in the rules and upheld by Gregory IX's 1230 decree. The distinction introduced by *Ov* regarding commodities gave the order's intermediaries free reign to accept money offerings. As menacing as *Quo elongati* had been to the charismatic approach to the rule and more specifically to poverty norms, it nevertheless maintained a clear distinction between pecuniary and non-pecuniary means of acquisition. With *Ov*, all bets were off. Also, since the bull resolved issues of application with respect to *amicus spiritualis* and *nuntius* by more or less merging the two into one, the process was all the more expedited.<sup>177</sup> Secondly, if the category of *necessitas* allowed for its share of wiggle room, the out-and-out permissibility of all commodious goods allowed brothers to bring practically any item into the scope of legitimacy, provided that it was befitting of their aristocratic manner of life. It was presumably Crescentius of Jesi who had a hand in requesting the bull, for one thing due to the bull's timing and also the scarce information that we know of him transmits an image of a spoiled, laxist clergyman.<sup>178</sup> In addition to his suppression of zealots in the March of Ancona,

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<sup>176</sup> *possunt tamen, si rem sibi necessariam, aut utilem velint emere.... (...) ...possunt etiam Fratres pro suis necessitatibus, vel commodis licite habere recursum. Si vero pro aliis Fratrum necessitatibus, aut commodis nominetur aliquis, vel praesentetur ab eis, potest ille commissam sibi eleemosynam, sicut Dominus conservare, vel apud spiritualem, vel familiarem amicum Fratrum nominatum, vel non nominatum ab ipsis deponere, per eum loco, & tempore pro ipsorum necessitatibus, vel commodis, sicut Fratres expedire viderint, dispensandam, seu etiam ad personam, vel loca alia transerendam: Ad quos etiam Fratres pro hujusmodi necessitatibus, seu commodis sana conscientia recurrere poterunt, maxime si negligentes fuerint, vel necessitates, aut incommoda ignoraverint eorumdem. (...) ...licet nunciis, vel dopsoitariis ipsis committantur pro necessitate, vel commodo eorumdem.*

<sup>177</sup> M. Lambert, *Franciscan Poverty*, 96-7.

<sup>178</sup> Gratien writes that he was unwilling even to go to the Council of Lyon when summoned and sent a nuntio in his stead. Gratien, *Évolution*, p. 238, n. 30. Peregrino of Bologna relates that he was useless in office and lasted for than reason for only a single three-year term. Eccleston, ed. Little (1909), Appendix II, "Peregrini de Bononia Chronicon abbreviatum de successione Ministrorum Generalium," p. 143. Claren reports that

an anecdote in Breslau serves as the linchpin in such an image, where Crescentius gave free license to his brothers to use lavish vestments, effectively suspending their statutes on proper use of goods, in the commemoration of the Duke of Silesia on the event of his burial in a Minorite church.<sup>179</sup>

With the Aug 1247 issuance of *Quanto studiosius*, the brothers then gained the right to appoint God-fearing and idoneous intermediaries (*viros idoneos Deum timentes*) at the discretion of superiors and were no longer restricted to obtain permission from the cardinal protector in the trafficking of goods.<sup>180</sup> The curial procurator would then play a negligible role in their marketing affairs. As a result, the brothers enjoyed incredible flexibility and independence with the possible manners of handling goods.<sup>181</sup> The transferral and acceptance of less valuable items (movables) no longer required the consent of the cardinal protector or minister. The bulls of 1245 and 1247 thus relieved the minister general of yet another exclusive responsibility.

Having placed the ownership in the hands of the Church, the brothers were able to achieve a desirable double goal. They were at once able to maintain a claim to poverty. If *Ov* were put into practice, it would still relieve the brothers of any sort of *dominium*. Thus by way of resorting to Gregory's appeal to *usus* and the slight-of-hand manoeuvre often dubbed a legal fiction by modern historiographers, the decree nevertheless allays the property rights to another party, which happens to be the Church rather than the original proprietor. In addition, the policy instated by the papal arbitration freed the brothers from the cumbersome and ultimately impracticable measure of attribution with regard for ownership rights. Given that the brothers were not infrequently the recipients of alms donations and bequeathals in the form of not only immoveable property, in the way of convents, churches, and the like, but also moveable items, ownership was not always easy to trace back to the donor or family members. Thus, it was due to a practical motive that the bull shifted property rights from the alms-giver

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he had persecuted zealots as provincial of March of Ancona, where he developed a reputation for sternness in handling them. He is said to have sent no fewer than sixty-two of them into exile when they threatened to report him to the Pope. Clarenò, *Historia spetem tribulationem ordinis minorum*, ed. F. Ehrle, *ALKG* II, 256—60.

<sup>179</sup> BFr I, no. Dxlvi, pp. 722-3. Balthasar, *Armutsstreit*, p. 45.

<sup>180</sup> BFr I, n. ccxxxv, pp. 487-8.

<sup>181</sup> BFr I, n. ccxxxv, p. 487-8. *Nos quieti dicti Ordinis, & necessitatibus vestris paterna volentes sollicitudine providere, praesentium vobis auctoritate concedimus; ut singulis vestrum liceat in Provinciis eis commissis per se, vel per alios Fratres suos, quibus id duxerint committe dum, consistuere aliquos viros idoneos Deum timentes, qui pro locorum indigentia singulorum res huiusmodi tam concessas, quam etiam conferendas auctoritate Nostra libere petere, vendere, commutare, alienare, tractare, expendere, vel permutare, ac in usum Fratrum convertere valeant secundum dispositionem vestrum pro necessitatibus, vel commodis Fratrum Ordinis memorati, sicut vobis pro loco, & tempore videbitur expedire; liceat quoque vobis eosdem viros sic constitutos a vobis amovere, aliosque ad praemissa exequenda sine difficultate qualibet subrogare, quoties videritis opportunum.*

or bequeather to the Church, as it rendered the task of accounting for ownership immanently more practicable and thereby also granted the policy and the claim that it afforded more legitimate. At least that appears to have been the internal logic underlying the decree. M LAMBERT has no difficulty in considering the account of Hugo of Ostia and the house at Bologna as a precedence for the policy introduced in 1245, though it is more probable that the story plays a legitimising role as a mere literary device in the direct aftermath of *Ov*'s issuance.<sup>182</sup> At most one may consider the basilica in Assisi a precedence case.<sup>183</sup>

### *Hugh of Digne's Rule Commentary*

#### I. Textual Features and *Sitz im Leben*

Seven extant witnesses transmit the document commonly referred to as *Expositio Hugonis de Digna super Regulam Fratrum Minorum*, a single late-15<sup>th</sup> century manuscript, five early 16<sup>th</sup> century editions (1506-1513), and an Italian translation also of 16<sup>th</sup> century origin.<sup>184</sup> D. FLOOD scrutinised the surviving source material in the conception and production of his critical edition. Though another modern edition exists,<sup>185</sup> he argues that it “does not read satisfactorily” and that it “can do without critical acclaim.”<sup>186</sup> FLOOD's authoritative edition is the text consulted for the present study. Most likely composed in the early 1250's,<sup>187</sup> an integral part of the commentary's force was to imbue the brothers' life and rule with teachings from early charismatic period and its textual output (*RegNB*), for most were acquainted only with *RegB*. Thus, in addition to comments regarding *RegB*, Hugh treated passages of *RegNB*. No author of living record, whether Minorite or otherwise, had offered an exposition upon the *RegNB* until Hugh of Digne's rule commentary. He thus attempted to retrieve the original

<sup>182</sup> Lambert, *Franciscan Poverty*, 87. He refers to an account in *Memoriale* 58.

<sup>183</sup> BFr I, n. xxix, p. 46. Balthasar, *Armutstreit*, p. 35, n. 2

<sup>184</sup> *HugExp*, 13. *Francis and Power*, 148.

<sup>185</sup> A. Sisto, *Figure del primo francescanesimo in Provenza*, Leo s. Olschki Editore Firenze 1977, 159-319.

<sup>186</sup> *HugExp*, 12.

<sup>187</sup> The date of composition is admittedly disputed. See Flood's introduction to the edition for his discussion of dating possibilities and his proposal of 1252: *HugExp*, 50-4. Contentions fall into two basic camps. The first, that of Oliger (*QuatMag*, 77), Flood, and J. Dalarun (*François d'Assise*, 97), asserts that the *expositio* responded to the decree *Ordinem vestrum* and thus has a post-1245 date. The other, represented by R. Brooke and J. Poulenc ('Hugues de Digne,' in: *DSp*, vol. 7, col. 875-79, here 878), maintains that the work predates *Ordinem vestrum*. Brooke's is the more sophisticated of the arguments advanced by the latter camp. She asserts that the commentary must have been composed during the early to mid 1240's, but her argument is largely based upon Hugh's mention of recurrence to the College of Cardinals in case of a *sede vacante* (of which there was a lengthy one in 1241-2) and the (erroneous by my judgment) assumption that Hugh would have likely allotted more space for and expressly mentioned *Ordinem vestrum* and the collections of writings by the companions were he writing in a somewhat later context. Given *Ordinem vestrum*'s extensive use of *Quo elongati* and Hugh's association with those who sought to return to the standards of the latter bull, if Hugh had *Quo elongati* to hand and the direct, *viva voce* witness of companions, regardless of any lack of citation of the above mentioned literature, a later dating is nevertheless viable. See: Brooke, *The Image of St. Francis*, 85-91. See other works in n. 43.

intention of the charism by appealing to the movement's earlier rule. Subsequently, in the early fourteenth-century Friar Angelo of Clarenò would compose his own rule commentary, consulting quite extensively the *RegNB*.<sup>188</sup> Hugh endeavours to strike a balance between Francis' legacy and constitutions passed by authorities within the order, and more particular to the current era, between two principle ideals, that of those brothers eager to live according to a primitive observance of the rule and that of those willing to live with the legal marginalisation of the rule in order to more comfortably and effectively execute their studious enterprise and preaching mission.

Biographical data on Hugh's life are rather sporadic and hard to come by in part likely due to his relatively low profile in the order.<sup>189</sup> Outside of his own writings, the sources available on his life are principally four; namely, the letters of Adam Marsh, the chronicle of Jean de Joinville, the legend on his sister,<sup>190</sup> and first and foremost the chronicle of Salimbene.<sup>191</sup> Born of a rich mercantile family,<sup>192</sup> Hugh was met early on in life by a sister, Douceline. The two would be kindred spirits, sharing an interest in religious life from a young age. Douceline would herself become a beguine reputable in her own right and on paper to a greater extent than her brother. A man of learning and a vibrant preacher active throughout Italy and Provence in the 1240's, Hugh of Digne was a staunch defender of the high ideals of Minorite poverty and confidant of prominent members of the order. One such member was the minister general John of Parma with whom he shared an interest in the work of the Calabrian Cistercian, abbot, and author Joachim of Fiore and its further ramifications for their time.

Even if Hugh of Digne was indeed a proponent of a brand of Joachite teachings, it nevertheless remains largely undetermined whether they played a substantial role in his *Expositio*. He briefly held office as minister provincial in Provence (perhaps 1239-1242),<sup>193</sup> and would later reside in Hyères, where he became acquainted with and likely influenced Raymond Athenulfi, the founder of the order of the Penitence of Jesus Christ (Friars of the Sack).<sup>194</sup> Hugh led a rather brief life, dying between the years 1254-7. Along with John of

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<sup>188</sup> However, by Paolazzi's philological analysis, Clarenò appears to have also modified passages of *RegNB* to suit his ideological liking. See: C. Paolazzi, 'La *Regula non bullata* secondo Angelo Clarenò: tradizione testuale e rimaneggiamento,' *Aevum* 80 (2006): 447-77.

<sup>189</sup> See J. Poulenc's brief historical sketch: 'Hugues de Digne,' in: *DSp*, vol. 7, col. 875-79 and Sisto, *Figure del primo francescanesimo*.

<sup>190</sup> *Vida de la benhaurada saneta Douceline*. Texte provençal du XIV siede. Traduction et notes par R. Gout, Paris 1927.

<sup>191</sup> *Cronica*, (ed.) Scalia, I, a. 1168-1249 & II, a. 1250-1257.

<sup>192</sup> His father was a *grans e rix mercadiers*. His mother is described in such terms: *vivian justamens e sancta en lur estament, e lialmens gardavan et azimplian los mandamens de Dieu*. *Vida*, p. 41.

<sup>193</sup> *Cronica*, (ed.) Scalia, p. 364 (*Aliquando fuit provincialis minister...*) & 366 (*...et quia iam Minister extiterat*). Sisto, *Figure del primo francescanesimo*, 50-1.

<sup>194</sup> *Cronica*, (ed.) Scalia, p. 337-40, 342 & 362-7. Cf. Sisto, *Figure del primo francescanesimo*, 71-87.



Parma, the author Hugh of Digne was himself auspiciously notorious among Minorite authors in particular as a subscriber to Joachite ideas, acquiring them both the epithet *magnus joachita*.<sup>195</sup> Clareno echoes as much.<sup>196</sup> In his chronicle, Salimbene nevertheless characterises Hugh with bright tones and even counts him among his personal friends. He refers to him as an educated and humble man and lauds his pastoral activities in colourful language. Hugh reveals in the *expositio*'s prologue that he composed the text at the behest of his superior, who nevertheless goes unnamed. Though largely a matter of conjecture, top scholars suspect the identity of Hugh's commissioner to have been that of none other than John of Parma.<sup>197</sup> Analogous to the paradox of his reputation among contemporaries and semi-contemporaries and his rather patchy biography, scholars have also wondered at the disparity between the *Expositio*'s apparent popularity, both coetaneous and in subsequent times, and the scant transmission suggested by its presence in but a single manuscript witness, though no conclusion has been attained.<sup>198</sup>

Although many questions remain open in scholarship with respect to Hugh's identity and the full context of his commentary, two other of his writings survive unto present day that offer a privileged perspective into his thought. The first, *De finibus paupertatis*,<sup>199</sup> likely composed prior to the release of the bull *Ordinem vestrum* (1245),<sup>200</sup> is a juridical treatise on poverty that shows little substantive difference to his *Expositio*. Dialogical in form and somewhat more polemical in tenor, *Disputatio inter zelatorem paupertatis et inimicum domesticum eius*<sup>201</sup> is a somewhat more forceful writing on poverty. Here, he employs the figure of a zealot to represent his arguments. In so doing, he condemns *superfluous usus*,<sup>202</sup> a step beyond endorsing a sort of *usus arctus* as in his other writings, and thereby alludes to the grievances regarding Minorite excess allowed for and brought on in the aftermath of Innocent IV's 1245 decree. The *Disputatio* thus likely follows sequentially on *De finibus* and *Expositio*.

<sup>195</sup> *Cronica*, (ed.) Scalia,

<sup>196</sup> Angelo Clareno, *Liber chronicarum sive tribulationum Ordinis Minorum*, 4 (ed.) G. Boccali, Assisi 1998, 236.

<sup>197</sup> This is a viable proposal set forth in J. Paul, 'Le commentaire de Hugues de Digne sur la règle franciscaine,' *Revue d'Histoire de l'Église de France* 61 (1975): 231-41.

<sup>198</sup> Brooke, *The Image of St Francis*, 85ff.

<sup>199</sup> C. Florovsky, 'De finibus paupertatis auctore Hugone de Digna O.F.M.,' *AFH* V (1912): pp. 277-290.

<sup>200</sup> Sisto, *Figure del primo francescanesimo*, 98.

<sup>201</sup> Sisto, *Figure del primo francescanesimo*, 345-70.

<sup>202</sup> *Sed superfluous usus sive sit in His que pertinent ad victum et vestitum, sive que pertinent ad sapientiale studium, sive que speetant ad divinum officium, sive in utensilibus aliis, que pertinent ad humanum commodum professoribus paupertatis illicitus est, ut superius est ostensum*. Sisto, *Figure*, p. 364. The phrase implies a reference to distinction forged in *Ordinem vestrum*, which transferred the permissibility of non-commercial acquisition of "immanent necessities" (*rem necessariam, pro necessitate*) allowed for in *Quo elongati* over to the permissible acquisition of "necessary, useful, and commodious items" (*et utilem, et pro commodo*).

His writings beyond the commentary, while certainly of interest, are in large part redundant on the question of poverty, which he revisits in the *Expositio* at any rate, and their central arguments are less pressing on that of obedience.

As with other of the writings come about in the era, one may inquire whether Hugh's commentary reflected the common conscience of the brothers. Among the writings of which that is asked, it is perhaps the most difficult case to answer successfully, which therefore renders the question all the more worthwhile to pose. Though Hugh had a point to make in his *Expositio*, he furnishes the most comprehensive representation of arguments, thoughts, sentiments, and difficulties intrinsic to the Minorite mind of its time. In the theory of LEFEVERE, Hugh's commentary and its willingness to truly struggle with Minorite meaning are an extension of a writer attempting to reconcile two cultural narratives, that which reigned in the literary production of the early movement, and that which prevailed in his own time. As a sort of 'hired' professional, Hugh set forth an honest effort to determine the meaning of the institution's main text, the rule, but in a manner that would not upset the prevailing order or its cultural narrative. Thus, even given his obvious acquaintance with the early movement's ideology and poetics, that is, their themes and concepts, the institution's control of the literary frame constricted the possible treatment to a limited set of possibilities.

## II. Thematic-Theological Analysis

Hugh of Digne's *Expositio* stands out among thirteenth-century Minorite documents in a number of ways, all of which play into the thoughtful, concerted treatment of obedience that it unfolds.<sup>203</sup> Among other things, Hugh's candour and willingness to concede that there were difficulties in interpreting the rule of 1223 due to its terseness, which he formulates with the characterisation *arctissima brevilouqua*, must have endeared him to his readers, regardless of their background or idiosyncratic approach to the rule. The rule was incomplete and insufficient for many purposes and for many levels of meaning. The disputes and hardships arisen from the interpretive attempts of *Test* and *Quo elongati* testify to such difficulties. Any public acknowledgement of the rule's somewhat problematic nature must surely have been welcome by all and a comfort to the consciences of all those seeking to ascertain its proper observance.

If Hugh was candid about the rule's interpretive limits, he also showed himself equally if not more prepared to share his grievances apropos not only wide-spread ignorance and incomprehension vis-à-vis the rule, but also regarding brothers who had fallen into condemna-

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<sup>203</sup> For a slightly different, nonetheless thought-provoking approach to Hugh's commentary, see: D. Flood, 'Three Commentaries on the Rule,' in: *La regola dei Frati Minori*, 155-85, here 175-81. For background on the text and an overview of the relevant secondary literature, see: D. Flood, 'Hugh of Digne,' in: *Idem., Early Commentaries on the Rule of the Friars Minor*, Vol. 1, St. Bonaventure 2014, 31-40.

ble negligence and transgression of the rule.<sup>204</sup> One senses the fervour with which he took to the page. He wrote as well as in response to a commission also in an effort to both educate the unknowing and negligent and to awaken the dormant consciences of the foolhardy and recalcitrant among his brethren. His chastisement of such brothers takes many forms and makes a perennial appearance in the document. Importantly for Hugh's forceful dialectic, the *expositio* juxtaposes the ignorance and error of some with the likewise erroneous interpretations that result from intellectualist interpretations (*iuxta intellectum*).<sup>205</sup> He thus also warns against the dangers of high-minded presumption in approach to the rule and ultimately against appointing oneself as arbiter on the basis of learning. In his mind, the rule is to be observed with the faculty of the spirit and not with the intellect (*spiritualiter observare*). The *spiritualiter* component harkens exquisitely to the charismatic origins of the early movement and their life-blood, the *RegNB*. In an effort to revive the charismatic essence that infused the early movement and to recover its original meaning, Hugh consequently sought out some of the survivors among Francis' early companions who were most known for their holiness and doctrinal soundness and subjected them to his curiosity. In such a way he sought to tap into the order's remaining charismatic substratum. He wilfully shared their takes on the matters inquired with his brothers, in particular when it differed in ample measure from common opinion,<sup>206</sup> including the occasional comment on their exemplary manner of living<sup>207</sup> with a striking personal testimony of the undue charity shown him and his companion by Minorite brothers as he was yet an outsider to the order.<sup>208</sup> However, in his argumentation, Hugh does not proceed by anecdote; rather, he succinctly addresses salient points of the rule and provides insights garnered from manifold sources. The author's work amounts to a concerted endeavour to instil a re-charismatisation of the Minorite institution.

Nevertheless, as the *expositio* had no official standing, nor was he a policy maker in the Minorite institution. Thus, although he advanced his views with a forceful dynamism, they would not succeed in gaining traction in his time. However, subsequent generations, in particular those of Peter of John Olivi and later of groups known as the Spirituals, would claim him and his writing as a sort of forerunner for their own. Some have gone so far as to label Hugh himself as a spiritual,<sup>209</sup> whereas BURR has put forth a more reasonable descriptor, consider-

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<sup>204</sup> *ExpHug*, 45.

<sup>205</sup> *ExpHug*, 45, 73.

<sup>206</sup> *ExpHug*, 48, 49, 51, 71 & 73.

<sup>207</sup> *ExpHug*, 45, 65 & 67.

<sup>208</sup> *ExpHug*, 67.

<sup>209</sup> *ExpHug*, 12.

ing Hugh as a sort of proto-spiritual due to his having inspired so many of that lot.<sup>210</sup> More specifically, Hugh's proposed solution to the poverty quandary (*usus arctus*), his insights into religious obedience, and his general evocation of the charismatic origins rendered him of interest to later generations of Minorites seeking to return to a primitive condition of observance to the rule, particularly in the area of Provence.<sup>211</sup>

In the case of Hugh's *Expositio*, form communicates a great deal as to his thorough attention and systematic consideration. Hugh's text was the first of its kind to undertake a systematic analysis of the rule in the order in which it appeared and in its entirety, chapter by chapter, one important passage at a time. Prior comments on the rule, whether official or unofficial in nature, had in large part undermined the structure and breadth of the rule either in order to subject it to their highly selective treatment or simply for brevity's sake. Additionally, the sources used by Hugh are just as worth noting as is the discretionary and exacting manner in which he executes his composition. The sources which he had at his disposition and to which he makes frequent reference include Minorite texts such as a copy of the *RegNB* redacted subsequently to 1221 and the *Expositio* of 1241/2, papal documents comprising the bull *Quo elongati* and most likely *Ordinem vestrum*, and classical authorities among which Hugh of St. Victor's *Expositio in Regulam Sancti Augustini*, the *Dialogues* of Gregory the Great, and chiefly the *De Praecepto et dispensatione* by Bernard of Clairvaux.

With this, Hugh unwittingly breaches a taboo of Francis and the early movement; namely, making recourse to the customs and reasoning of other religious communities, the latter three sources being the most significant commentaries on the great religious rules available in those years. He is sure, however, to distinguish Minorites from other religious.<sup>212</sup> The arguments which he advances also display a greater degree of familiarity with Minorite life on the ground relative to the *Expositio* of 1241/2.<sup>213</sup> Dissimilar to the masters' text, Hugh's arguments stem from the organic channels of the Minorite mind and exhibits its distinct con-

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<sup>210</sup> *The Spiritual Franciscans*, 320. Flood stops short of assigning Hugh a label and is in fact critical of doing so, instead restricting himself to offer considerations on the limits of the term spiritual when referring to Hugh of Digne. D. Flood, *Hugh of Digne's Rule Commentary*, 12, 59. D. Flood, 'Franziskaner und Spirituellen in Südfrankreich,' *WW* 39 (1976): 70-74, here 72-73.

<sup>211</sup> R. Manselli, *Spirituali e beghini in Provenza* ("Studi Storici" nn. 31-4), Roma 1959.

<sup>212</sup> In that regard, Sisto writes, "Una differenza fondamentale esisteva, però, per Ugo di Digne tra gli ordini religiosi, di cui ha ben presente la regola nel suo commento, e i Frati Minori. Mentre i primi secondo l'intenzione dei loro fondatori, erano gerarchicamente ordinati e dipendenti dal Vescovo o dal Papa, i Frati Minori costituivano una "Fraternitas" che aveva come caratteristica la "minoritas". Non era quindi sufficiente obbedire letteralmente alle disposizioni della Regola, se non se ne comprendevano i motivi ispiratori, cioè il ritorno alla vita evangelica, la povertà, l'amore verso il prissimo, l'umiltà, l'obbedienza, la castità." *Figure del primo francescanesimo*, 108-9.

<sup>213</sup> However, he often mentioned them in laudatory terms. *Magnifici professores et doctissimi viri...* (*ExpHug*, 48b) ...*probatores doctores...* (*ExpHug*, 49b).

cerns. Hugh had lived through the chapters of 1230 and 1239/41 and was privy to their drama and implications. The perceptiveness with which he takes to the parchment allows him to hone his arguments and provides them with rare effectiveness. One begins to sense the breadth of Hugh's acumen, the depth of his sensibility for his brothers and other religious, and the degree of commitment to Minorite life with which he wielded his stylus. Indeed, he undertook his task with the utmost seriousness. His comments were at times parsed but never inflammatory. They were spirited but nowhere near as polemical as they could have been. He affords his opponents as well as his endorsers the benefit of anonymity so as to more effectively lend focus to the arguments intrinsic to the struggle for Minorite meaning. There is a graceful and yet philosophical dignity about the document. Yet one senses the struggle of the moment, which Hugh perhaps envisioned as a struggle for progress. It is manifestly evident that Hugh had the will, the vision, and perhaps even the ability to muster that would have allowed him to enact a radical change in the order. He merely lacked the means and the ambition required to grab hold of them in his own time.<sup>214</sup>

Hugh of Digne's rule commentary contains arguably the most extensive and comprehensive treatment of obedience in a single document of the thirteenth-century Minorite canon. The centrality of obedience in the broad economy of Hugh's rule commentary cannot be overstated. By my count, the total number of appearances of the substantive form *obedientia*, including a few of its negative counterpart, amount to 68, whereas the verbal form appears with somewhat less frequency, but still a fair showing with 27. If the word appears often, obedience-related phenomena emerge perennially. In Hugh's mind, obedience is the axial virtue from which all other virtues derive and by which they are brought to completion.<sup>215</sup>

In the language of the early movement, one may thus consider obedience as tantamount to the queen of all virtues. Generally, he defines obedience as the abdication of one's own will (*propriae abdicatio voluntatis est obedientiae fundamentum*).<sup>216</sup> Absent the release of self-will, one is unfit to attain the virtue of obedience. Their extraordinary calling to obedience distinguishes them from other religious institutions, he claims; if neglected entirely, life will begin to lack constancy and is liable to become unstable. Without obedience, no purpose

<sup>214</sup> However, J. Paul suggests that Hugh composed his manuscript in direct preparation for the refusal of *Ordinem vestrum* at the chapter of Metz, thereby attributing a more active role to Hugh than he perhaps deserves. The implications of Paul's assertions are unnecessary and unfounded.

<sup>215</sup> He writes in an unequivocal passage containing a bit transcribed from Gregory the Great's work *Moralia in Job*, "*Maxima sed rarissima virtus obedientia humilis, quae simpliciter paret humiliter acquiescit et fidelis in modicis observandis ad virtutum et morum magna provehitur. Obedientia enim est virtus quae ceteras virtutes menti inserit insertasque custodit, et disciplinae tenax non leviter negligit quod uniformiter tenendum accepit. Qui autem obedientiae integritatem negligere incipit, cito in quandam inconstantiae et instabilitatis ignaviam defluens vix perfecte aliquid servat, vix aliquid mutilare aut violare formidat.*"

<sup>216</sup> *ExpHug*, p. 179.

will be served with any degree of perfection, and there is no concern for spoil or violation.<sup>217</sup> Hugh presents the Minorite institutional structure as one of hierarchy, the functional mechanism and Leitmotiv of which is obedience. His comments thus support the deference due all superiors, including provincials, custodians, and guardians.<sup>218</sup> Above all else, obedience to God provides the cornerstone of the order's theocratic government. Citing *RegB X (In omnibus quae promiserunt Domino observare)*, he thus establishes a hierarchy of obedience, atop which God reigns supreme.<sup>219</sup> The rich theological underpinnings of his assertions play out in the *expositio* and keep his readers ever mindful that Christian obedience is directed to God and only partakes of certain concrete vectors in religious life. In such a fashion, that is, providing a spiritual underpinning for structures of obedience, Hugh amplifies the order's legitimacy as a religious institution. Nonetheless, the intricate and distinctive tapestry, which Hugh weaves must be appreciated in full. One may counterbalance the disproportional frequency with which he evokes the word and the theoretical centrality, which he grants it in his text with the multifarious and diverse contexts in which Hugh unfolds his treatment. Indeed, great complexity marks Hugh's conceptualisation. It thus necessitates a systematic analysis of each of its particular forms and facets in an attempt to ascertain its particularities and ultimately garner a greater degree of clarity.

#### *Charism and Charismatic Principles*

Hugh evokes the Gospel origins of the rule and the early movement. In order to capture the Gospel spirit of the rule, Hugh writes: *Quidenim est regula nisi quaedam perfectionis evangelicae summa?*<sup>220</sup> Hugh then exhorts brothers to observe the rule directly rather than minding papal privileges.<sup>221</sup> Hugh, along with Bonaventure, attempted at some level to incorporate the primitive ideal of universal and mutual obedience, but in a manner that nonetheless appears secondary to the constantly reinforced authority of order superiors. In his deliberations, Hugh charges the rule's precepts with spiritual pursuits somewhat reminiscent of the primitive charism.

Hugh proposed nothing other than a re-charismatisation of the Minorite institution. Bonaventure would later make a similar attempt but with an altogether different approach. Whereas Bonaventure seek to reinfuse the institution with charismatic teachings while fully accepting the Minorite institutional edifice that had emerged, Hugh was at least willing to

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<sup>217</sup> *ExpHug*, p. 107.

<sup>218</sup> *ExpHug*, p. 179-80.

<sup>219</sup> *ExpHug*, p. 180.

<sup>220</sup> *ExpHug*, p. 95

<sup>221</sup> *ExpHug*, p. 116 & p. 175

acknowledge and express certain grievances about the order's development. Displays not only a mastery of the sources proper to the early movement and of their day, but also a rare logical mobility of serpentine arguments hitherto unseen in Minorite literature. He succeeds in shoring up current policies operating on the prescriptions of the *RegB* and unfolds his arguments disallowing illegitimate policies with both force and grace. He reframes many issues with his arguments and allows for the legitimacy and perhaps even favourability of charismatic living within the Minorite institutional complex in its current state.<sup>222</sup>

Nostalgia for the golden age of regular observance is contrasted with the laxity that crept in over time.<sup>223</sup> Nostalgic sentiments become normative as he recalls the movement in its original form of expression. The *RegNB* and companions provide him with a witness and confirm a reading of the rule and thus a model of its obedience. In theory, the passage is in line with the *Testament*. In actual practice, mitigation of rule would be questionable. Dissimilar to *QuatMag*, he treated the entire rule by chapter in the order they appear in the bull *Solet annuere*, the original of which he had at his disposal as he composed the commentary in Assisi's Sacro Convento library. Thus allowed rule to structure and mark his comments. Converse to *QuatMag*, Hugh built his arguments primarily with words from the rule rather than new-fangled concepts based upon lexical articulations foreign to the Minorite lexicon of his time.<sup>224</sup>

With regard to obedience to superiors and following on his comments on perfect and imperfect obedience, Hugh expounds upon the threefold articulation of obedience. Here, he distinguishes between three principle articulations of obedience,<sup>225</sup> thereby allowing classic monastic motifs to an extent to prevail such as those found in *Regula Benedicti* as well as the writings of Bernard of Clairvaux, albeit in a distinctly Minorite accent. Obedience can be an expression of necessity (*obedientia necessitatis*), of charity (*obedientia caritatis*), or of humility (*obedientia humilitatis*).<sup>226</sup> The first typology comprises the obedience necessary to satisfy the letter of the law, that is, the content professed in the rule. Next, the obedience proper to or resulting from charity or love designates that mutual obedience due among brothers, one toward the other.

The final articulation of obedience in his motif highlights the consequence of humility on the part of a superior toward his subordinate brothers. Whereas the first typology of obedi-

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<sup>222</sup> Lambertini, *Apologia e crescita*, 48. On manual labour in Hugh's commentary.

<sup>223</sup> *ExpHug*, p. 92 & p. 135.

<sup>224</sup> For more on ExpHug on this point, see: Brooke, *The Image of St. Francis*, 92-3.

<sup>225</sup> *ExpHug*, pp. 181-2.

<sup>226</sup> *Triplicem autem obedientiam scilicet necessitatis caritatis et humilitatis, prout superioribus paribus et inferioribus exhibetur, sanctus in regula ex evangelii perfectione sumpta commendat. ExpHug*, p. 181.

ence corresponds to what Hugh had described as imperfect obedience, the second and third typologies, those pertaining to a concrete articulation of perfect obedience, are of interest for the charismatic principle of mutual obedience and authority as service. The early movement's *RegNB* established a comparatively more immediate link between mutual obedience and the service demanded of authority figures. Hugh appears somewhat less willing to allow the two articulations to intermingle or to have one serve as an extension of the other. Instead, he uses a tight and clean tripartite categorisation ordered to lead into his discussion of the duties expected of superiors as ministers and servants. Suffice it to say that Hugh discusses in particular the recourse to ministers clause (*RegB X*) and renews the responsibility of superiors to exercise care in tending to brothers experiencing a crisis of conscience and are unable to truly obey the rule *spiritualiter*. Since the issue pertains in a more direct fashion to other thematic sections below, the treatment here limits itself to the mutual, charitable dimension of perfect obedience.

Putting forward relevant passages from the rules,<sup>227</sup> the commentator seeks to unearth the voluntary and charitable dimensions of the perfect obedience to which he previously alluded by expanding the parameters of obedience to the mutual plain. With the evocation of familial imagery, in particular maternal, and the typically Pauline rhetoric of the regular passage (*si ... , quanto...?*), Hugh seizes the opportunity to his favour and latches on to the phrase and its reverberation of the *spiritualiter-carnaliter* dynamic. Free and loving obedience, he argues, endeavours to radicalise obedience by turning to one's fellow member of the brotherhood and to treat him in a manner fitting of a mother toward her child. This is especially relevant, as the manifest necessity to which the rule refers is indeed a shared necessity (*In mutuis enim necessitatibus*) common to all brothers; namely, physical and beyond that also spiritual necessity.

It is thus the common need for solidarity that binds them and the teachings and example of Christ in the Gospel that drives them, for it is the true and holy obedience of Christ on which the early movement modelled their life and which the brothers ought model their life presently.<sup>228</sup> In order to lead an existence fitting of a Minorite, brothers must live according to the rule *spiritualiter* and not only satisfy the necessary requirements; rather, they must interi-

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<sup>227</sup> *Ubi cumque sunt et se invenerint fratres, ostendant se domesticos invicem inter se. 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 spiritualem (RegB VI). (...) Per caritatem spiritus voluntarie servant et obediunt invicem. Haec est ait vera et sancta a obedientia Domini nostri Iesu Christi (RegNB V, 14-5). To that one may add also the Johannine injunction: Hoc est praeceptum meum ut diligatis invicem (RegNB XI, 5).*

<sup>228</sup> *ExpHug*, p. 182.



rise and embody the font from which the rule derives, which is to say the Gospel, the crux of which Christ. The charitable articulation of obedience in the present motif thus constitutes a necessary condition of the obedience, which he deems perfect. As Hugh confirms, mutual obedience provides a sign for and is an effect of the mutual love to which Christ calls his followers (*signum est et effectus*).

The statements regarding labour are also of interest with respect to the issue of charism. In it, Hugh addresses divergent attitudes toward work.<sup>229</sup> While Hugh displays an understanding of a certain need for manual labour in the order, he does not go so far as to proclaim that the rule mandates it. Much less did he lend it significance in conjunction with obedience, whereby the two synergised with obedience acting as a mobilising force and lowly labour its engagement in the world. Hugh's approach to labour had been irreparably infiltrated by a domesticated caste of mind and its concept of the ideal brother as one who says his prayers and tends to housework. Such a mentality would also induce him to chastise as disorderly those brothers who cared for the poor and intrepid in a house on their own terms. Even so, he reaffirms, the rule does not permit laziness. The *Expositio* ultimately considers manual labour as reserved for the brothers who have learned a craft and agrees that students in the order should be equipped with books and other necessities. Invoking a Pauline logic, he remarks *in ea arte et officio, in quo vocatus est*.<sup>230</sup> In effect, the commentary opts for maintaining the status quo in terms of the brothers' concrete form of serving others.

The commentator's remarks on *RegB* XII and the prescriptions regarding the manner in which brothers were to venture out in mission (*De euntibus inter saracenos et alios infideles*).<sup>231</sup> Following up Gospel passages in support of preaching among non-Christians, Hugh enters into deliberations sparked by the *RegNB*'s twofold approach to proper comportment in mission and its call for preparedness to undergo the worst sort of persecution if it be the case.<sup>232</sup> Here, Hugh allows for the age-old principle which grants privilege to preaching by

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<sup>229</sup> *ExpHug*, p. 139.

<sup>230</sup> *ExpHug*, p. 73

<sup>231</sup> *ExpHug*, p. 191.

<sup>232</sup> *ExpHug*, p. 192. *Fratres inquit duobus modis inier eos possunt spiritualiter conversari. Unus modus ut non faciant lites nec contentiones, sed subditi sini omni creaturae propter Deum, et confiteantur se esse christianos. Alius modus est quod cum viderint placere Domino annutient verbum Dei ut credant in Deum Patrem omnipotentem et Filium et Spiritum Sanctum, creatorem omnium redemptorem omnium fidelium et salvatorem d, et ut baptizentur et efficiantur christiani, quia salvari non possunt nisi qui baptizantur et sunt e vere spirituales christiani. Quia nisi quis renatus fuerit ex aqua et Spiritu Sancto non polest intrare regnum Dei. Et quibusdam interpositis addebat: Et recordentur fratres quia dederunt se et reliquerunt corpora sua Domino I esu Christo. Et pro eius amore debent sustinere persecutionem et mortem. Quia dicit Dominus: Qui perdidit animam suam propter me salvam faciet eam. Dico alltem vobis amicis meis, ne terreamini ab his qlli occidunt corpus. Si vos persequuntur in una civitate, fugite in aliam. RegNB XVI 5-7, 10-11, 17, 14*

example to prevail,<sup>233</sup> hastens to mention the individual conscience's discretion (*cum viderint placere Deo*), but then curiously moves on to build the morale of his brothers abroad and instil principled readiness to accept martyrdom. In so doing, he also allows an opportunity to pass, which puts his want of grasp on the early movement's charismatic undercurrent vis-à-vis self-*minoratio* and obedience to all. He fails thereby to highlight the wider, obedience-oriented force that underlies the early movement's rule passage, though he cites the passage in full all the same.

### *Order Authorities*

In his comments on the minister general, Hugh addresses the matter of the proper exercise of his central authority in the order. He does so in two distinct parts, first discussing the link between the authority of the head minister and the order's constitutions<sup>234</sup> then by asserting the proper relationship between minister and general chapter.<sup>235</sup> He begins by reinforcing obedience due the minister general as Francis' successor.<sup>236</sup> Citing *Quo elongati*, he asserts that without the brothers' and most of all the ministers' consent, the minister general cannot bind the brothers to new statutes held as perpetually valid.<sup>237</sup> He justifies the principle with the papal decision declaring the *Testament* as not binding (*Unde ad testamentum ipsius iuxta responsum apostolicam non tenemur*).<sup>238</sup> It had not been agreed upon by the brothers and the ministers.

Further in the document, in his comments on *RegB VIII*, the commentator considers an argument espousing the minister general's supreme authority over a general chapter. As DALARUN notes, Hugh "avance en effet l'avis d'aucuns selon lequel il faudrait obéir au général en toutes circonstances, pourvu qu'il ne mette pas en casue la pureté de la Règle, dont le chapitre est garant."<sup>239</sup> In so doing, Hugh distinguishes himself from *QuatMag* by addressing the chapter's opening lines and offering a treatment thereof. In effect, Hugh exposes himself to the risk of appearing excessively reticent to contravene the position. In the end he accedes to it<sup>240</sup> and appears thereby to undermine the principle that lay behind potentially democratic

<sup>233</sup> *ExpHug*, p. 192. ...*ut prius praedicetur exemplo postmodum autem verbo.*

<sup>234</sup> *ExpHug*, p. 97.

<sup>235</sup> *ExpHug*, pp. 172-5.

<sup>236</sup> *ExpHug*, p. 97.

<sup>237</sup> *ExpHug*, p. 97-8. *Nullus tamen praelatus potest statuere vel mandare quod eius successor non valeat revocare, in quo sanctus franciscus, ut dicunt, obligare nequivit.*

<sup>238</sup> *ExpHug*, p. 97.

<sup>239</sup> *François d'Assise ou le pouvoir en question*, 96. Eng. *Francis of Assisi and Power*, 148.

<sup>240</sup> *Quidam sic praedicta recipiunt ut generali ministro, etiam contra quaelibet maxime singularia Ordinis instituta quorum sane laxatio regulae non praeiudicat puritati quam habet tueri capitulum generale, obediendum putent ; tum propter expressum fipsius regulae praeceptum hic pro ministro sed numquam pro capitulo datum, tum quia ipse est caput eiusdem capituli et supremus in Ordine dispensator.* *ExpHug*, p. 173.

endeavours within the order such as the drafting of constitutions; namely, that while the head minister was the overseer of chapter proceedings, the general chapter had the supreme legislative power. He limits himself to the assertion that the provincials wielded the power, indeed the rule-bound duty, to depose an unwieldy or recalcitrant (*RegB VIII: non sufficientem, ExpHug: ob defectus vel excessus insufficiens*) minister general.<sup>241</sup> Arguments put forth by the *Expositio* of 1241/2 were more closely aligned with the conception at work in the age of the constitutions. Here is yet another fine instance of constraints conditioning the literary efforts in a group-centred writing process in which the ideological themes and the range of potential treatment are determined by the dynamics of an institutional system. In addition to their declaration of a novel distinction between the minister general's executive power and the legislative authority of the general chapter, the masters advanced the proposition that the chapter had supreme authority to countermand the interdict of a head minister. Conversely, Hugh's commentary ostensibly took the autocratic position also expressed in the rule, which DALARUN is correct in characterising as "nettement plus favorable au ministre général dans la répartition des pouvoirs à l'intérieur de l'Ordre."<sup>242</sup> Hugh proclaims of the minister general, *ipse est caput eiusdem capituli et supremus in Ordine dispensator*. To claim otherwise would be to contravene the rule. In this way as in others, Hugh advances a position by the rule and thoroughly antithetical to the constitutions. In addition to looking askance at many of the novel policies enacted therein and insisting upon a radical return to the rule, he also diminishes the role of the general chapter, the supposed governing body in the age of the constitution, in relation to the minister general. He thus seeks to delegitimise the constitutions from their very foundation and in their consequences.

Yet Hugh buffers his autocratic conception by couching the authority proper to the minister general with the familial and pastoral language of the Scriptures. *Voluit sanctus unitatis amator ut familia sua poneret sibimet caput unum et totius ovilis sui fieret pastor unus*. The commentary thus couples the biblical image of a shepherd with the paternal motif of the *familiae caput* with echoes of the Pauline image such that the body of Christ consists of a head and its members, which here reverberate in a distinctly hierarchical manner. Importantly, the evocation of familial and biblical language recalls the writings of Francis and the early movement and thus the ways of old (*anticuus*) of which he so gladly reminisces. In this passage as in many others Hugh's reference results a legitimating reference, which not only vali-

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<sup>241</sup> *ExpHug*, p. 173.

<sup>242</sup> *François d'Assise ou le pouvoir en question*, 97. Eng. *Francis of Assisi and Power*, 150.

dates an argument based on its intimate closeness to the movement's charismatic origins, but also gives a voice to long since voiceless members of the order.

Before the initiation of the *terminus technicus* of minister general in *RegB*, the leader of the *fraternitas* – familial language – bore the title *istius religionis caput*. Additionally, in proclaiming Francis *unitatis amator* he also evokes his concept of obedience as an instrument of unity in the community and thus a just ruler by his standards, which is to say a loving, humble servant and minister.<sup>243</sup> One may supplement Hugh's conception of a just ruler with the sermon, which according to Joinville he delivered before the Provence court of Louis IX in 1254.<sup>244</sup> The chronicler recounts how Hugh advised the king that in order to maintain the affections of his subordinates above all else he should respect their rights as only this would win God's graces both for the kingdom of France and for his own life. In any event, whereas Hugh strikes a balance with the slightly more motherly motifs of service and mutual obedience in other sections, he views no incompatibility presented in the coexistence of both.

In contrast, Hugh would have undoubtedly considered the Minorite then in office – namely, John of Parma – as a just ruler and at the absolute least a like-minded individual. Unsurprisingly, Hugh would have had no trouble at all identifying the current office holder with the sacred imagery of the Scriptures so cherished in their turn by the early movement. It is all the more understandable for him to have put forth the proposition if the office holder of which he wrote was identical with the work's very commissioner.

Although Hugh imbues a nuanced understanding regarding order hierarchy and their authority, he surely would have been against the diminishing of the minister general's authority that occurred at the sessions redacting the early constitutions, as it was in clear violation of the rule's injunctions, which were to be observed *firmiter* (Sisto, 69). At the same time, even though Hugh encourages the brothers to disregard the laxations introduced by papal privileges and to follow the rule directly, Hugh expresses no aversion to the mitigation of the rule in the delegation of certain among the ministers' powers sanctioned in papal privileges (*Quo elongati, Prohibente regula, Ordinem vestrum*) and constitutions, thereby acknowledging their right to delegate their authority, in particular that which allows them to receive novices and to appoint preachers.<sup>245</sup> Hugh's is thus perhaps not as autocratic a conception as that proposed in *Ordinem vestrum*, which makes no mention of the general chapter whatever, but is comparatively literal in its interpretation of the office outlined in *RegB*.

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<sup>243</sup> *ExpHug*, pp. 181-2.

<sup>244</sup> Jean de Joinville, *Histoire de Saint Louis*, p. 236.

<sup>245</sup> *ExpHug*, p. 176

The commentator's other remarks on the minister general and on order hierarchy more broadly help to contextualise his invariably autocratic model of minister general. Here, Hugh begins to map out the various duties and responsibilities required of Minorite leaders as well as the limits of their office in its exercised expression. He reframes the question of order hierarchy by affirming their status as *vicarii* only by virtue of their serving others as Christ did.<sup>246</sup> Assigns particular theological significance to the role of hierarchal authority. With that Hugh also reintroduces the mutual dimension of obedience out of love. Authority of ministers was predicated on their satisfaction of and enforcing of it. He opines, *ea tamen quae divina institutione vel propria professione sunt fixa nec praelatus nec subditus potest pro voluntate laxare. Hortor itaque ut nihil in regula parvi ducas.*<sup>247</sup> In order to successfully meet the exigencies of their office, Hugh thus calls ministers to active service of subordinates while commenting *RegB X (Fratres qui sunt ministri et servi aliorum fratrum).*<sup>248</sup> Echoing the biblical principle adopted by the early movement, Hugh reiterates that Minorite superiors, insofar as they are ministers and servants, wield no power (*potestas*) or dominion (*dominium*) over other brothers as is customary in secular power structures.<sup>249</sup> Instead, ministers are to act on the example of Christ, who bathed the feet of his disciples. The primary feature of the duty proper to their post thus derives from the Gospel principle of the master-disciple relationship. Hugh then calls ministers to task, urging them to wander the streets and beg alms with their confreres.

Ushering in a shift in tone, Hugh then qualifies the service of ministers with a significant 'but' clause. *Sed spirituale servitium corporali praeferitur. Unde ministri tunc humiliter e subditis serviunt quando pro ipsorum cura solliciti eos docent corripunt et hortantur.* The commentator allocates the preferred exercise of the ministerial role; namely, the duties proper to instruction, surveillance, and correction. The dutiful service called for by Hugh thus consists not exclusively in the expression of *obedientia humilitatis*,<sup>250</sup> wherein ministers ought to operate as curators of the brothers under their charge and of their souls particularly in times of a crisis of conscience, but also in the teaching, correction, and exhortation of those same subordinate brothers. His comments counterbalance his notion of superiors as servants and reframes the exercise of their humble servitude as one that consoles and instructs with care, but also one that urges and even reproaches when appropriate. He employs a passage from *RegNB*

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<sup>246</sup> *ExpHug*, p. 178-9.

<sup>247</sup> *ExpHug*, p. 107.

<sup>248</sup> *ExpHug*, p. 178.

<sup>249</sup> *ExpHug*, p. 178. *Principes gentium dominantur eorum et qui maiores sunt potestatem exercent in eos. Non sic inter vos erit.* (*RegNB* V, 9-10)

<sup>250</sup> *ExpHug*, p. 182.

to bolster his position,<sup>251</sup> calling to mind the primary pastoral function of their charge (*cura animarum*).

The maternal imagery employed further on in the discourse on mutual relations between brothers<sup>252</sup> finds its compliment in the ministerial role, who in his turn is also to nurture and care for his subordinates as a mother would her children. Hugh then supplements his comments with a more paternal stance toward the minister's overseer and corrector, however humble and compassionate he may be. The permutability of roles characteristic of the writings of Francis and the early movement, in particular *RegErm*, thus finds a measure of currency in Hugh's remarks. He then reiterates the task of visiting, correcting, and admonishing the brothers contained in the rule. Absent any remarks on the recent office of visitors, one begins to suspect a specific motive when coupled with the twofold reassertion of the duty assigned in the rule to the minister.<sup>253</sup> In their role as spiritual fathers (*pater spiritualis*), the ministers must at times be rigid and are duty-bound to cultivate with rigour (*in ipso debet rigore deserrere*) their spiritual children, albeit by humble, charitable, and compassionate means fitting of their extraordinary vocation.<sup>254</sup> He then elaborates on the proper administration of such corrections.

With regard to obedience to superiors and following on his comments on perfect and imperfect obedience, Hugh expounds upon the threefold articulation of obedience. Here, he distinguishes between three principle articulations of obedience,<sup>255</sup> thereby creating a space for distant echoes of *Regula Benedicti* as well as Bernard of Clairvaux, albeit in a distinctly Minorite tone. Obedience can be an expression of necessity (*obedientia necessitatis*), of charity (*obedientia caritatis*), or of humility (*obedientia humilitatis*).<sup>256</sup> The first typology consists in necessary obedience, which is satisfaction of the letter of the law, that is, that which the profession of the rule explicitly prescribes and prohibits. Next, the obedience proper to or resulting from charity or love designates that mutual obedience due among brothers, one toward the other. The last expression of obedience regards humility on the part of a superior toward his subordinate brothers. Comparatively less direct in Hugh's commentary than in

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<sup>251</sup> *Recordentur ministri inquit quod commissa est eis cura animarum fratrum de quibus si aliquis perderetur propter eorum culpam et malum exemplum oportebit eos reddere rationem coram Domino Iesu Christo (RegNB IV, 6).*

<sup>252</sup> *ExpHug*, p. 181-2.

<sup>253</sup> *ExpHug*, p. 177. *Fratres qui sunt ministri et servi aliorum jratrurum visifent et moneant (RegB X). ExpHug. P. 178. Visitent et moneant fratres suos et humiliter et caritative corrigant eos (RegB X).*

<sup>254</sup> *ExpHug*, pp. 178-9.

<sup>255</sup> *ExpHug*, pp. 181-2.

<sup>256</sup> *Triplicem autem obedientiam scilicet necessitatis caritatis et humilitatis, prout superiori bus paribus et inferiori bus exhibetur, sanctus in regula ex evangelii perfectione sumpta commendat. ExpHug, p. 181.*

*RegNB* is the link between mutual obedience and what he describes as the obedience of humility.

Nevertheless, it pertains to the logical structure of his discourse in which he allows the order of chapters in the rule to prevail. Having suggested in a prior passage both the possible (*carnaliter*) and preferred (*spiritualiter*) manner in which superiors ought to serve their subordinates,<sup>257</sup> his comments then proceed to an elaboration on the rule's recourse to ministers clause (*RegB X*). In order to counteract the frankness with which he proclaims the minister general's supreme authority and the model of spiritual service by way of instruction, correcting, and exhortation, he focuses on the minister's duty to serve the brothers and most of all to cater to their needs in moments of discrepancy.

All the same, in commenting *RegB X*'s injunction relating to ministers' illegitimate commands *contra animam et contra regulam*, Hugh uniquely underscores the rule's reinforcement of the minister's duty to care for the brothers undergoing an inner conflict or crisis of conscience.<sup>258</sup> There are brothers, he acknowledges, who encounter moments of discrepancy with regard to regular obedience. Hugh adds that there exist brothers who are prepared to give mechanical obedience while they are not prepared to accept those giving obedience to the spirit of the rule (*spiritualiter observare*).<sup>259</sup> Conflicts of conscience and in particular those among the brothers regarding regular observance can lead to division. Brothers ought to resort to furnishing superiors with such information. Ministers in their turn are duty-bound to accept their subordinates and promptly address the issues at hand. In so doing, they are to deal with the matter in confidentiality, offering both advice and remedy. If a lower-level superior cannot provide a remedy, he argues, then the brothers have the right to consult a higher authority such as the provincials.

The provision thus puts each brother in direct contact with his provincial and enacts a measure, which guarantees that with a just cause brothers may seek out the provincial minister and make him available provided they are not vagrants wandering outside of obedience (*extra obedientiam vagarentur*).<sup>260</sup> The provincial ministers are thus called to task to handle an individual brother's crisis of conscience and if need be to settle lesser disputes. Hugh goes on to reassert the duties of each respective party on the basis of the minister's twofold function as

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<sup>257</sup> *ExpHug*, p. 178.

<sup>258</sup> *ExpHug*, p. 182.

<sup>259</sup> *ExpHug*, p. 183.

<sup>260</sup> *ExpHug*, p. 184.

both curator of souls and authority figure. A minister is responsible for seeing to a brother's conscience and attempting to resolve the crisis of conscience.<sup>261</sup>

With a Sapiential verse handy,<sup>262</sup> Hugh maintains that they are not to dominate their subordinate; rather, they are to console and exhort them with tranquillity and reverence for the brother and his soul's well-being. Likewise brothers are not to forget the extraordinary reverence due their ministers when they show humility in serving when addressing spiritual matters.<sup>263</sup> Responsibility for external oversight and insurance of regular observance is expected of the order's Cardinal Protector.<sup>264</sup> In such a manner, Hugh endeavours to marry the characteristically more servile concept of *minister et servus* detailed in *RegNB* with that put forward in *RegB*, which one may deem a re-charismatisation of the Minorite institutional complex.

Concerning custodians, guardians, and the like, Hugh opts for a reversion to the prescriptions in the rule of 1223 and a simplification of structures by a consolidation of offices.<sup>265</sup> Only the offices explicitly mentioned in the rule receive treatment. There is no reference to discreet brothers or to definitors. He therefore implies the illegitimacy of their place in the order structures. There is also no mention of the office of visitation, much less of the deference due them by the brothers. Hugh clarifies that the term minister applies not only to the general, provincials, and custodians, but also to the guardians.<sup>266</sup> He is the first to offer comment on the legitimacy of the office. Otherwise guardians are left alone and presumed a local extension of the custodial office as *minister loci* in the manner indicated with all the duties of the day proper to its function.

Even so, the former policy for official appointment was characterised by a top-down function, minister generals appointed provincials, provincials appointed custodians, custodians guardians. Similar to his silence on the superfluous offices, the complete absence of comment regarding the current policy leads one to surmise his assessment as to its legitimacy. Absence of comment and proposal of an alternative view was at times Hugh's most forceful weapon. One gets the impression that he must have looked askance at certain arguments and procedures circulating in the order to the degree that he saw them undeserving even of enunciation. Under the scrutiny of superiors and ecclesial authorities, he may have also been obliged to refrain from meeting the opposition head on.

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<sup>261</sup> *ExpHug*, p. 185. *Sane pater spiritualis recurrentes ad se filios maxime desolatos familiariter in omni debet caritate suscipere, ut suas ei necessitates ostendere suasque fiducialiter conscientias audeant aperire.*

<sup>262</sup> *Tu autem dominator virtutis cum tranquillitate iudicas et cum magna reverentia disponis nos* (Sap. 12,18).

<sup>263</sup> *ExpHug*, p. 186.

<sup>264</sup> *ExpHug*, p. 193.

<sup>265</sup> *ExpHug*, pp. 173-5.

<sup>266</sup> *ExpHug*, p. 174.



### *Individual Responsibility, Conscience, and Moments of Discrepancy*

Hugh's model of obedience implicated individual responsibility but also took into account the role of conscience in the discernment in moments of discrepancy. As indicated, Hugh called for a *prima facie* obedience to the rule in its entirety without exceptions. Furthermore, it was enough to live – so to speak – by the book and follow the rules. Obedience is twofold, he argued, perfect and imperfect. As in all religious institutions, a religious may offer the minimum of obedience demanded by the rule of his or her profession. Hugh designates such obedience as imperfect. Conversely, the manifestation considered perfect consisted in a more holistic, fully involved obedience, which went beyond the bounds of external constraint. Hugh employs a bifurcated method of explication in his remarks. He characterises perfect obedience *via positiva* and then renders his concept more precise by an argument *via negativa*.

A passage from Bernard of Clairvaux's *De praecepto et dispensatione* serves as his initial platform.<sup>267</sup> Five distinctions mark Bernard's definition. For obedience to be perfect, Bernard wrote, it must be boundless (*terminis non artatur*), extraordinary (*neque contenta professionis angustiis*), charitable (*fertar in latitudinem caritatis*), prompt (*ad omne quod iniungitur spontanea*), and voluntary (*in infinitam voluntate libertatem extenditur*), which he then supplements with a Pauline verse (1 Pt. 1, 22). The passage is carefully worded. Perfect obedience must be beyond all bounds (*termines*). Here, one may draw a parallel from Hugh's adaptation of the *spiritualiter-carnaliter* for an insight into the passage on *termines*. Simply doing what is required by the book would constitute imperfect obedience and thus obedience *carnaliter*.

If one were to obey perfectly, he would also have obeyed *spiritualiter*, which is to say beyond the bounds (*termines*) of carnal perception, imagination, and mentality. Boundless obedience thus consists in obeying beyond the constraints intrinsic to the mind of the flesh and of worldly ways. Perfect obedience thus comes about when a brother obeys in a manner suiting of a holy Minorite, a distinction to which all brothers are called in their extraordinary vocation. It is also the spiritual, Gospel-inspired dimension of obedience, which distinguishes the Minorite calling from that of other religious. More simply, the boundless element of perfect obedience in the Minorite context is once again not a blind disposition to obedience,

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<sup>267</sup> *ExpHug*, p. 180. *Perfecta autem ut ait sanctus obedientia legem nescit, terminis non artatur, neque contenta professionis angustiis ... fertar in latitudinem caritatis, et ad omne quod iniungitur spontanea ... in infinitam voluntate libertatem extenditur. Haec est illa de qua signanter apostolus Petrus: Castificantes inquit corda vestra in obedientia caritatis, pulchre ipsam per hoc sequestrans ab illa inerti et serviti quodammodo obedientia nec caritati prompta sed obnoxia necessitati.* (PL 182, 868, *Opera* III, 261-262)

which shows no regard for the content of the mandate. It is rather a signifier of the extraordinary obedience to which followers of Francis are called.<sup>268</sup> The paragraph that follows in his text corroborates the notion.

Interestingly, though the adoption of Bernard's view appears wholesale, Hugh alters the passage in two ways. Whereas with Bernard *terminis non artatur* was integral to perfect obedience, after which followed a semi-colon, Hugh renders that element a mere constituent of the whole, replacing the semi-colon with a comma. It is difficult to know, however, without examining the manuscripts whether the change was merely a decision of the editors. Hugh also omits two characteristics in Bernard's original list; namely, *vigore liberalis alacrisque animi* and *modum non considerans*. The latter of the two omissions is more significant. Hugh espouses Francis as model and institutor of obedience as he was lover of perfection (*maximus perfectionis amator*). However, indifference for the way in which obedience is exercised is left out entirely (*modum non considerans*), understandably as the context called for other criteria, which plays in to the recurring concern of early Minorites to protect against unjust commands. Into that issue he now transitions. Here, the crucial piece of *RegB X* comes to the fore, as Hugh reasserts that which does not constitute perfect obedience or obedience at all; namely, disobedience to the rule in transgression or to God in sin (*ut scilicet fratres non solum in his quae promiserunt Domino observare, sed etiam in omnibus quae ... non sunt contraria animae regulaeque obediant*).<sup>269</sup>

The principle of the early movement lives on as he expound upon the two restrictions (*limites speciales*) on the duty to obey. *Sane contra animam vel regulam nec praelati habent praecipere, nec subditi obedire*.<sup>270</sup> The subordinate brother thus wields a lone weapon with regard to out-of-line superiors. It is, however, a powerful one; namely, dissent in an instance of a mandate gone awry. He then reinforces the principle in its application from-above, that is, with regard to the duties expected a superiors. He thereby warns them not to issue commands unless they are in conformity with the rule or the duty of protecting the soul entrusted to his charge. Just as before, the principle safeguards the well-being of souls and the integrity of the rule. A supplementary explanation then comes to bear on the limits of obedience (*ut excessum regulae littera ipsa convincat*).<sup>271</sup> As a consequence, superiors are likewise equally bound to

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<sup>268</sup> Echoing *VbF* 45, Hugh lauds the exemplarity of the early movement due to their promptness in wishing to satisfy the will of their superiors. *Antiquis tanta fuit obedientiae promptitudo ut superioris non solum monitis sed etiam agnitae voluntati fideliter parere satagerent. Perfecte namque obedire est superioris satisfacere voluntati prout sanctus Franciscus interrogatus dicitur respondisse. ExpHug*, p. 106.

<sup>269</sup> *ExpHug*, p. 180.

<sup>270</sup> *ExpHug*, p. 180.

<sup>271</sup> *ExpHug*, p. 181.

the rule in the same manner as are their subordinate brothers. Beyond that, their duties and responsibilities demand the utmost care, for much is at stake in the exercise of their office, as detailed above.

He then describes in spirited tones an opposing position, which envisages the principle of illegitimate hierarchical mandate as against their *propositum*. The word against (*opponentes*) signifies that the policy is not severe enough. The proponents of said position<sup>272</sup> hold to a measure of protection against the abuse of power, which is even more severe than espoused in *RegB X*. Indeed, the very stance to which he alludes bears distinct likeness to that outlined and practiced in the early movement's organic *vita*, *RegNB*, which is to say, the principle of fraternal control of authority. By that standard, a higher power, whether administered on an individual (*per superiorem*) or collective (*vel capitulum*) basis, ought to strip the furious hand of an unruly and extravagant superior of the sword of authority (*auctoritatis gladium*).<sup>273</sup>

Moreover, the criteria for such an intervention apply not only in those cases where a command is given which may be negative, evil, or in contravention of the rule. The rash and disorganised command to do something good is likewise viewed as mad extravagance (*insania*). The manner in which a superior issues a command therefore becomes relevant. He does not spell the position out in so many words and bring it to its logical conclusion vis-à-vis institutional consequences, perhaps for fear of reprisals, nor does he cite *RegNB*, but the reference itself communicates a message. Enacting the policy would amount to a radical return to that of the early movement, which the redaction of 1223 left by the wayside. Hugh merely indicates a channel for such a radical return, albeit refraining from employing the means to embark on a journey of the sort. The passage is so subtle that it likely fell on deaf ears. The reactionary stance toward authority and the involvement of individual responsibility in the custody and care of one's own soul and that of others were central tenets in the early movement's approach to their life.

With regard to obedience to superiors and following on his comments on perfect and imperfect obedience, Hugh expounds upon the threefold articulation of obedience. Here, he distinguishes between three principal articulations of obedience,<sup>274</sup> thereby harkening distant echoes of the *Regula Benedicti* as well as Bernard of Clairvaux, albeit in a distinctly Minorite

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<sup>272</sup> *Sed hoc non sententiam alii nullo modo acceptant, ipsum iuxta communem verborum intelligentiam regulae textum sancti propositum Ordinis usum et consuetudinem antiquorum plurimumque necessitates inconuenientium opposentes.* *ExpHug*, p. 181.

<sup>273</sup> *Si praecipiens abutitur potestate, dicunt eum per superiorem vel capitulum corrigendum vel ipsum auctoritatis gladium de manu furiosi tollendum. Non minima est enim insania praecipitanter et inordinate praecipere quamvis bona.* *ExpHug*, p. 181.

<sup>274</sup> *ExpHug*, pp. 181-2.

accent. Obedience can be an expression of necessity (*obedientia necessitatis*), of charity (*obedientia caritatis*), or of humility (*obedientia humilitatis*).<sup>275</sup> The first typology includes the obedience of necessity, which fulfils the explicit profession of the rule. Next, the obedience proper to or resulting from charity or love designates that mutual obedience due among brothers, one toward the other. The final articulation of obedience in his motif is the consequence of humility on the part of a superior toward his subordinates.

Hugh unequivocally asserts the somewhat autocratic conception of minister general in his commentary. Nevertheless, in treating *RegB X*'s injunction relating to ministers' commands *contra animam et contra regulam* Hugh is unreluctant to stress the clause's reinforcement of ministers' duty to care for the brothers undergoing a crisis of conscience.<sup>276</sup> Foreseeing a brother's right to gain access to his minister belongs to the Minorite tradition, though so often neglected both on the page and in deed. Hugh endeavours to tap into the rich tradition available to him. As indicated, Hugh notices both crises of conscience among his brethren when discerning the horizon of obedience and minor and potentially major conflicts emerging from such crises on the macro level. Brothers who encounter moments of discrepancy with regard to regular obedience are at times prepared to give mechanical obedience, though they are perhaps not equally as prepared to accept those giving obedience to the spirit of the rule (*spiritualiter observare*).<sup>277</sup> In granting the brothers the right to gain exclusive access to their superiors to both spiritual and material ends, he asserts, the rule demands that ministers satisfy their pastoral role as curator of souls in addition to that of enforcer.

Brothers ought to resort to furnishing superiors with such information. Ministers in their turn are duty-bound to accept their subordinates and promptly and discretely address the issues at hand, offering both advice and remedy. If a lower-level superior cannot provide a remedy, he argues, then the brothers may also consult a higher authority such as the provincials. The provision thus erects an institutional structure, contingent upon the minister's pastoral availability that functions to cultivate both an atmosphere of respect and an avenue of protection vis-à-vis the well-being of the brothers' souls. The provincial ministers are thus also called to task to handle an individual brother's crisis of conscience and if need be to settle lesser disputes.

Hugh goes on to reassert the duties of each respective party on the basis of the minister's twofold function as both curator of souls and authority figure. As stated, a minister is

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<sup>275</sup> *Triplicem autem obedientiam scilicet necessitatis caritatis et humilitatis, prout superiori bus paribus et inferiori bus exhibetur, sanctus in regula ex evangelii perfectione sumpta commendat. ExpHug, p. 181.*

<sup>276</sup> *ExpHug, pp. 178-9.*

<sup>277</sup> *ExpHug, p. 183.*

responsible for seeing to a brother's conscience and attempting to resolve the crisis of conscience.<sup>278</sup> They are not to dominate their subordinate; rather, they are to console and exhort them with tranquillity and reverence for the brother and his soul's well-being. It is because of such an acute consciousness of the role of individual conscience and personal responsibility in serving and obeying that the Minorite institution may be called a spiritual institution. If a brother's inner conflict permits him only to obey the rule in a mechanical way thereby to only undergo that which is absolute necessity in order to act within the prescribed norms of the rule, then it is precisely the duty of his superior to provide him a haven of recourse, to struggle together with his subordinate, and to break loose any spiritual obstruction blocking his path. The brother and his minister must ensure that the inner mechanisms of discretion are activated and fully engaged, always voluntarily seeking to articulate obedience through charitable and humble means. In short, it is the minister's divinely sanctioned duty not only to steer his subordinates clear of living *carnaliter*, but also to spur them on to perfect obedience and to observance *spiritualiter*. Likewise brothers are not to be neglectful of the extraordinary reverence due their ministers who serve them humbly when addressing spiritual matters.<sup>279</sup> In such a manner, Hugh outlines the active moral and spiritual engagement to which a Gospel interpretation of the rule calls the brothers, both superior and subordinate.

Moreover, a follow-up to his distinction of regular norms and commands based upon the quality of moral penalty accrued in its transgression, Hugh appeals to the conscience of the devout, asking them to contextualise the form and content of a superior's issuance as well as of his rank. Hugh distinguishes between counsels, admonitions, and precepts in the rule, each of which one may disobey by negligence or by contempt. Transgression of a counsel of the rule (or superior) may not accrue any kind of guilt, and ignorance of an admonition may not directly result in mortal sin.<sup>280</sup> Yet disobedience of a command, in particular if committed with premeditation, unquestionably constitutes a mortal sin. Nevertheless, such considerations should not imply that minor points in the rule or in a superior's instructions have no worth whatever. Instead such an attitude of negligence or contempt should be feared and avoided. The devout, he argues, will understand the nature of the burden of obedience with sincerity and humility. Carefully minding his superior, such a brother will understand his intentions and he should pay more attention to the superior's wishes than to the way in which he expresses

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<sup>278</sup> *ExpHug*, p. 185. *Sane pater spiritualis recurrentes ad se filios maxime desolatos familiariter in omni debet caritate suscipere, ut suas ei necessitates ostendere suasque fiducialiter conscientias audeant aperire.*

<sup>279</sup> *ExpHug*, p. 186.

<sup>280</sup> *ExpHug*, p. 104. *Transgressio consilii regulae vel praelati potest esse sine omni culpa; transgressio moniti sine culpa mortali. Transgressio praecepti maxime si cum deliberatione sit semper est cum mortali.*

the intentions.<sup>281</sup> The quality of obedience in the order was once so great that an effort was made not only to mind the superior's admonitions but also his perceived intentions.<sup>282</sup> Again, Hugh displays an acute awareness of the delicate intricacies involved in the day-to-day functioning of religious life under rule and superior. Here, too, he gives reason to pause and plead for an individual effort in activating the inner mechanisms of conscience and discretion when approaching matters of obedience.

Uncharacteristically, Hugh provides for a single exception to the principle of illegitimate hierarchical mandate and that of legitimate dissent, which leads to a logical assertion on the unifying function of obedience, but which in its turn also opens the door to ambiguous interpretations. In a reference to the brothers' rule-conceded right to partake of any kind of food offered to them, the commentator takes on the query as to how a brother should respond if faced with his superior's prohibition to undertake such an action.<sup>283</sup> Hugh determines that brothers ought not to be prevented from enjoying concessions offered by the rule. However, one must be prepared, he maintains, to heed the superior's command, if issued in a reasonable manner, for the sake of obedience, for the order's cohesion, and for peace. Hugh argues that no superior issues commands in order to trick the brothers into disobedience, just as nobody would offer them alms with the intention of making them lose their soul and their hope for eternal life. As he elsewhere confirms, neither God nor a man acting as the vicar of God intends to induce to guilt of a *culpa lapsus*, but they rather want that the fruits of obedience be reaped. Obedience is therefore an expression of indiscriminate brotherhood, by which one considers others, both stranger and guest.<sup>284</sup> It generates *unum fratrum collegium*. Here, Hugh introduces an ulterior function of obedience, which is to say a unifying function, long neglected by the tradition of Minorite literature thus far.

Though the unifying function of obedience relates somewhat to the mutual articulation of obedience detailed elsewhere in his commentary, it receives unprecedented specificity in the current statement. Nonetheless, the unifying function of obedience may result problematic as it supplements the brothers with a potentially risky contingency and may lead to moments of normative conflict between regular injunction and hierarchical mandate against which the principles of legitimate dissent and of illegitimate hierarchical mandate so attempted to safeguard. Such is most likely a reason for its being downplayed in other sources. As with many

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<sup>281</sup> *ExpHug*, p. 105.

<sup>282</sup> *ExpHug*, p. 106.

<sup>283</sup> *ExpHug*, pp. 121-2.

<sup>284</sup> *ExpHug*, p. 157. *Se de custodiis illis esse commemorant et coindigenas appropriato nomine fratres suos appellant, alios autem extraneos et hospites reputant. Nec tamen patria sed obedientia sola omnes indifferenter fratres de custodia vel conventu constituit. Unum fratrum collegium obedientia facit.*

other of the commentary's unique propositions, the functional motive of unity in obeying provides Hugh's measured comments and conceptions with a flavour all its own. His universal message is clear. Minorite brothers are to err on the side of caution, both when issuing commands and likewise when receiving them. One truly begins to appreciate the subtle understanding for the inner mechanisms of conscience and personal discretion displayed in Hugh's approach.

### *Rule-Testament-Gospel*

In the attempts to systematise and guarantee a qualitative difference between regular norms and to make sense of the apparent gradation of injunctions in the rule (*iniungo, moneo, precipio, exhortor*), the authors of the 1241/2 rule commentary had introduced a distinction between *praecepta, consilia, instructiones, admonitiones, and concessiones* which sought to categorise rule passages by degree of normative force. Apart from the vows, they argued, brothers were only duty-bound to obey the *praecepta*. As indicated above, the commentary's distinction proved more theoretical than actual as it brought on no patent conclusion or consequence. Nevertheless, the distinction evinces an admittance of selectivity regarding obedience of the rule at least at a theoretical level. Hugh of Digne would then issue his judgment that the semantic difference that ostensibly indicated a gradation of norms was in reality a matter of tonal emphasis and that all rule injunctions bore equal weight for obedience *spiritualiter*, an echo of Francis' *Test (spiritualius)*.<sup>285</sup> He states unequivocally that all regular norms demand equal attention and obedience when he writes, *Sed omne quod vovemus implemus, dum regulam quam servare promittimus prout est servanda servamus*.<sup>286</sup> In his conception, Hugh is staunchly against theoretical partitioning of the rule's norms on a selective basis. Brothers in pursuit of a clear trajectory of observance based upon what he elsewhere deems the obedience of necessity (*obedientia necessitatis*) who turn to distinguishing between exhortatory counsels and obligatory precepts to be obeyed *sub gravi* do the rule and their life a disservice. Not a single part may be neglected or viewed as less significant.<sup>287</sup>

As SISTO rightly indicates, such a mentality includes allowing the external criteria such as use of the verbs *consulere* or *monere* to prevail over what Hugh would likely have referred to as the spirit of the rule.<sup>288</sup> In a mentality driven by regular observance *spiritualiter*, one pays no mind to such distinction. Instead, a spiritually-inclined brother would continually

<sup>285</sup> *ExpHug*, 48ff.

<sup>286</sup> *ExpHug*, p. 104. ... *ea tamen quae divina institutione vel propria professione sunt fixa nec praelatus nec subditus potest pro voluntate laxare. Hortor itaque ut nihil in regula parvi ducas. ExpHug*, p. 107.

<sup>287</sup> *ExpHug*, p. 107. *Hortor itaque ut nihil in regula parvi ducas. (...) Nullum denique vel minimum regulae institutum secure negligitur.*

<sup>288</sup> Sisto, *Figure*, 109-10.

strive to more integrally live out the rule including its Gospel underpinnings. Ever cognisant of the intricate complexities of regular interpretation in the vast array of possible circumstances in which the brothers found themselves, Hugh was nevertheless unwilling to concede the legitimacy of a selective gradation of norms in the rule. In Hugh's mind, there was no permissible distinction of precepts. It was a grave danger, he argued, to consider any one injunction more or less important than another. All regular norms were equally sacrosanct and thus obligatory for all brothers. Minorite brothers were thus duty-bound to obey the rule in its entirety, *prima facie*. He thus implicitly refused the selective distinction of norms proposed by the *expositio* of 1241/2 and consequently set the rule in an impenetrable, caste-iron encasement much in the vain of *Test*.

Hugh held tightly to the notion, albeit perhaps in a manner somewhat more abstract than concrete that identified the Gospel and the rule. In order to capture the Gospel spirit of the rule, Hugh writes, *Quidenim est regula nisi quaedam perfectionis evangelicae summa?*<sup>289</sup> In commenting on the rule's initial chapter (specifically, *regula ... fratrum minorum est... sanctum evangelium observare*), Hugh sides with Gregory IX's judgment in *Quo elongati*<sup>290</sup> (as do the masters) regarding the Minorite duty of obedience to the Gospel as encapsulated in the rule. In his comments on the tripartite articulation of obedience, he then remarks *sanctus in regula ex evangelii perfectione sumpta commendat*.<sup>291</sup> Obedience to the rule for him consists in the observance of those *evangelii concilia* mentioned in the rule as commands or prohibitions.<sup>292</sup> The brothers do not intend to go beyond such an observance in their profession; even so, more is not within the realm of possibility. As one begins to notice, Hugh's theoretical identification between Gospel and rule is not without its limits. He clarifies a moral distinction by openly proclaiming that transgression of certain counsels and admonitions in the rule do not of necessity result in the accrual of sin. The assertion alone is enough to substantiate the case. As SISTO notes, for Hugh it is nevertheless precisely the insistence on a fundamental return to the Gospel which undergirds the Minorite normative structure and which distinguishes it from that of other religions.<sup>293</sup> A literal observance of regular norms with the basis of solely exterior criteria such as that suggested by the proposition of the masters, though it may have been in some sense a necessary condition for perfect obedience and observance *spiritualiter*, it was therefore not a sufficient condition. As indicated, the inner mechanism

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<sup>289</sup> *ExpHug*, p. 95.

<sup>290</sup> *Quo elongati*, 21.

<sup>291</sup> *ExpHug*, p. 181.

<sup>292</sup> *ExpHug*, p. 95.

<sup>293</sup> *Figure del primo francescanesimo*, 108-9.



must be activated and fully engaged, always seeking to articulate obedience in charity and humility.

An outstanding hallmark of Hugh's *Expositio* arrives in his insistence on appealing to the intention of Francis and thus recalling the movement's charismatic origins in addition to referring to the legal technicalities demanded by canonical stringency, classical monastic authorities, as well as to his own line of reasoning. As a result, while the masters had examined the rule as a legal document, a stance recurring in the commentary ascribed to John Pecham, Hugh's considerations extended to the intentions of St Francis, an alternative approach, which was also taken in papal decrees, in particular *Quo elongati*, and in later *expositiones*. As FLOOD asserts, Hugh's *expositio* identified the rule with the Gospel, but he also granted much attention to the relationship between the rule and the bull *Quo elongati*.<sup>294</sup> Although he did not go so far as to state that the *Testament* as legally binding, adopting Gregory IX's position instead, he nevertheless regarded it as a document of utmost significance, which enabled the reader to grasp the concept developed therein that was intrinsic to the early movement's understanding of the rule.<sup>295</sup> The weight of the papal interdict prevented him from claiming otherwise. While he upholds *Quo elongati*'s ruling, Hugh is not so eager as Gregory IX and the masters to cast the *Test* out to sea. Yet Hugh takes a somewhat ambiguous position on the *Test* both in theory and in actual consequence.

In his opening deliberations on the first passages of *RegB*, emphasis lie on the perfect obedience due the rule.<sup>296</sup> The starting point for his assertion was the first chapter of *RegB* by which the hierarchy of obedience was set out. The rule demanded, he argued, that obedience was due first and foremost to the Gospel, then to the Apostolic See, and then to the order's ministers.<sup>297</sup> Nevertheless, it remains dubious that his identification of the rule and the Gospel had any bearing on his interpretation of the *Testament*. Officially the necessity of perfect obedience to rule and Gospel to which he called the brothers did not carry over in full to the case of Francis' final discourse. In theory, however, closer analysis reveals that Hugh calls for a *prima facie* observance of the rule in its entirety and all of its constituent parts. Such an affirmation resounds with the *Test*'s injunction to observe the rule *pure et simpliciter, sine glossa*. Of course, in acting as glossator, he himself violated the *Test*'s principle. He nevertheless undercuts his agreement with *Quo elongati*'s ruling on the validity of *Test* by appealing to its

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<sup>294</sup> *ExpHug*, p. 74.

<sup>295</sup> *ExpHug*, p. 72.

<sup>296</sup> *ExpHug*, pp. 93-4.

<sup>297</sup> *ExpHug*, pp. 93-4.

message and showing it manifest respect.<sup>298</sup> In a striking passage, Hugh also echoes *Test* when he exhorts the brothers to observe the rule directly rather than minding papal privileges.<sup>299</sup> The complex connotations of his arguments attest to the complicated relationship with the *Test* had by those devoted to obeying papal interdict and to staying true to the legacy of Francis and the early movement.

It is precisely in the implication of his further deliberations on obedience that Hugh's avowed commitment to a perfect, *prima facie* obedience to the rule begins to show its consequential limits and even to break down. In its consequences, both practical and theoretical, Hugh's contention does not follow completely, albeit for matters and to ends that cohere with his broad internal logic. Theoretically, Hugh once again seeks the aid of Bernard and forges a distinction between precepts based upon the gravity of the penalty accrued in their transgression.<sup>300</sup> Having just asserting that partitioning of the rule on the basis of normative weight,<sup>301</sup> he then proceeds to distinguish between counsels, admonitions, and precepts, each of which one may disobey by negligence or by contempt. Transgression of a counsel of the rule (or superior) may not accrue any kind of guilt, and ignorance of an admonition may not directly result in mortal sin.<sup>302</sup>

However, breaking a command of the rule, especially if committed with premeditation, unquestionably constitutes a mortal sin. As indicated, he then goes on to appeal to the consciences of his fellow brethren, so that they may themselves consider the form, content, and quality of the norm with which they are faced. Aghast at the declined state of obedience in the order, Hugh follows this up with a rhetorical point on how the rarest, most virtuous articulation of obedience remains simple, freely given acceptance and agreeability in relation to authority, whether rule or superior. In any event, such a distinction certainly implies an impartial view toward regular norms implicit in the somewhat confused moral trajectory implied by the perhaps overly subtle qualification of his absolute principle. Here, Hugh reveals a hole in his otherwise sound philosophical reasoning.<sup>303</sup> In addition, although Hugh demands perfect regular obedience and although he subscribes in full to the rule's autocratic conception of the

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<sup>298</sup> *ExpHug*, p. 140 & p. 175.

<sup>299</sup> *ExpHug*, p. 116 & p. 175.

<sup>300</sup> *ExpHug*, p. 104. *Ubique enim et dulpabilis neglectlls, et eontemptus damnabilis est. Differunt autem quod negleetus quidem languor inertiae est, eontemptus vero superbiae tumor.* PL 182, 871 (Sancti Bernardi *De praecepto et dispensatione*). *Sancti Bernardi Opera* III, (Romae, 1963), 265.

<sup>301</sup> *ExpHug*, p. 104. *Sed omne quod vovemus implemus, dum regulam quam servare promittimus prout est servanda servamus.*

<sup>302</sup> *ExpHug*, p. 104. *Transgressio consilii regulae vel praelati potest esse sine omni culpa; transgressio moniti sine culpa mortali. Transgressio praecepti maxime si cum deliberatione sit semper est cum mortali.*

<sup>303</sup> Perhaps there is merit to Flood's comment, when he asserts that Hugh's strength lie in his persuasiveness and not in his intelligence. 'Three Commentaries on the Rule,' 181.

minister general, he shows himself not entirely averse to mitigation of the rule in the delegation of the ministers' powers sanctioned in papal privileges (*Quo elongati, Prohibente regula, Ordinem vestrum*, and the like) and constitutions, thereby acknowledging the right of the head minister to delegate their authority to receive novices and to examine and appoint preachers.<sup>304</sup>

#### *Novitiate Obedience and The Rite of Profession*

Hugh then goes on to address *RegB* II (*De his qui volunt vitam istam accipere et qualiter recipi debeant*) and the proper manner of acceptance and profession of novices.<sup>305</sup> Obedience also comes into play in his deliberations as regards the form and content of the profession, to which all aspirants are required to accede. As mentioned, the Latin words *promittere* and *vovere* were not coterminous in the context of religious institutions and the standards of canon law. The rite of profession transmitted in *Vest.* 12 of the *Pre-Narbonne Constitutions* limited itself to formulating the rite with the verbal vehicle implied by the rule (*promitto*)<sup>306</sup> and does not breach the realm of *voveo*, thus at least formally framing the profession more as a contract between minister and candidate rather than a vow made directly to the divine on high. Though the rule and rite of profession both directly implied a direct promise made to God,<sup>307</sup> their profession lacked the canonically appropriate linguistic medium with which to consummate the institutional legitimacy of their profession as a vow. The *oblatio votiva* component of Minorite profession would only take hold in a legislative context at a later stage; namely, in the Bonaventure's *Narbonne Constitutions*. However, Hugh of Digne himself did not mince words when mentioning that to which every brother binds himself, referring gratuitously to the rite of profession as a vow of obedience which was administered not only in view of minister and such content as is located in the rule, but also to the almighty, supreme authority, which is to say the divine authority of God. A prime instance occurs in his lead-in comment on *RegB* X 11, which circumscribes the follow-up duties of all involved after the candidate's reception *ad obedientiam*. He writes:

*Triplicem autem obedientiam scilicet necessitatis caritatis et humilitatis, prout superioribus paribus et inferioribus exhibetur, sanctus in regula ex evangelii perfectione sumpta commendat.*<sup>308</sup>

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<sup>304</sup> *ExpHug*, p. 176.

<sup>305</sup> *ExpHug*, p. 98ff.

<sup>306</sup> *RegB* X: *In omnibus quae promiserunt Domino observare...*

<sup>307</sup> *RegB* X 3: *... ut obediant suis ministris in omnibus que promiserunt Domino observare....; Vest.* 12: *Formalis: Ego .A. promitto deo et beate.*

<sup>308</sup> *ExpHug*, p. 181.

Hugh's characterisation of the rule's contents as deriving perfectly from the Gospel provides the comment distinct flavour, which reinforces the notion of a direct vow of obedience to God in the rite of profession. As indicated, Hugh's identification of Gospel and rule has distinctive limits, which he makes plain for instance in his reverberation of *Quo elongati* and in his contention that not all transgressions of the regular norms constitute a sin. Thus such identification does not come to bear on the matter.

More to the point, the section on noviciate profession then proceeds to specify in his own terms the intention of the rule in that regard.<sup>309</sup> It is life according to the rule (*vivere secundum regulam*) to which the brothers accede in their profession and not only the rule itself (*Promittere non quidem regulam*). The word 'life' enters into the discussion as a fixture of the manner in which the rule is to be enacted all of the *correptio morum* that it entails, the particularity of which he characterises with the three evangelical counsels of poverty, chastity, and obedience (*vivendo in obedientia sine proprio et in castitate*). This particular element of the profession, he claims, has remained unchanged, without variation since the time of its confirmation by Honorius III. He furnishes no further hint as to the current rite of profession other than that in the particular passage he employs the term *promittere* and not *vovere*, which is the usage also suggested by *Vest. 12*. As indicated, the Minorites can in no way lay claim to being the first to affirm their commitment in those terms. Thus, alas the information available permits one to arrive at no further conclusion as to the specific development of the rite of profession beyond the change implied by *Vest. 12*.

#### *Poverty and Pauperistic Norms*

Hugh employs a passage from *RegB VI (Quod nihil approprient sibi fratres et de elemosina petenda)* in each of his surviving works. For Hugh, poverty was a decisive facet of Minorite life. His three writings corroborate the notion. They also offer a privileged perspective of his thoughts on poverty, allowing us to outline it in detail. While all of his works merit the attention of scholars, what follows is a succinct furnishing of his main arguments in the *Expositio*.<sup>310</sup> Scholars are keen to describe Hugh's disposition toward poverty as a moderate stance, which one may loosely refer to as *usus arctus*. Indeed, the commentator appears to have been a moderate in his time. With his stance he situates himself squarely between two extremes of his age. Whereas the zealous brothers maintained a radical commitment to the pre-1230 standard – that is, prior to *Quo elongati* –, which entailed an absolute negation of use regarding books, houses, and properties, certain other brothers espoused a relaxed inter-

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<sup>309</sup> *ExpHug*, p. 102.

<sup>310</sup> For a study more focused on the conceptual correspondance of the three works, see: Sisto, *Figure*, 115-29.

pretation of *Quo elongati*, which allotted for the use of necessary and useful items and even legitimises the use of commodious items, that is, those effects determined to afford brothers the comfort suiting a Minorite. Chief among the arguments underlying the latter proposition is that of the crowd that holds to poverty as a mere inner sentiment, which necessitates no outer expression. Hugh produces direct opposition to the argument, claiming that it would encourage what he elsewhere coins as *usus superfluus*, a likely reference to the use of commodious items permitted in *Ordinem vestrum*. Meanwhile, Hugh himself reverts to a measured interpretation of *Quo elongati*, contending that brothers persist within the bounds of perfect poverty when using necessities and also those items of service in carrying out their pastoral and studious endeavours. It is little wonder that so many authors refer to his position on poverty, subsequently adopted by Bonaventure and through him also the Observants, as one of moderation.

Two concrete issues to do with poverty emerge in the commentary. The first regards the appropriateness of a brother's engagement in contracts, the other the permissibility of material goods, whether necessary, useful, or otherwise. A common issue that Hugh cites in his commentary with regard to poverty is that of engagement in contracts (*contractus*). Brothers shall not be permitted to engage in contracts of any kind, whether for sales, acquisitions, pledges, or property.<sup>311</sup> As Minorite brother, one is called to a higher standard, to perfect poverty, which he legitimates with the rule's Gospel verse on ridding oneself of all belongings in order to be perfect.<sup>312</sup> The Minorite dispossession of goods should result not from the contempt for material goods themselves, rather from renunciation both of the individual and of the community.<sup>313</sup>

Regarding the use of goods for necessary purposes, Hugh sides with the traditionalist view of the zealous camp and is critical of those among his brothers who would take advantage of the elasticity of the current canonistic definitions operative at the time (*Quo elongati, Ordinem vestrum*) and the laxism toward their ideal which such definitions encourage.<sup>314</sup> The words spoken by Francis, he argues, (*Fratres nihil sibi approprient nec domum, nec aliquam rem*) were not intended to prohibit the use of houses nor of other material necessities. Such a proposition would have been impossible to accept as it is inhumane.<sup>315</sup> On the example of Christ, who nevertheless also used houses though he himself had no place to rest his head,

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<sup>311</sup> *ExpHug*, 61b-63. *ExpHug*, p. 147. *Deinde an contractus illi qui proprietatem important sint fratribus liciti ut emere vendere mutuam contrahere locare commutare impignorare commodare donare.*

<sup>312</sup> *ExpHug*, 61.

<sup>313</sup> *ExpHug*, 66.

<sup>314</sup> *ExpHug*, 63b-64.

<sup>315</sup> *ExpHug*, 63b.

the brothers were permitted the use of property as well as the utensils needed for pastoral ends, including celebration of the Mass, study, and preaching.<sup>316</sup> In particular, the permissibility of books is predicated on the need for an acquaintance of the Scriptures.<sup>317</sup> The same principle applies for missals and breviaries. Preaching requires an intimate knowledge of the Scriptures as well as of basic theological texts. Preaching requires study. As such, Hugh also implicitly asserts both study and preaching as legitimate endeavours becoming of a Minorite brother. His position in that regard separates him from that of the zealous faction to whom he offers a temperate alternative.

Hugh addresses *Quo elongati* head on, clarifying and defending its position. The use to which it alludes regards exclusively those things which are indispensable to the life of the brothers. In his arguments, Hugh makes appeal to the category of security.<sup>318</sup> Poverty demands that brothers not be separated from a sense of material insecurity, and they are not to accept alms and endowments, which would allow them to live in complete ease, otherwise their poverty would become incomplete. Nonetheless, Hugh refuses to delimit poverty to the realm of an interior conviction.<sup>319</sup> In other words, an interior sense of poverty is necessary, but not sufficient, for maintaining the high ideal of the Minorites. True poverty must exteriorise itself and become concretely articulate. Such a position would permit the superfluous use of goods, of which he is highly critical in his other writings. Consequently, if the position delineated in his *Expositio* could be encapsulated in a single word, it would most certainly have to be frugality. Against *usus superfluus*, Hugh argues, *Frugalitas, ut ait quidam, paupertas voluntaria est.*<sup>320</sup>

#### *Ecclesial Obedience*

In addition to underscoring the obedience due the Church and its hierarchy, by way of obedience Hugh also legitimises the order's role and place in the Church while furnishing legitimate motives, which underlie obedience to the Church. Nonetheless, Hugh also allies himself with the *Expositio* of 1241/2 and suggests that there are possible decrees issued by the Church, which should rather be disregarded, as they interfere with the proper observance of Minorite life according to the rule. Thus the author's comments bear subtle hints of insubor-

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<sup>316</sup> *ExpHug*, 63b. *Vulpes foveas habent et volueres celi nidos, filius autem hominis non habet ubi caput suum reclinet.*

<sup>317</sup> *ExpHug*, 63b

<sup>318</sup> *ExpHug*, 64b

<sup>319</sup> *ExpHug*, 64. *Sublimat non medioeriter apud Deum ipsa que non tantum in affectibus, sed etiam in rebus attenditur parvitas, mendicitas propter quam suos dominus pauperes minimos vocat.*

<sup>320</sup> *ExpHug*, 164-5.

dination to Church interdict such as that found in the four master's commentary<sup>321</sup>. As FLOOD indicates, the authors' remarks reference the rulings of Gregory IX's *Quo elongati* (1230) and *Prohibente regula* (1240).<sup>322</sup> The message communicated by Hugh was similar to that expressed by the masters some ten years prior. Not even a papal command had the authority to jeopardise the rule's integrity. Hugh likely composed his rule commentary in the milieu of the issuance of *Ordinem vestrum* and the chapters of Genoa (1251) and Metz (1254), which refused to implement the softened poverty norms as the official standard.<sup>323</sup> The rule commentaries of the 1240's and 1250's belong to a similar spirit of principled stance when faced with a dilemma between papal interdict and Minorite ideals.

In a striking passage, Hugh echoes the *Test* when he exhorts the brothers to observe the rule directly rather than minding papal privileges.<sup>324</sup> FLOOD is summary of Hugh's principle arguments as regards the topic of ecclesial obedience in the context of the *expositio*'s wider theoretical framework.<sup>325</sup> The manner in which Hugh develops his argument finds another support in his acknowledgment that the order's authority derived from that of the Church. As a consequence, he also acknowledged the obedience due the Church for that reason.<sup>326</sup> The Church was thus deserving of obedience for a double motive, insofar as it offered protection and bestowal of authority. With regard to policy, the commentator asserts the argument that one must appeal to Holy See on matters of expelling perverse religious from the order. He thus concurs with the masters.<sup>327</sup>

External surveillance of obedience and the observance of the rule is expected to be undertaken by the order's Cardinal Protector.<sup>328</sup> He also has to ensure the maintaining of discipline and to protect against relaxation in the observance of the rule. Until Hugh's commentary, no other contribution to the 13<sup>th</sup> century Minorite canon had entailed a reference calling for the holder of the cardinal protectorate to uphold his duty not only as *protector*, in support of which it received its fair share of references, but also as *gubernator* and *corrector*. In an age in which the holders of said office continually assumed the role of securing privileges for the order, Hugh had the courage and the clairvoyance to render imperative their duty to act as a corrective presence in relation to the order under its charge.

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<sup>321</sup> *QuatMag*, 163-4

<sup>322</sup> *ExpHug*, 63

<sup>323</sup> *ExpHug*, 58-64.

<sup>324</sup> *ExpHug*, p. 116 & p. 175.

<sup>325</sup> *ExpHug*, 76-7.

<sup>326</sup> *ExpHug*, 97,6.

<sup>327</sup> *QuatMag*, 133-4 & *ExpHug*, 108-9 for Hugh's response & Brooke's commentary in *The Image of St. Francis*, 85-6.

<sup>328</sup> *ExpHug*, p. 192-3.

## Thematic-Theological Analysis of Liturgical Texts

Liturgical documents reveal the evolving image of Francis, an image which is also a prayed image which was proposed and set forth for the devotion of Minorite brethren across the order as a whole. In such a fashion, officials sought to unify the order's individuals into a single praying entity. At the present state of research, only a single liturgical legend from the era is extant and critically edited, the *Legenda ad usum chori*. Individual treatment of the text follows below.

### *Legenda ad usum chori*

#### I. Textual Features and *Sitz im Leben*

Backed by a fairly solid manuscript tradition of eighteen full and partial witnesses mainly from the 13<sup>th</sup> and 14<sup>th</sup> centuries,<sup>329</sup> including the authoritative cod. 338, the liturgical legend known as *Legenda ad usum chori beati Francisci* is an integral and authentic, if to some extent undervalued,<sup>330</sup> document of early Minorite origin. Increasingly active consideration perceivable in recent decades among scholars vis-à-vis Minorite liturgical hymns and legends is a somewhat novel phenomenon, which is to say, what SEDDA calls a “«nuova» sensibilità per le fonti liturgiche”<sup>331</sup> is upon us. The *LChor* represents a prime instance of just such a phenomenon, having been edited, translated, and systematically analysed with striking infrequency and with varying degrees of competency. Such contributions, while notable, have been all too sporadic and have only begun to appear in more recent times with the first full-

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<sup>329</sup> The Quaracchi editors utilized a total of 10 mss. in the realization of the 1926 *primo fascicolo* of their edition. Thomae de Celano *Legenda ad usum chori*, in: *Legendae S. Francisci Assisiensis saeculis XIII et XIV conscriptae* (AF X), Quaracchi (FI), 1926-1941, 118-26. Assisi, Bibl. Convento, 338 & 611; Bologna, Bibl. Universitaria, 2134; BAV, Chic. I.VII. 262; Roma, Bibl. Corsiniana, 776 (39.G.2) [=Farfa 23] & 1126 (41.G.9); Roma, Bibl. Nazionale, Farfa 21; Pisa, Archivio Capitolare, C.150; BAV, Reg. lat., 2051; Roma, Bibl. Vallicelliana F.23. The fifth instalment of the series contains a supplementary part (*Addenda et corrigenda*), which adds an eleventh, newly illuminated manuscript to the bunch. Siena, Bibl. degli Intronati, F.VIII. 13. See: M. Bihl, *Legenda ad usum chori, Praefatio*, AF X, XIX-XXIV. Here, Bihl summarises what he had already stated in ‘De sancti Francisci *Legenda ad usum chori* auctore Fr. Thoma Celanensi iuxta novum codicem Senensem,’ *AFH* 26 (1933): 343-389. Dalarun then illuminated seven other examples and listed them in his study of *LUmb*. Clermont-Ferrand, Bibl. Municipale et univ., 78 (73); Paris, Bibliothèque nationale de France, lat. 1057 & 1033; Poitiers, Bibl. Municipale, 25 (312); Chicago, Newberry Library, 24 (23817); Napoli, Bibl. Nazionale, VII.A.15; BAV, Vat. Lat. 12991. There are likely more awaiting rediscovery by a systematic reconsideration of the Minorite breviaries.

<sup>330</sup> J. Moorman in his extensive work on Franciscan sources makes only passing mention of the work hidden away in a footnote in the midst of an exposition on *Tractatus de miraculis*, writing: “This is an abbreviation of the *Vita Prima* by Celano himself for liturgical purposes.” *The Sources for the Life of S. Francis of Assisi*, Manchester, 1940 (Publications of the University of Manchester, 274. Historical Series, 79), 127, n. 6.

<sup>331</sup> F. Sedda, ‘*La Legenda ad usum chori e il codice assisano 338*,’ in: *Franciscana* XII (2010): 43-83, here 46 (also available in a somewhat expanded and updated form in Eng. under the title ‘*The Legenda ad usum chori* by Thomas of Celano,’ *Spirit and Light: Journal of Franciscan Culture* 101 (2012): 3-14).



scale editions appearing just after the turn of the last century.<sup>332</sup> Vernacular translations have been undertaken but nevertheless remain few.<sup>333</sup> The studies of DALARUN,<sup>334</sup> DOLCIAMI,<sup>335</sup> ACCROCCA,<sup>336</sup> PELLEGRINI,<sup>337</sup> SEDDA,<sup>338</sup> and in particular JOHNSON<sup>339</sup> have brought invaluable assessment and reflection to the table and thereby pushed the *status quaestionis* of *LChor* forward on a number of fronts, be they codicological, historical, or hermeneutical. A select group of scholars has awakened to the immanent relevance of Minorite documents used in liturgical settings to historical analysis, and have initiated the dawning of a new age in which scholars begin to garner an appreciation for the instrumental role of liturgical texts in the dissemination of a sanctioned image of Francis, that is, of a ‘prayed Francis.’

The interest of scholars for all things liturgical in a Minorite milieu has culminated among other things in the potential rearrangement of dates of composition and ascribed authors of texts. Of particular note in that regard are the studies of Italian scholar F. SEDDA, who upon concerted palaeographical and historical analysis has argued for just such a shift in the instance of *LChor*. More specifically, SEDDA proposes an early date of composition – he

<sup>332</sup> L. Lemmens, ‘*Legenda brevis S. P. Francisci scripta a fr. Thoma de Celano*,’ *Acta Ordinis Minorum* 20 (1901): 15-8, 30-2 & Ed. Alenconiensis, *S. Francisci Vita et Miracula*, Roma, 1906, 433-445. N. Papini first published the document, but only in partial form. See: *Notizie sicure della morte, sepultura, canonizzazione e traslazione di san Francesco*, Firenze, 1822, 222-6 and a second publication by the same author followed Foligno, 1824, 239-243.

<sup>333</sup> Ger.: *Franziskus-Quellen*, 489-95. Fr.: *François d’Assise: Écrits, Vies, témoignages*, 687-702. Mal.: T C, *Legenda ad usum chori*, in *Fonti għall-Hajja ta’ San Frangisk t’Assisi*. Vol. I, Il-Kitbiet ta’ San Frangisk. Fonti Medjevali għall-Hajja ta’ San Frangisk, Traduzzjoni ta’ N. Muscat, Ġ.B. Xuereb, M. Vella, *Introduzzjonijiet u apparat kritiku ta’ N. M. Provincja Frangiskana Maltija tal-Patrijiet Minuri u Edizzjoni TAU*, Malta, 2005, 199-203. Eng.: *FA:ED*, Vol. I, 319-26. An Italian translation is underway and is being elaborated by F. Sedda.

<sup>334</sup> *La Malavventura di Francesco d’Assisi & Vers une resolution de la question franciscaine: La Légende ombrienne de Thomas de Celano*, Paris, 2007.

<sup>335</sup> ‘Francesco d’Assisi: tra devozione, culto, e liturgia,’ *CollFranc* 71 (2001): 5-45.

<sup>336</sup> ‘La straordinaria fecondità dello sterile: la *Legenda minor* di Bonaventura,’ *Frate Francesco* 75 (2009): 179-211; Idem., *Un santo di carta. Le fonti biografiche di san Francesco d’Assisi*, Milano 2013; & Idem., ‘*Viveva ad Assisi un uomo di nome Francesco*’: *Un’introduzione alle fonti biografiche di san Francesco*, Padova 2005.

<sup>337</sup> ‘La raccolta dei testi francescani del codice assisano 338. Un manoscritto composito e miscellaneo.’ On cod. 338, see also: C. Cenci, *Bibliotheca Manuscripta ad Sacrum Conventum Assisiensem, Assisi, 1981* (Il miracolo di Assisi. Collana storico-artistica della basilica e del sacro convento di S. Francesco – Assisi, 4/I), I, 236ff.

<sup>338</sup> E. Rava & F. Sedda, ‘Sulle tracce dell’autore della *Legenda ad usum chori*. Analisi lessicografica e ipotesi di attribuzione,’ in: *Archivum latinitatis medii aevi* 69 (2011): 107-175; Sedda, ‘*La Legenda ad usum chori e il codice assisano 338*,’ in: *Franciscana* XII (2010): 43-83; & Idem., ‘La “Malavventura” di Frate Elia. Un percorso attraverso le fonti biografiche,’ *Il Santo* XLI (2001): 215-300;

<sup>339</sup> ‘Lost in Sacred Space: Textual Hermeneutics, Liturgical Worship, and Celano’s *Legenda ad Usum Chori*,’ *FrancStud* 59 (2001): 109-131; ‘Into the Light: Bonaventura’s Minor Life of Saint Francis and the Franciscan Production of Space,’ in: *Francis of Assisi: History, Hagiography, and Hermeneutics in the Early Documents* (New York: New City Press, 2004), 229-49; ‘Wonders in Stone and Space: Theological Dimensions of the Miracle Accounts in Celano and Bonaventura,’ *FrancStud* 67 (2009): 71-90; & ‘Choir Prayer as the Place of Formation and Identity Definition: The Example of the Minorite Order,’ *MiscFranc* 111 (2011): 123-135.

maintains the oft-disputed thesis of BIHL situating composition to 16 and 25 May 1230<sup>340</sup> rather than 1230-2,<sup>341</sup> 1243/4,<sup>342</sup> or even post-1253<sup>343</sup> – and attributes the work not to Thomas of Celano, as was long the supposition of scholars, but to his confrere and fellow hagiographer Julian of Speyer. The convincing nature of his arguments regarding authorship has compelled the present author to favour his assertions over those commonly held. However, the present author should like to challenge the scholar's thesis regarding the text's date of composition and *Sitz im Leben* by proposing an alternative, likewise tenable thesis.

As SEDDA rightly asserts, the *terminus ante quem* is most certainly the 1240's, or more concretely 1244 when use of *LChor* began to wane due to its absorption into and apparent replacement by *Legenda liturgica Vaticani*. Such indications allow one to establish a broader chronological range of 1228/9-1244 or shortly before within which to frame the legend's particular circumstance. So much appears in alignment with the current advancements of scholarship.

For the purposes of the current study, it shall suffice to focus upon three converging arguments in favour of the motion, one external, one internal, and one intertextual. It may well be that the proposal of chronological situation could stand on the merits of the intertextual argument alone, but the other two are nevertheless revealed to further bolster the thesis and its overall force. Firstly, the external argument relies upon historical factors that indicate the tenability of the case. Particular situation of the 1239 *terminus post quem* relies in a predominant sense upon elements drawn upon in both the internal and intertextual arguments, but which directly regard external scenarios; namely, the exclusion of stories involving the now deposited and all but shunned Elias (witnessing of stigmata, translation, and final blessing) and the seeming reliance of *LChor* upon legends composed up until the year 1239.

As indicated, the *terminus ante quem* of 1244 stems from the demonstrable use made by the author of *Legenda liturgica Vaticani* vis-à-vis *LChor*, a work which Dalarun has dated to 1244.<sup>344</sup> If correct, such a datum precludes a later date. A supplementary reinforcement of such a *terminus* arrives in *LChor*'s close dependence upon *VbF*, especially in the first half of the text (1-8), and the total absence of references to the fresh testimonials shared in the after-

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<sup>340</sup> Sedda maintains 1230 as the year together with Dolciami and Dalarun. However, Sedda's thesis differs from theirs in that he holds to the specificity of 16 – 25 May 1230, whereas Dolciami carefully proposes the time span of 1229-30 and Dalarun believes the work to have been composed between the issuance of two papal bulls *Mirificans misericordias suas* and *Speravimus hactenus*, thus 16 May – 16 June 1230.

<sup>341</sup> Bihl had originally posited this date, but then recanted. See: M. Bihl, *De s. Francisci "Legenda ad usum chori," AFH* 26 (1933): 343-389. The English language editors also opted for this dating. *FA:ED*, Vol. I,

<sup>342</sup> Van Dijk, *Sources of the Modern Roman Liturgy*, Leida 1963, I, 84. See also: P. Faure, 'Vie et mort du séraphin de Saint François d'Assise,' *Revue Mabillon* 1 (62) (1990): 143-77, here 144.

<sup>343</sup> C. Frugoni, *Francesco e l'invenzione delle stimmate*, 198-199.

<sup>344</sup> *Vers une resolution de la question franciscaine: La Legende ombrienne de Thomas de Celano*, 321-5.

math of the 1244 general chapter and its call for the collection of memories of Francis. Furthermore, added emphasis upon the Seraph's agency in effecting the physical wounds and the clear visibility of the stigmatisation for such a brief legend is more reminiscent of the mid to late-1230's *LUmb* than of the 1228/9 *VbF*.<sup>345</sup> Indeed, such a phenomenon harkens to the surge of interest in promoting the recognition of the stigmata as an authentic miracle (1237 bulls),<sup>346</sup> of which *LChor* was a likely corollary. Insistence upon the clear appearance of the marks of Christ (indeed, they 'shown back' or 'reverberated': *resultant in ipso sedulo stigmata Christi*) echoes prior legends and the effort to communicate that, despite Francis' attempts at concealment, the stigmata were visible and were able to be viewed by witnesses, though *LChor* disregards the specific identity of those witnesses, of which Elias was of course one.

In general historical terms and likewise in support of the external argument, a potential span of 1239-44 appears tenable due to the evident atmosphere of interest in liturgical matters emerging in that year and in those that followed. Though the commissioner is commonly thought to have been minister provincial Benedict of Arezzo, perhaps the work was commissioned under Albert of Pisa or Haymo of Faversham. VAN DIJK certainly suspected the responsibility of Haymo based among other things upon the blank space left for a legend in Assisi cod. 338, which he took as a clear indication that Haymo had postponed issuance of the ordinal due to the legend's delayed completion and passed away in the process. Yet the commissioning of Albert may explain the legend's non-insertion into Haymo's ordinal better than claiming that Haymo was the commissioner. After all, if the legend was not yet composed at the point of Haymo's death in 1243 that would hardly be reconcilable with the legend's absorption into *Legenda liturgica Vaticani* only months later.

The internal argument mainly supports the 1239 *terminus post quem* given the curious exclusion of three narratives, which directly regard the figure of Elias of Cortona, albeit in a concealed manner. The legend exhibits a clear omission of three main events involving Elias, of which the author surely would have been aware during the work's composition, even if one supposes a date of composition in the early 1230's; namely, the witnessing of Francis' stigmata, the final blessing, and the *translatio* of the saint's remains into the grand basilica.<sup>347</sup> Of note among prominent scholars, *LChor* does not recount the actual translation event, instead limiting the narrative to a holy funeral concluded with many hymns and praises (*cum hymnis*

<sup>345</sup> An interesting instance of agency in relation to the Seraph is found in *OffS* (FF 1121).

<sup>346</sup> *Confessor Domini*, 5 Apr 1237, BF I, 214; *Quoniam abundavit*, 6 Apr 12-37, *ibid.*, I, 214-215 & *Non minus dolentes*, 2 Apr 1237, *ibid.*, I. Also a thirteenth century manuscript located in Assisi listed in 1237 the witnesses to the stigmata. See: M. Bihl, 'De quodam elencho Assisiano testum oculatorum S. Francisci stigmatum,' *AFH* XIX (1926): 931-6.

<sup>347</sup> If strictly following *VbF*, the account would have appeared in the context of *LChor* 15 & 17 (LJS 74-6).

*et laudibus multis sanctae exsequiae terminantur*). In 1230 there would have been no manifest need to do so, unless as SEDDA argues, the legend was composed prior to the translation. Also, while DALARUN and SEDDA regard the lack of a translation narrative as evidence in favour of the work's composition prior to the actual *translatio*, the event was only first deemed a feast day, and thus took on official liturgical significance, at the time of the *post mortem* publication of Haymo's ordinal (ca. 1245).<sup>348</sup>

Nonetheless, positing such a scenario would only explain away the lacking *translatio* narrative and not the others, the witnessing of the stigmata and final blessing, both of which were already prime features in *VbF* and both of which involved the problematic figure of Elias, a figure that was somewhat controversial but relatively unproblematic from an institutional point of view in 1230. Of course, omission for brevity's sake also remains plausible. Nevertheless, just as it would be feasible to posit that *LUmb* would have been dismissed in a post-Elias era due to its favourable depiction of the by then excommunicated brother, a post-Elias date would better explain the phenomenon of the exclusion of all three stories. This is particularly pertinent to an age during the remaining living years of Gregory IX (1239-1241) when an order-wide chanting of the event and communal recalling of the historic blunder involving the prized papal basilica would have been unwelcome. Elias' *ad hoc* and secretive anticipation of the *translatio*, which caused great scandal in the city of Assisi, and Gregory's unexpected absence were not flattering images that suited a choir legend, especially one written in the period after Elias' deposition and possibly during the lifetime of Gregory.<sup>349</sup> In any event, complete the lack of direct reference to the very phenomenon of (even if perhaps few) witnesses to Francis' stigmata and the total exclusion of the final blessing narrative solidify a case for a date posterior to Elias' downfall in the order.

Admittedly perhaps the strongest of the three arguments in favour of a 1239-1244 date at the present state of research is the argument based upon intertextual analysis. The argument seeks to point out and identify parallels and potential traces of narrative development from one legend to then next. Narrative developments implicate chronology. Numerous *LChor* accounts<sup>350</sup> imply linear development, more plainly a progression from *VbF* through *VJS* and at times *LUmb* to *LChor*. Such seemingly linear developments increase specificity and expand the meaning of passages, which indicates dependence upon *VJS* and/or *LUmb* (dated here

<sup>348</sup> Van Dijk, *Origins*, 379.

<sup>349</sup> Dalarun makes a similar case. See: *Écrits, Vies, témoignages*, 683.

<sup>350</sup> *LChor* 9 (*VbF* 62, *VJS* 46); *LChor* 9 (*VbF* 72, *VJS* 58); *LChor* 15 (*VbF* 127-47, *VJS* 56, *LUmb* 6-16); *LChor* 11 (*VbF* 94-5, *VJS* 61-2, *LUmb* 1); *LChor* 12 (*VbF* 108, *VJS* 68, *LUmb* 4) & *LChor* 13 (*VbF* 112-3, *LJS* 71, *LUmb* 7).

1232-35 and 1237-39, respectively) and not the contrary case as is commonly held. A particularly poignant case is that of the stigmatisation narrative,<sup>351</sup> which shall serve as the centre piece for the brief exposition. *LChor*'s attribution, a rather assertive attribution (*Seraphim crucifixum, qui crucifixionis suae signa sic in eo expresse evidenter impressit*), of direct agency to the crucified Seraph in the act of stigmatic impression appears in no prior legend and thus stands out in the milieu of legends of the 1220's and 30's. This complete *novum* in Minorite literature *LChor* distinguishes it among other contemporaneous texts. As indicated, the author's underscoring of the stigmata event, the physical wounds, and the clear visibility of the stigmatisation in such a highly abbreviated legend already tends to lend itself more so to the textual content and situational circumstance of the mid to late-1230's *LUmb* than to the 1228/9 *VbF*.

As for structure and thematic emphasis, the choir legend features a terse narrative, which renders it a medium appropriate for its conceived use in a liturgical context. The work's 16 paragraphs, not including the prologue, recount Francis' life from the time of his youth until his death and *post mortem* intercession via miracles. Exercise of virtue, in particular poverty, charity, simplicity, obedience, and in particular humility. The legend underlines the perfection of Francis in terms of his conversion and holiness. The narrative centres on primary events in the life of Francis, such as his conversion, encounter with lepers, extraordinary and miraculous acts at the gifts from the Holy Spirit, his stigmatisation, illness, death, and burial.

## II. Thematic-Theological Analysis

### *Imitability*

Julian's legend oscillates between a figure of intangibility and extraordinary holiness and a figure of utmost imitability, but exhibits a preference for a distant, inimitable saint in Francis. In a certain passage,<sup>352</sup> Francis hears in the Gospel that the Lord had sent his disciples out to preach. The saint immediately rose up and vowed to put the Lord's words into action. Elsewhere, after listing the numerous miracles, which he performed by divine grace, the following verse appears. We read, *Summa devotione studet recolere cuncta quae Christus*

<sup>351</sup> *LChor* 11 (*VbF* 94-5, *VJS* 61-2, *LUmb* 1)

<sup>352</sup> *LCh* 3 (*FF* 428-9): *Die quadam, cum in Evangelio audiret quae locutus est Dominus discipulis suis missis ad praedicandum, statim ad universa servanda tota virtute assurgit. Solvit calceamenta de pedibus, tunica una sed vili induitur et pro corrigia immutavit funiculum; reliqua vero summa cum diligentia, quoad vixit, ad litteram implere curavit. Relinquit patriam, mundo mortuus, intrepidus ambulat. Tempore nivis capitur a latronibus et nudus ab eis in nivem proicitur. Declinat ad quoddam coenobium, sed ibidem spretus, vacuus recedit, nudus abscedit. Interea plus ac magis se sibi vilescens, transfert se ad leprosos, et quos ante valde despexerat, omni diligentia colit; abstergit ulcera, saniem lavas, amplectitur in eis quidquid ab aliis fastiditur.*

*fecit in carne et sic ad singula intentus efficitur, ut nihil eorum eius memoriam fugiat.*<sup>353</sup> Julian's allusion to Francis' calling to mind of the performative dimension of Christ's existence unites Christ with the figure of Francis and with those who utter the prayed Francis. *LChor* also recounts how Francis instructed his disciples about proper methods and performance of ascetic discipline.<sup>354</sup> Otherwise the work tends to grant focus to bolstering the cult of the saint and not surprisingly raises his stigmata to an elevated place.

#### *Charism and Charismatic Principles*

As far as the charism is concerned, the text exhibits only a minimal acquaintance with certain principles of the early movement. An early passage of Francis' conversion relates the immediacy to carry out Gospel injunctions.<sup>355</sup> The scene in which Francis composes the rule discusses how he went out into the world to do the (*opus Evangelii*) work of the Gospel.<sup>356</sup> However, lowly labour would feature little, as the *opus* referred to here is framed within a largely pastoral-penitential model in which preaching and penance are of utmost significance. A distinguishing characteristic of the group was to be their humility; hence, the origin of their name as Friars Minor.<sup>357</sup> The work also lends particular emphasis to themes of orthodoxy and preaching against heresy. An especially poignant verse reads, *confunditur haeretica pravitas et catholica fides extollitur. De puritate cordis facit sibi securitatem dicendi sermonem; eadem mentis constantia multos ut paucos alloquitur.*<sup>358</sup>

#### *The Authority of Francis*

The work employs several motifs as a means to bolster Francis' authority, comprising accounts of miracles, episodes of reproach, statements on his perfection,<sup>359</sup> and accounts of his ability to see into the conscience of others. Absorbing the narrative from *VbF*, Francis is endowed with the extra-sacramental grace to see the consciences of his brothers.<sup>360</sup> Of course the figure of Francis was sure first to make of himself an example as he would teach them with performative ascetical practices to eliminate vice, repress urges of the flesh, and become insensible to all distraction.<sup>361</sup> Ever certain not to neglect his role as a father of the brothers, it

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<sup>353</sup> *LCh* 10 (FF 433-4)

<sup>354</sup> *LCh* 6 (FF 321)

<sup>355</sup> *LCh* 3 (FF 428-9)

<sup>356</sup> *LCh* 5 (FF 429-30)

<sup>357</sup> *Ibid.*

<sup>358</sup> *LCh* 9 (FF 433)

<sup>359</sup> *LCh* 7 (FF 431-2): *Ad summum perfectionis apicem sanctus iste pertingens, columbina simplicitate plenus, omnes creaturas ad Creatoris hortatur amorem.*

<sup>360</sup> *Ibid.*

<sup>361</sup> *LCh* 6 (FF 321)

is said of Francis that he would examine the brothers' deeds and leaving no transgression unpunished, he rendered them completely obedient.<sup>362</sup>

### *The Stigmata as Institutional Symbol*

The *Legenda ad usum chori* presents a developed stigmatisation narrative when compared to its predecessors.<sup>363</sup> The depiction of the stigmata represents a primary factor in the deliberations on the work's chronological indications. Elements introduced in *LChor* comprise the direct and immediate impression of the marks upon Francis, the clear and distinct visibility of the wounds, and the particular emphasis upon the side-wound. In *VbF*, Francis has a vision of God as a man, having six wings like a Seraph affixed to a cross. After the event, signs of nails began to appear. Julian's legend has Francis seeing a vision of a six-winged seraph fastened to a cross. Subsequently, points of nails appeared in his hands and feet. Then with *LUmb*, Francis saw in a vision a single Seraph in the air attached to a cross. Again, signs of the nails began to appear. With *LChor*, on the other hand, in the vision of God Francis sees above him a crucified Seraph who clearly impressed on him the signs of the crucifixion so that Francis too appeared crucified. Therefore, the image of stigmata is too developed for so early a date as is frequently postulated. The added emphasis upon the stigmatisation for such a brief legend is more reminiscent of the mid to late-1230's *LUmb* than of the 1226 *VbF*. Indeed, the legend's narrative harkens to the surge of interest in promoting the miracle of the stigmata and its recognition (1237 bull). Perhaps the alteration in tone and emphasis was a corollary in the aftermath of that surge. Insistence upon the clear appearance of the marks of Christ (indeed, they 'shown back' or 'reverberated,' *resultant in ipso sedulo stigmata Christi*) echos prior legends and the effort to communicate that, despite Francis' attempts at concealment, the stigmata were visible and were indeed able to be seen by witnesses, though *LChor* neglects to specify the identity of those witnesses.

## **Thematic-Theological Analysis of Narrative Texts**

Whereas with the texts treated in the previous chapter (*VbF* and *LJS*) hagiographical composition was a result of commission or having to fill a specific role such as liturgical celebration, the present time period and texts saw a surge in the circulation of a large variety of diverse anecdotes and Minorite legends on the life of Francis and the early movement with various purposes in mind. The concretisation of such anecdotes and narratives centred in most if not all cases around the issuance of a decree to gather stories on the life of Francis at a 1244

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<sup>362</sup> Ibid.. *Cauta examinatione fratrum acta perquirat, nihil impune relinquens, ipsos summe obedientes facit.*

<sup>363</sup> The stigmata event appears in *LC* 11 (*VbF* 94-5, *VJS* 61-2, *LUmb* 1).

general chapter. As with all legends, the authors took to the reconstruction of Francis with a purpose. However, given the current state of the order and the apparent designs of its upper echelon and policy position holders, the purposes were somewhat other than those that had provided the impetus of prior legends. The call to collect testimonials and memories for a new official legend represents an attempt to ground the institution and figure of Francis and constituted an implicit recognition of insufficiency vis-à-vis Thomas' original official legend to represent and resonate with the order in its current form. One must also consider the context and factor in the phenomenon of the multiplication of legends that had already begun with at least five (four not counting *LChor*) having been written by the end of the 1230's *VbF*, *VJS*, *LUmb*, and *Legenda 'Quasti stella mattinata.'*

“In that chapter the same general directed all the brothers to send him in writing whatever they could truly recall about the life, miracles, and prodigies of blessed Francis.” (*Chronica XXIV Generalium*, AF III, 262). Editors of the English language edition highlight the significance of the call to gather stories in relation to the order's evolution.<sup>364</sup> Crescentius' call was in part an appeal to the brothers' common conscience, an endeavour in favour of a degree of democratisation of the figure of their founder, their symbol, their charism, and ultimately their undercurrent of meaning.

Three other phenomena pertinent to the circumstances were the insufficiency of *VbF* as an official rule, the death of Gregory IX, and the drafting of order constitutions. With Gregory IX deceased and a new pope finally elected, the pressure to maintain *VbF* as the official legend of Francis had been alleviated. A new papacy (and a new head minister) ushered in an age of novelty. Additionally, already in the early 1240's the composition of John of Perugia's legend had already shown the legend's insufficiency in relating in an effective manner with the brothers and the order that had evolved in the years intervening since Francis' death. It was no pure coincidence that in the age of the constitution there was a welling up of appeals to Francis and the early years of the movement represented concretely in the various legends being composed in the period. Some passages were in support of the constitutional approach to Minorite normativity, others took a conservative stance in regards to adopted customs and constitutional norms alike. In 1898, SABATIER well encapsulated the difficulties introduced by the legends in this period (particularly *3Soc*), difficulties which form the crux of the long pondered Franciscan Question. How does one best fit together the scattered pieces of the mosaic of early Minorite texts? Which Francis do they reconstruct? Which textual community?

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<sup>364</sup> Cf. *FA:ED* Vol. II, 61-2.



## *De inceptioe Ordinis (Anonymus Perusinus)*

### I. Textual Features and *Sitz im Leben*

Preserved in *excerpta* form in but a single extant manuscript of fifteenth-century origin<sup>365</sup> and an incunable and integrally in modern copied transcription of a now lost codex, the document commonly named *Anonymus Perusinus*, *anonymus* due to a lack of attribution and *perusinus* because found in Perugia, has received only minor attention among scholars until recent decades. Obscurity and relative inattention mark the text's history and transmission, having undergone an overlooked existence in the shadows of other, more prominent hagiographical sources and transmitted presumably not as an autonomous work but as a manuscriptal companion to a life of Giles of Assisi.<sup>366</sup> Such obscurity and inattention can in part be explained by the internal campaign to extinguish all previous legends on Francis. Although the legend's contents appear nearly in their entirety among the lines of *Legenda trium sociorum*, the text's 17<sup>th</sup> century rediscovery by Jesuit D. VAN PAPENBROEK (or Papebroch) gave way to its appreciation as a potentially autonomous text and its initial transcription.<sup>367</sup> The famed codex of the church of S. Francesco al Prato in Perugia discovered by the Bollandist carried over the text but has since gone lost and was last registered in the 1870's.<sup>368</sup> F. VAN ORTROY<sup>369</sup> executed the first complete publication of the 1671 copy in 1902 and L. DI FONZO,<sup>370</sup> after having examined the manuscript tradition, deemed an 1808 copy of PAPENBROEK's text the strongest witness to the document in its full integrity, or at least as a definitive redaction, and published the first critical edition of the text in 1972, the *FF* transcription of which serves as the operational text for the present study. DI FONZO also renamed the legend according to the document in a 1381 inventory of the Sacro Convento library<sup>371</sup>en-

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<sup>365</sup> Braunschweig, Stadtbibliothek, 136 (118.Q). Excerpts are also found in an incunable entitled *El Floreto de Sant Francisco* of Sevilla 1492. L. Pellegrini, 'Introduzione,' *FF* 1300 & J. Dalarun, 'Introduction,' 974.

<sup>366</sup> The code of Perugia contained *Vita II B. Aegidii, Dicta B. Aegidii, Anonymus Perusinus*, and *Miracula B. Aegidii*. See: Di Fonzo, 411-2.

<sup>367</sup> Bruxelles, Société des Bollandistes, 756. A second, only partial copy was made of the manuscript by Ubaldo Tebaldi in 1759. The second copy has been lost but was transcribed in 1808 by Stefano Rinaldi (Rome, Convento dei SS. Apostoli, Archivio generale O.F.M. conv., C.58). L. Pellegrini, 'Introduzione,' *FF* 1299-1300 & J. Dalarun, 'Introduction,' 974.

<sup>368</sup> L. Pellegrini, 'Introduzione,' *FF* 1299 & J. Dalarun, 'Introduction,' in: *François d'Assise. Écrits*, 973-4.

<sup>369</sup> 'La Leggenda latina di S. Francesco secondo l'Anonimo perugino,' *MF* 9 (1909): 33-48.

<sup>370</sup> 'L'Anonimo Perugino tra le fonti francescane del sec. XIII. Rapporti letterari e testo critico,' *MF* 72 (1972): 117-483.

<sup>371</sup> L. Alessandri, *Inventario dell'antica biblioteca del S. Convento di S. Francesco in Assisi compilato nel 1381*, Assisi, 1906, 83; C. Cenci, *Biblioteca manuscripta ad Sacrum Conventum Assisiensem*, vol. I, Assisi, coll. 'Il miracolo di Assisi. Collana storico-artistica della basilica e del Sacro Convento di S. Francesco – Assisi,' 4, 1981, 244.

titled *De inceptione vel fundamento Ordinis et actibus illorum Fratrum Minorum qui fuerunt primi in Religione et socii B. Francisci*, positing the identity of the two texts.<sup>372</sup>

*DeInc*'s integrity and authenticity are intimately linked to the work's relation to other texts and its chronological situation and thus *Sitz im Leben*. Following the issue of DI FONZO's edition, P.-B. BEGUIN<sup>373</sup> published the first substantial study of the legend and its significance for the Franciscan Question. It would be succeeded by a renewal of interest in the document as a source of historical significance in its own right and independent of (indeed quite the contrary) *3Soc*. While PAPENBROEK and others had hastily attributed the legend to Brother Leo,<sup>374</sup> both BEGUIN and DI FONZO ascribed the text to a certain Brother John of Perugia,<sup>375</sup> companion to Giles of Assisi and Bernard of Quintavalle and known confessor of the former,<sup>376</sup> given the document's evident Aegidian link. Current consensus among scholars regarding authorship tends toward Brother John, though prominent scholars unconvinced of the prevailing thesis still express reservations.<sup>377</sup> The current scholarly trend in dating of the text (1240-1)<sup>378</sup> relies on two hints internal to the document. Reference of a living Pope Gregory IX, whose 22 Aug 1241 death would have rendered n. 13 ahistorical, fixes a concrete *terminus ante quem*. It is customary in modern scholarship to posit a 4 Mar 1240 *terminus post quem* due to the death of Brother Silvester also referenced in the work, although ACCROCCA has called into question the certainty of such a claim based upon archeological records and scientific analysis.<sup>379</sup> He argues for a possible earlier dating and thereby defends the plausibility of a broader chronological span. Otherwise the origins of the writing remain a relative un-

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<sup>372</sup> Di Fonzo, 1972, 425-6.

<sup>373</sup> *L'Anonyme de Pérouse. Un témoin de la fraternité franciscaine primitive confronté aux autres sources contemporaines*, Paris, 1979.

<sup>374</sup> *Acta Sanctorum*, aprilis III, 220, n. 2. Lazzeri (1223) and Barbi (1234) concurred with the bollandist. L. Pellegrini, 'Introduzione,' *FF* 1306.

<sup>375</sup> Di Fonzo, 396-408 & Beguin, 14-18. Desbonnet would then add that Bernard of Besse's list of biographers of Francis included a John, apostolic notary. It is not, however, clear whether the two John's could be one and the same. See: *Saint François*, 1968, 788-791.

<sup>376</sup> *Liber exemplorum fratrum minorum saeculi XIII*, 110, L. Oligier (ed.), *Antonianum* 2 (1927): 258 & *3Soc* 1, the most ancient copy (23.J.60 of the Covent des Cordeliers de Fribourg) of which mentions a Brother John in relation to Giles and Bernard, companions of Francis. Dalarun, 'Introduction,' 976.

<sup>377</sup> L. Pellegrini, 'Introduzione,' *FF* 1306, F. Accrocca, 'Un'opera preziosa e a lungo dimenticata: *De inceptione vel fundamento ordinis*,' *Frate Francesco* 71 (2005): 169-201 & Idem. *Un santo di carta*. Pellegrini expresses his perplexity at the convincing nature of the present arguments, while Accrocca argues for the plausibility of a non-Franciscan author based among other indications upon the question of the prologue's reliability with reference to the passage *ego qui actus eorum vidi, verba audivi, quorum etiam discipulus fui* (*DeInc*, 2).

<sup>378</sup> As Dalarun writes, „É difficile essere più precisi.“ *La Malavventura di Francesco d'Assisi* (Milano: Edizioni Biblioteca Francescana, 1996), 122. It was, however, not always the case. Early attempts to date the work situated it in a much later period. Pellegrini, 'Introduzione,' *FF* 1306-8.

<sup>379</sup> F. Accrocca, *Un santo di carta. Le fonti biografiche di san Francesco d'Assisi*, Milano 2013.

certainty. What is clear is that the writing, which DALARUN deems a “légende-chronique,”<sup>380</sup> supplies a precious source of historical data in that not only does it recount the life of the early brotherhood, offering accounts not found in prior legends, but it also intimates the institutional passage already furnished in the title’s allusion to *religio* and *ordo*. In addition, dissimilar to the previous two hagiographical legends, it is not Francis who serves as the central narrative agent; rather, the fraternity of which he was *caput*. The work thus shifts in emphasis from an exclusive agency of charismatic founder to a shared, collective agency of brotherhood. Indeed, *frater* is the most frequently occurring substantive in the entire narrative, appearing a total of 118 times. In LEFEVERE’s perspective on literary systems, *DeInc* may constitute a potential candidate for grassroots expression of the insatisfactory and obsolete nature of *VbF*, that is, the incompatibility of the prevailing order’s cultural narrative with its perceived narrative in the form of *VbF*. Appropriately, the organisation would soon martial its own updated rewriting of the story by employing its professional hagiographer Thomas of Celano, thereby controlling the literary frame by cutting off *DeInc* by means of proliferation of an official alternative.

## II. Thematic-Theological Analysis

The basic force of the *DeInc*, aside from the insufficiency of *VbF*, is a recall to the communal origins of the early movement; a recall that sought to detract from two principle phenomena rampant in the order, which is to say, the cult of Francis and the centralisation of authority in the order. It was a recall with consequences for the present. So it was in the past and so shall it be in the present. In this sense, one may consider *DeInc* in the context of *Quo elongati* and the redaction of constitutions and thus as tantamount to a response. In terms of the economy and hierarchy of virtues from the perspective of lexical representation, the values again undergo a shift in emphasis.<sup>381</sup>

### *Gospel-Rule-Testament*

In reference to the Gospel-Rule-Testament relation, analysis continues with the categories of QUAGLIA in examination of rule narratives. Since *DeInc* asserts a twofold redaction,<sup>382</sup> the matter of authorship requires case-by-case treatment. As regards the initial redac-

<sup>380</sup> ‘Introduction,’ 978. Di Fonzo had already in 1972 compared *DeInc* to Jordan of Giano’s chronicle and Jordan of Saxony’s *Libellus de principiis Ordinis Praedicatorum*, claiming that it was “il primo capitolo di una vera storia o cronica dell’Ordine.” Di Fonzo, 372-3 & 170.

<sup>381</sup> *reverentia* (8), *Paupertas* (7), and *pax* (7), *obedientia* (4), *sapientia* (4), *perfectio* (4), *caritas* (3), *humilitas* (2), *pietas* (2).

<sup>382</sup> *DeInc* 36 (FF 1339): *Et dominus Papa concessit ei Regulam et fratribus eius habitis et futuris. 44: adhuc non habebant fratres confirmatam a Papa Regulam, sed concessam ... Honorius ... fecit scribi sibi aliam Regulam et confirmari.*

tion, the issue of authorship becomes complicated in the practice of divination. With the desire to seek the Lord's counsel, Francis and his first two companions Bernard and Peter enter a church and beseech God that he might reveal to them his will. The brothers then approach a resident priest, asking *Domine, ostendas nobis Evangelium Domini nostri Iesu Christi*.<sup>383</sup> Thrice did he open the book, and with each opening arrived a message, which the brothers took to heart. The first passage from Mk 10, 21<sup>384</sup> instructed the brothers to go and sell all possessions and give to the poor. A second (Mt 16, 24) read that the brothers ought to loosen worldly familial ties and follow Christ. A third passage (Lk 9, 3) advised the brothers to bring nothing on their journey through the world. Together the brothers exclaim *Ecce quod desiderabamus, ecce quod quaerebamus*, a reformulation of *VbF*'s Francis (*Hoc est quod volo, hoc est quod quaero, hoc totis medullis cordis facere concupisco*).<sup>385</sup> Francis himself then declares *Haec erit regula nostra*,<sup>386</sup> after which he commissions them into the world to fulfill the Lord's counsel. Collective revelation and acceptance gave way to singular determination of the plan. In the instance of *RegNB*, therefore, the narrative relies upon passages revealed at the divination event and implies that, although the rule is God revealed, Francis alone declared the rule their own in a fraternal context.

Composition of the rule at Christ's instruction thus operates as a legitimising mechanism that shores up the rule divinely inspired nature and grants it a measure of sacrality. Clear distinction between two rules demands a twofold treatment for all categories. Regarding confirmation, Pope Innocent approves the brothers' first rule, which *DeInc*'s author considers definitive (*habitis et futuris*). If examined in isolation, the divination scene would suggest that the proportionality of Gospel to institutional content favours the Gospel. Nevertheless, in the situational conditions of the first general chapters, *DeInc* 37 adds a component that appears to imply a non-equivalency between Gospel and rule, even if the rule comprises only Gospel content (*Admonebat eos ut sollicite observarent sanctum Evangelium et Regulam quam promiserant*).<sup>387</sup> While simplicity and brevity receive no explication, one senses residua of reference to the *Testament*'s statement regarding *vivere secundum formam sancti Evangelii* and *paucis verbis et simpliciter*.

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<sup>383</sup> *DeInc* 10 (FF 1316)

<sup>384</sup> The passage is often represented in marginal rubrics as Mt 19, 21. However, a study of the Missal believed to have been consulted by Francis confirms that Mt 10, 21 is the more likely case. See: Gebhard C.P. Voorvelt and Bertulf P. Van Leeuwen, 'L'Évangélaire de Baltimore: Étude critique sur le missel que saint François aurait consulté,' *CollFranc* 59 (1989): 271-73.

<sup>385</sup> *VbF* 22 (FF 296-7)

<sup>386</sup> *DeInc* 11 (FF 1317)

<sup>387</sup> *DeInc* 37 (FF 1340-1)

Not only does *DeInc* affirm the non-unity of regular redaction as indicated, it also contrasts the approval (*concessam*) of *RegNB* with the confirmation (*confirmari*) of *RegB*.<sup>388</sup> As a consequence, *DeInc*'s specifies that the second rule somehow came about at the initiative of Pope Honorius (*Honorius ... fecit scribi sibi aliam Regulam et confirmari*). On the topic of *RegB*'s definitiveness, prevalence to Gospel content or otherwise, brevity, or simplicity, *DeInc* is silent. Nonetheless, dissimilar to the narratives of Brothers Thomas and Julian, John of Perugia acknowledges in no uncertain terms a twofold redaction, the God revealed nature of the first rule, and the extraneous nature of the second. Significantly, though *DeInc* recognises a twofold redaction, it attributes the quality of definitiveness originating in *VbF* and omitted in *VJS* precisely not to *RegB*, rather to *RegNB*. In such a fashion, *DeInc* constructs its own original narrative. Extant connotations signify a subtle statement as to the unique, charismatic quality of *RegNB*, a rule, which ought to be understood and observed alongside the Gospel rather than in its place.

It should not go unsaid that the renewed emphasis upon Gospel displayed in *DeInc* far exceeds that of its predecessors *VbF* and *VJS*. The couplet *perfectio evangelica* appears no fewer than four times and the legends expressly claims on two separate occasions that the brothers lived by the form of the Gospel.<sup>389</sup> Evangelical perfection is coterminous with Francis' relinquishment of the world and entrance into a penitent life (46) and thus with the commitment lived out by Francis and proposed to the Lord Pope Innocent III for the movement at large. That is to say, Francis was not the lone bastion of Gospel perfection. Rather, the early movement in its entirety brought the value to life by their lowly, charitable, poor ways. Numerous references to the performance of Gospel injunctions not contained in the rules furnish a twofold statement. It communicates the overzealous nature of the brothers' dedication to the Gospel and the intimate bond between it and their manner of living; their extraordinary Gospel performance at once also functions on an institutional level as a vectoral response to the proclamation of *Quo elongati*, which divided the Gospel, the *Testament*, and in effect the charism from the rule and declared the complex whole of evangelical injunctions unliveable.

However, if *DeInc* underscores the essential place of the Gospel and the *Testament*,<sup>390</sup> it most certainly sets forth its narrative sequence with particular emphasis on the rules in the form of manifold and assorted echoes of both *RegNB* and *RegB*.<sup>391</sup> In such a fashion, the leg-

<sup>388</sup> *DeInc* 44 (FF 1347-8)

<sup>389</sup> *DeInc*, 23 (FF 1328-9): *formam evangelicam observabant* & 33 (FF 1336-7): *secundum formam sancti Evangelii vult vivere*.

<sup>390</sup> *Test*: 19 (5), 25 (20-21), 37 (27-28 – 13), 40 (24).

<sup>391</sup> The echoes both direct and indirect include, 23 (*RegB* X, 5; *RegNB* II, 14 – *RegB* II, 16; *RegNB* XIV, 6; *RegB* X, 10), 25 (*RegNB* VII, 10-12; *RegNB* IX, 11), 29 (*RegNB* VIII, 6), 30 (*RegNB* VIII, 3), 36 (*RegNB*

end's narrative shows an intimate acquaintance with both rules and sets out to ground them and their teachings in the figures of Francis and the collective members of the early movement. The grounding of the rule in the day-to-day life of the early movement highlights the significance of the group's statement of intent and the collective identity underpinning it. *DeInc* also reads like a series of lessons with a strong basis in the rules. It thus provides the audience with a fully embodied, incarnate example of regular norms and their causal relationship with certain spiritual and practical principles. Thomas of Celano's *Memoriale* serves as an excellent basis of comparison in its narrative treatment of rule passages. Dissimilar to the extended commentary on the rule present in book II of *Memoriale*, the author does not overburden the text with lessons on the rule, nor does it teach them in a reproachful manner.

The event of the first papal approval with Innocent delivers an encompassing anecdote with regard to the Gospel-Rule-Testament relation.<sup>392</sup> When the group reaches Rome and is granted an audience with the Pope, *DeInc* has Innocent declare to the brothers that, while he admires their enthusiasm to live according to the form of the holy Gospel and to observe evangelical perfection (*secundum formam sancti Evangelii vult vivere et perfectionem evangelicam observare*), their life is too hard and severe (*nimis est dura et aspra vita vestra*). They will not be able to meet their basic needs, he asserts. Contrast of the hard and strict nature of the brother's *propositum* with the weakness of the human character renders the passage forceful and effective. It also signals a deeper hermeneutical level to the text. The account pertains to the disputes following the publication of the bull *Quo elongati* and its declarations on the Gospel in Minorite life. The Pope refers to the group's proposed dispossession and the perceived inability to obtain everyday necessities as a result. The passage lends credence to the notion that *DeInc* provided a much-anticipated response to the bull *Quo elongati*. Though the account features Pope Innocent, the principle underlying still remains. The Pope declares their life to be too difficult and sends them away to deliberate further. When God reveals to Francis in the form of a dream that they must preserve their poor ways with the utmost perfection, which the work presents as an intrinsic component to the original *propositum* to live according to the form of the Holy Gospel, it is thus God who reveals and sanctions their way of life. Before long, the Church also approves and then concedes them full confirmation, but not before God himself did so. God's will, as it were, overrides that of his vicars. The ecclesiological message implied in the account is also quite compelling, a likely reason for its weakened

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Prol 3 – *RegB* I, 2-3; *RegNB* XVIII), 37 (*RegNB* IV, 2), 38 (*RegNB* XI, 10-12 – *RegB* II, 17; *RegNB* XI, 9 – *RegB* II, 17), 45 (*RegB* XIII, 3).  
<sup>392</sup> *DeInc* 33-4 (*FF* 1336-8)

force and rearrangement in *3Soc*.<sup>393</sup> The motif therefore operates as a legitimising literary device wherein the brothers put forth their Gospel-derived *propositum*, the delivery of which directly echoes the *Testament*, and a Pope then dismisses the original *propositum* as impracticable, at which point God reassures Francis and through him the brothers that their commitment must continue to be upheld. While other passages bolster such a theory, the present pericope is the clincher. As if a prism through which to view the entire work, the passage transmits *DeInc*'s definitive response to the papal arbitration in *Quo elongati* and to the broader interpretive framework that it attempted to undercut.

#### *General Chapter Meetings and the Rule*

To some extent, as SOLVI notes, *DeInc* presents the image of a rule in constant flux, a “Regola *semper riformanda*.”<sup>394</sup> In fact, the legend’s divination episode has Francis declare not in the present tense but in the future tense *Haec erit regula nostra*.<sup>395</sup> Thus, in a certain sense the legend represents a depiction of the movement’s journey from a humble selection of brothers to a full-fledged order with a canonically-confirmed rule. Even before the brothers were the proud possessors of their official rule, one must not underestimate the perennial presence of the chapters and the important role played by them in checking and encouraging that all upheld it. With each stage of the rule’s development, it was the committed existence based upon the God revealed charism that informed the rule. Once they received the initial *viva voce* approval, the brothers immediately decreed that twice-yearly chapter meetings were to take place.<sup>396</sup> The narrative then turns straight away to a chapter where Francis issues *Admonitiones, reprehensiones et praecepta*.<sup>397</sup> The phrase certainly refers to teachings that found their way into a body of writings such as *Adm* and *RegNB*. It bears mention that the discussion of how best to observe the rule transplanted from journey back to Spoletan valley as in *VbF* into the context of a chapter meeting (*DeInc* 37; *3Soc* 57). *DeInc* stresses that the brothers discussed among themselves how best to observe the rule (*In quo Capitolo tractabant*). On that occasion, Francis also admonished the brothers to carry out their calling in a certain manner *sicut etiam in Regula continetur*.<sup>398</sup> Francis thus shored up their commitment to the cause and infused it with inspiring messages, while the brothers began to struggle with the meaning of their shared desire and purpose and continued to flesh out the rule even after it had first been approved. No such passage is present in the pages of any prior legend.

<sup>393</sup> *3Soc* 49 (FF 1421-2)

<sup>394</sup> D. Solvi, *La Regula et vita dei frati Minori nella agiografia*, 127.

<sup>395</sup> *DeInc* 11 (FF 1317)

<sup>396</sup> *DeInc* 36 (FF 1338-9)

<sup>397</sup> *DeInc* 37-9 (FF 1340-3)

<sup>398</sup> *DeInc* 38 (FF1341-2)

Directly subsequent to the rule's definitive confirmation, the narrative again turns to the chapter meeting where the community institutes a three-year interval rather than a twice per year meeting (*DeInc* 44; *3Soc* 62). Nevertheless, having been written in stone in the rule, the chapter would then continue to assemble *ad infinitum* and provide a fundamental source of the community's reassertion of their statement of purpose and a measure of assurance that all were properly aligned with the collective identity that it entailed. It is little wonder that SOLVI deems the chapter in John's legend "il cuore pulsante della comunità."<sup>399</sup> In the earliest days it served as the storehouse for the meaning that they forged together in their Gospel life. Just as the chapter, the rule was an organic extension of the movement that evolved with them as they discovered their joint responsibility. Even so, once the rule had been finalised and confirmed, the chapter still drew the brothers together and directed them to their common purpose and the collective object of their obedience.

With the perennial focus upon the general chapter in conjunction with the burgeoning community and the rule, one may rightly inquire as to the aim of the chapter motif in such a terse legend. Perhaps the employment of the motif serves as a means of establishing the definitive meaning and function of the general chapters and its role in both the gradual revelation of the Minorite way of life and at once also the oversight of regular observance and the edifying and molding effect that such oversight enables. *DeInc* entails a avowal that while the rule was once in development and the chapters played a large part in its coming to completion. Since the composition appears also to have a prophetic function, in the erstwhile present the chapters should serve the function of upholding the rule and ensuring its observance. Here the context of the drafting of constitutions comes under consideration. If one maintains that *DeInc* was decidedly against the declaration of *Quo elongati* as suggested, it thus follows that the author's perception and that of his companions regarding the constitutions may not have been far astride. Whereas *DeInc* highlighted the foundational edifying and correctional roles of the chapters, the new government since Elias' deposition had taken the opportunity and utilised it to a different end; namely, amendment of the rule with the aim of exertion of greater control over the order and the ultimate goal of achieving the rule's legal marginalisation. The nature and function of the general chapter had invariably changed. Given that *DeInc* encapsulates the context for recalling the chapter's original role and significance and given the work's detectable affinity for recollection to the past as well as prophecy to the present, it would not be unreasonable to suggest that the work also intended to take a firm stance in a non-polemical

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<sup>399</sup> D. Solvi, *La Regula et vita dei frati Minori nella agiografia*, 126.



fashion against the emerging institutional currents, the innovative elements they aimed to introduce to the normative structure, and the resulting reconditioning of obedience to the rule.

### *The Authority of Francis*

Distinct from the Minorite legends that preceded it, the work mentions in passing many posthumous signs and miracles (*multa signa et miracula*), *DeInc* does not include any miraculous events surrounding the life of Francis.<sup>400</sup> Curiously, the legend does not recount Francis' stigmatisation, the emerging symbol of the institution's legitimacy, content to merely state its factual occurrence.<sup>401</sup> One is safe in the assumption that the portrayal of Francis as a saint of the Church was not the primary goal of the legend, nor was it a goal at all. Dissimilar to *Memoriale*, which would set forth an inordinate frequency of passages where Francis issued commands, the author of *DeInc* elects to share a much more fraternal image of the order's founder.<sup>402</sup> The account corresponds to the principles outlined for the comportment of ministers in dealing with the other brothers in *RegNB*, which was nevertheless omitted from the rule of 1223. In such a fashion, Francis himself operated as the device for recollection and instruction regarding the proper manner of order authorities in the way in which they were to serve the other brothers as *ministri et servi*. As such, John's Francis represented at once the order's charismatic and founder, but, since his attributes were not transcendent or exceedingly untouchable and thus transferable to others, the figure of Francis also became the personified ideal of an order authority.

Francis is then referred to by Cardinal John of St. Paul as the Brother (*Frater*) at the occasion of the group's approval and official reception of a tonsure.<sup>403</sup> Not only does the narrative sanction the movement and buttress its claim to ecclesial obedience, it also corroborates Francis' reputation for brotherly manner and the early movement's fraternal spirit. In the early passages of the legend, John expands the motif of brotherly ways to the level of governance. Just as in *VbF*, Francis thought it a good idea that the group elect a vicar in the earliest days of their group. However, John reveals that Francis requested the constant presence of a guardian, whose order he could obey and whose bidding he could do.

### *Charism and Charismatic Principles*

Much like *VbF* had done before it, *De Inceptione* exhibits an effort to raise brothers' awareness and sensibility to the charism by way of teachings and lessons. The author's refer-

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<sup>400</sup> *DeInc* 46 (FF 1349-50)

<sup>401</sup> *DeInc* 46 (FF 1349-50)

<sup>402</sup> *Imperium* (0x), *mandatum* (6x), which primarily consist of *mandata Dei*.

<sup>403</sup> *DeInc* 38 (FF 1341-2)

ences are of an identifiably emblematic nature and thus constitute not only a recall to the charismatic origins, but also and perhaps more importantly a proposal of normative import for the now. In particular, allusions to *RegNB* and *Adm* personified in the figure of Francis or issued directly from his mouth in a brotherly context and at times also in chapter meetings. Manifold echoes of the *Testament* fortify the charismatic recall. Prominent instances include Francis regarding as bitter what people of world consider desirable,<sup>404</sup> on the early preaching model Francis would on occasion admonish men and women to fear and love their Creator and to do penance, engaging in lowly labour, the brothers bowing to men in holy orders, and the group wandering the world with no fixed localities *sicut advene et peregrini*. Such echoes provided a context for the recall. More specifically, *DeInc* elicits various elements relating to the charismatic guiding principles of self-*minoratio* and obedience to all, all but one are present here, which is to say the cosmic dimension of universal obedience.

Francis himself embodies the example of universal obedience when it is said of him, *Universis denique se subditum exhibebat*.<sup>405</sup> *DeInc* 16 contains a motif of the old policy (*RegNB*) on receiving those with whom one comes into contact.<sup>406</sup> The brothers receive others kindly and eagerly. Another passage relates a teaching whereby Francis puts forth a lesson for the others brothers regarding a non-judgemental approach to outsiders, as their God is our God too. As far as lowly labour is concerned, John recounts how the brothers undertook prayer and work as a daily event, working with their hands (*labor manuum*) in order to avoid idleness.<sup>407</sup> One senses echoes of the early writings, in particular *RegNB* VII, 10-12 and *Test* 20-1. Relative to *VbF*, such virtues are more characteristic of the movement in its entirety and are thus shared, rather than individual, values, whereas *VbF* tended to focus upon examples among the companions for the virtues. The change connotes an underlying logic that supports the interpretation of *DeInc* as both a recall to the charismatic origins and a sort of prophetic statement of normative value in the present. As such, the author puts forth their example in order to communicate both the feasibility and the imperativeness of a collective identity based upon the charism. The God revealed charism constituted a collective identity for the early movement, and so too must it for the present.

A particular pericope relates the experience of the early movement with a litany of favourable characteristics, which chiefly features attributes relevant to the charismatic princi-

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<sup>404</sup> *DeInc* 15 (FF 1320-1)

<sup>405</sup> *DeInc* 37 (FF 1340-1)

<sup>406</sup> *DeInc* 16 (FF 1321)

<sup>407</sup> *DeInc* 25 (FF 1330)

ples of self-*minoratio* and loving, mutual obedience.<sup>408</sup> The anecdote lends itself to specific deconstruction and stands as a comprehensive statement all to itself on the values so sought after and cherished in the early movement. In short, the motif describes in detail the manner of life outlined in *RegB* and *RegErm*. The brothers cared for one another as mothers to sons, they were of service to one another, respected the other as if he were his master, sacrificed their lives, were rooted in humility and love, competed to be the most humble and self-effacing (*humilior et vilior*), and dedicated themselves fully to obedience. A marked obscurity serves as the encompassing anecdote for the brothers' commitment to self-sacrifice in favour of other. Walking along a road, two brothers came upon a simpleton (*unum fatuum*), who began to throw stones at them. Rather than allow his brother to be struck, one brother ran out of ardent mutual love (*ardebat in eis caritatis ignis*) to take the blow. The brothers also had strict consciences and survived with the poorest of means on the example of Christ and of the primitive Church. John asserts that the brothers dedicated themselves wholeheartedly to obedience, opening a brief motif of prompt and active obedience to order. It is when prompt and active obedience bled over into the realm of blind obedience that raises questions. In what implies a indiscriminate approach to orders, a novel element arrives in the passage *Quicquid paecipiebatur [sic] eis, putabant praeceptum esse secundum Domini voluntatem*. Such a statement of intent that encourages blind obedience to orders and considers superiors as the unquestionable channels of God's will diverges from the early movement's conception of vigilance in relation to superiors and legitimate dissent (*RegNB*). If one takes account of the reality that Francis would have been the one giving orders, it appears perhaps more reconcilable with the early writings. At any rate, no such teaching appears in the writings.<sup>409</sup>

The legend then offers a pronounced statement regarding paternal obedience with regard to the Gospel call and entrance into the early movement.<sup>410</sup> It was not enough to depict the divination scene with the issuance of Gospel injunctions to poor ways, abandon of the

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<sup>408</sup> *DeInc* 25-6 (FF 1330-1). *Amore intimo se invicem diligebant, serviebat quoque et nutrieat unus alterum, sicut mater servit et nutrit filium suum. Tantum ardebat in eis caritatis ignis, quod eis facile videbatur tradere corpora sua non solum pro nomine Domini nostri Iesu Christi, sed etiam unus pro altero et libenter. Quadam enim die, cum duo fratres per quandam viam transitum facerent, unum fatuum invenerunt qui in eos lapides iactabat. Alter autem illorum fratrum, dum in fratrem suum videret lapides iactari, accurrens et lapidum ictibus se opponens, potius voluit se percuti quam fratrem suum propter flagrantem mutuam caritatem. Haec et his similia saepius faciebant. In caritate et humilitate redicati et fundati (Eph 3,17) erant, et unus reverebatur alium quasi dominus esset suus. Quicumque inter eos officio vel gratia praecellebat, humilior et vilior ceteris videbatur. Omnes quoque se totos ad obediendum tradebant: quando aperiebatur os praecipientis, pedes suos ad ambulandum, manus quoque ad operandum continuo praeparantes. Quicquid paecipiebatur eis, putabant praeceptum esse secundum Domini voluntatem; et ideo suave erat eis et facile omnia adimpliere. Abstinebant se a carnalibus desideriis (1Pet 2,11), et ne iudicarentur semetipsos sollicitate iudicabant.*

<sup>409</sup> *DeInc* 25-7 (FF 1330-2)

<sup>410</sup> *DeInc* 41 (FF 1344-5)

world, and *sequela Christi*, the same verses that appear in the opening words of the rules and that connotes the essence of the Minorite vocation by the evangelical counsels. *DeInc* gives clear priority to the full Gospel verse on the abandonment of parents and does so within the context of the great swell of enthusiasm among the youth of the Italian peninsula to take the path to which they felt God drawing them. Here John brings the full Matthean verse, much more incisive in tone, to bear on Christ's mission in the context of young faithful leaving home in droves. In such a manner, the legend establishes a link between Christ's words in the Matthean verse and the message proclaimed by the early movement that so elated the young and sparked the urge to renounce the world for Christ's sake. The brothers had, as *DeInc* phrases it, fulfilled the word of the Lord, such that they accepted in full the consequences of Matt 10, 34-5.<sup>411</sup> Of particular interest is the component claiming that Christ's mission is not to bring peace but division (*gladium*). To follow Christ without restraint meant to accept the premise that living in the kingdom of God demands a rearrangement of familial relations, whereby must allow a wedge to be placed between child and parent for the purpose of a greater brotherhood. Christ came to set man at odds with his father and a daughter with her mother. While the writings of the early movement had implied such a message, *DeInc* brings it to full articulation, once again preferring to cite the Gospel directly rather than through the mediation of the *RegB* or even *RegNB*. As a reinforcement of the message, John includes a third and final indication regarding the breaking of consanguineous familial bonds for the sake of joining the order, as if to claim that the reign of God, on which the order modelled itself, where all are brothers and sisters ushered in a new familial paradigm.<sup>412</sup>

#### *Ecclesial Obedience*

Aside from the veiled affront on papal arbitration of the rule mentioned above, *DeInc* takes a similar line to *VbF* in presenting Francis and the order as exhibiting the utmost faithfulness and devotion to the Church. In particular, the movement's close relations with priests, bishops, and cardinals come to the fore. The members of the movement revered and bowed to those in holy orders, showing them due deference whenever they meet.<sup>413</sup> When seeking approval of the rule, the group is presented as those who wished to live by evangelical perfection and reform the entire Church. An account with no precedence in previous Minorite legends relates the intimate rapport shared with Lord Cardinal, John of Saint Paul, who, having

<sup>411</sup> *nolite arbitrari quia venerim mittere pacem in terram non veni pacem mittere sed gladium veni enim separare hominem adversus patrem suum et filiam adversus matrem suam et nurum adversus socrum suam.*

<sup>412</sup> *DeInc* 47 (FF 1350): *Multi properea magni viri et nobiles, relictis omnibus, ad Dominum sunt conversi cum uxoribus et filiis et filiabus et familia sua tota. Uxores et filiae in monasterio sunt reclusae. Viri autem et filii fratrum Minorum habitum assumebant.*

<sup>413</sup> *DeInc* 37 & 41 (FF 1340-1 & 1344-5)

been sought out by the brothers, took them under his wing, advising and protecting them, and granted them tunics in the event of their papal approval.<sup>414</sup>

The Cardinal also introduced the group to the entire curia, who in turn took to the movement. It was thus because of the link established by the cardinal that the brothers first came into contact with Hugo of Ostia, whom the Lord inspired to care for the brothers and whom Francis loved not as a friend but as a father. Hugo of Ostia then (anachronistically) receives the charge to act as the order's Cardinal Protector, though they as yet had no confirmed rule. In Lefeverian terms, this represents a clear instance of manipulating the literary frame by means of a rewrite that is appealing to the order's major patron in Gregory IX. The figure of Hugo has a double legitimising function, whereby he represents the closeness of the early movement with the Church, and at once also a stabilising presence that accompanies the brothers to their canonical confirmation, which he himself secures. The literary device generates a vehicle for the evangelical authenticity and juridical validity of the movement that forms an iron-clad protection against the order's critics.

### *Legenda trium sociorum*

#### I. Textual Features and *Sitz im Leben*

Two manuscript families, in all twenty-two Latin mss.,<sup>415</sup> transmit the document now commonly named *Legenda trium sociorum*,<sup>416</sup> a 'Sarnanese family' of three (incomplete)<sup>417</sup> copies, one of late-13<sup>th</sup>/early-14<sup>th</sup> century origin,<sup>418</sup> the others being dated 1405/6,<sup>419</sup> and a 'traditional family' comprised of nineteen witnesses, most of which hail from the latter half of the 14<sup>th</sup> century. Scholars divide the traditional family into 'meridional,' which predates the Sarnanese group, its most ancient of witness dating back to ca. 1344,<sup>420</sup> and 'septentrional' branches, which postdates Sarnano with its earliest manuscript dated ca. 1400.<sup>421</sup> How the two groups of witnesses relate one to the other remains an uncertainty.<sup>422</sup> *3Soc*'s scant and scattered manuscript tradition, although relatively ample in comparison to other Minorite texts of

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<sup>414</sup> *DeInc* 42 (FF 1345-6)

<sup>415</sup> Pelligrini counts 28 including non-fragmentary vernacular manuscripts. 'Introduzione,' FF 1361, n.23

<sup>416</sup> C. Suyskens first entitled the work *Appendix inedita ad 'vitam primam' auctoribus tribus ipsius sancti Francisci sociis. Acta Sanctorum*, Oct II, 723.

<sup>417</sup> Sarnano is missing *3Soc* 1-5, 54-56 & 64-73; Barcelona is missing *3Soc* 1 & 68-73 (ch. XVII-XVIII); & Fribourg has either partial or total lacunae in *3Soc* 3-6, 9-35, 37, 39, 41, 45-58 and is missing 59-73 in full.

<sup>418</sup> Sarnano, Biblioteca comunale, E.n.60 (end 13th c./beg. 14th c.)

<sup>419</sup> Barcelona, Biblioteca de Catalunya y central, Cod. 665 (1405) & Fribourg (CH), Bibliothèque des Cordeliers, Cod. 23.J.60 (1406)

<sup>420</sup> Roma, Collegio di Sant'Isidoro, I/25

<sup>421</sup> Wrocław, Biblioteka uniwersytecka, Rehdiger 491

<sup>422</sup> Dalarun offers a simple characterisation of the manuscript tradition. See: 'Le "Légende des trois compagnons": Quelques réponses simples à des questions inutilement compliquées,' *Hagiographica* 16 (2009): 105-30, here 108, n. 5

the era, is perhaps not inconceivable given the 1266 chapter ruling to destroy all prior legends on Francis and to uphold Bonaventure's *Legenda maior* as the sole and official hagiographical document. Complexity and intrigue mark the legend's history and its consideration in modern scholarship.<sup>423</sup> *3Soc*'s integrity and authenticity go hand in hand with the history of editions, for as manuscripts came to light, scholars such as SUYSKENS,<sup>424</sup> RINALDI,<sup>425</sup> AMONI,<sup>426</sup> PULIGNANI,<sup>427</sup> CIVEZZA and DOMENICHELLI,<sup>428</sup> VAN ORTROY,<sup>429</sup> ABATE,<sup>430</sup> and finally DESBONNETS<sup>431</sup> each subjected the documents before them to textual scrutiny. Although it has long been retained an authentic writing (since mid-18<sup>th</sup> century Bollandist times), not until the emergence and analysis of the presently known manuscript tradition was one able to confirm their suspicion. In particular, lacunae in the Sarnanese manuscript family raise questions about the integral state of the text in its definitive redaction. Nevertheless, scholars are largely agreed today as to the authentic character of those sections not contained in Sarnanese witnesses, though some discrepancies persist. Having posited *3Soc* as an integral and authentic Minorite document,<sup>432</sup> scholarship since the time of SABATIER has made efforts to establish the definitive redaction.

Upon intertextual analysis, *3Soc* shows itself to have been profoundly steeped in the Minorite tradition of hagiography of the time, while at once also providing a fresh voice all its own. It was demonstrably used as its source three preceding legends, *VbF*, *VJS*, and *DeInc*,<sup>433</sup> the latter of which appears nearly in its entirety in the lines of *3Soc*. Together with *DeInc* and (in part) *CAss*, *3Soc* provided source material for Thomas of Celano in the composition of his official legend, the *Memoriale*. Thus, in addition to finding an echo in subsequent texts, the

<sup>423</sup> Dalarun, 'Introduction,' 1047-77 & Pellegrini, 'Introduzione,' 1355-71.

<sup>424</sup> *Acta Sanctorum*, Oct II, 723-42.

<sup>425</sup> *Vita S. Francisci de Assisio a Leone, Rufino, Angelo eius sociis scripta dictaque Legenda trium sociorum ex cod. Bibliothecae Vaticanae N. 7339*, [ed. S. Rinaldi], Pesaro 1831.

<sup>426</sup> *Legenda S. Francisci Assisien. A BB. Leone, Rufino, Angelo eius sociis scripta quae dicitur Legenda trium sociorum ex cod. membr. Biblioth. Vatic. Num. 7339. Leggenda di S. Francesco di Assisi scritta dalli suoi compagni che tuttora conversano con lui*, ed. L. Amoni, Roma 1880.

<sup>427</sup> 'Legenda trium sociorum ex Cod. Fulginatensi', ed. M. Faloci Pulignani, *MiscFranc* 7 (1898): 81-107.

<sup>428</sup> *La Leggenda di S. Francesco scritta da tre suoi compagni (Legenda trium sociorum), pubblicata per la prima volta nella vera sua integrità*, ed. Marchello da Civezza e T. Domenichelli, Roma 1899.

<sup>429</sup> 'La Légende de s. François dite *Legenda trium sociorum*', ed. F. Van Ortroy, *AnBoll* 19 (1900): 142-97.

<sup>430</sup> 'Legenda S. Francisci Assisiensis tribus ipsius sociis hucusque adscripta. Redactio antiquior iuxta cod. Sarnanensem', ed. G. Abate, *MiscFranc* 39 (1939): 375-432.

<sup>431</sup> 'Legenda trium sociorum. Édition critique', ed. T. Desbonnets, *AFH* 67 (1974): 37-144. In addition one ought to mention a vulgar Italian edition that highly influenced later latin editions due to its reliance on significant manuscripts. *Leggenda di San Francesco d'Assisi scritta dalli suoi compagni che tutt'ora conversano con lui*, ed. S. Melchiorri, Recanati 1856.

<sup>432</sup> For the finer points on the history of the integrity debate including the rubric letter and the disputed chapters XVI-XVIII, see: Dalarun, 'Introduction,' 1066-1072.

<sup>433</sup> M. Causse, 'Des Sources Primitives de *La Légende de Trois Compagnons*', *CollFran* 68/3-4 (1998): 469-75.

legend echoes its sources.<sup>434</sup> In particular, by including the majority of *DeInc* in its narrative, *3Soc* expands on the prior legend, providing it with increased specificity and supplemented meaning, that meaning often relating to the narrative's purposefulness in illustrating Francis' extraordinary and divinely preordained sainthood with the motif of perfection as its logical thread.<sup>435</sup> That is to say, the narrative centres to a great deal around the figure of Francis. Incidentally, the legend is also closely associated with another, at least in part, subsequent hagiographical writing, the *Compilatio Assisiensis*. Both documents appear to lay claim albeit in differing ways to derivation from the infamous letter of Greccio, or to at least have been composed by early companions of Francis. Whereas remarks of *nos qui cum eo fuimus* recur in the *CAss*, the contents of *3Soc* entail a somewhat more direct declaration of authorship, proclaiming its contribution as the work of none other than Brothers Leo, Angelo, and Rufino. The section below on *CAss* outlines the case in favour of a link to the companions in the context of the response to the 1244 chapter.

*3Soc* is perhaps most beloved among modern readers for the linear nature of its narrative and for its precious, vivid accounts of Francis and his early companions. It is therefore perhaps the clairvoyant perspective of the narrative and colourful reminiscences and descriptions, in addition to the intriguing manner in which the document came to the attention of scholars, that have secured its status as one of the more celebrated of the Minorite hagiographical legends.

## II. Thematic-Theological Analysis

In a superficial analysis, obedience appears to play a negligible role in the companion's legend. If taken from the perspective of lexical representation, the legend gives rise to a telling calculation in and of itself. The economy and hierarchy of virtues undergoes a drastic change with respect to prior hagiographical sources with *penitentia* (17x), *gaudium* (16x), *pax* (13x), and *paupertas* (11x) each breaking the double digits in numerical appearances.<sup>436</sup> *Obedientia* is just shy of not even making a show of it in the list of the ten most frequently cited virtues. As with *DeInc*, *caritas*, *reverentia*, *perfectio*, and *pietas* all receive ample attention, beating out the virtue at hand. An abundantly clear shift in emphasis regarding the virtues has transpired, even more so than in John's legend, as here usage of the most frequent virtue out

<sup>434</sup> Dalarun proposes a threefold dependence upon previous sources, one third from *VbF*, one third from *DeInc*, and one third from an unknown source, which one could parallel with the 'Q-source' in Biblical studies. Cf. *La Malavventura*, 130-40.

<sup>435</sup> *3Soc* beginning.

<sup>436</sup> *Penitentia* (17x), *gaudium* (16x), *pax* (13x), *paupertas* (11x), *caritas* (8x), *reverentia* (8x), *perfectio* (7x), *pietas* (5x), *obedientia* (3x), *humilitas* (1x).

numbers that of obedience quite nearly by a factor of six. *Observantia* also does not substitute for obedience when referring to the rule. In order to gain a more insightful perspective on the work, this study must rely upon the grammar of discourse established in examination of the previous sources and to which the study now turns.

### *Gospel-Rule-Testament*

Representation of the relationship between Gospel, Rule, and Testament once again serves as a platform for comparative analysis. Here, the formal characteristics categorised by QUAGLIA proffer salutary terms of discourse. Similar to the instance of *DeInc*, *3Soc* envisages the rule as a divine command in the context of the divination event.<sup>437</sup> Nevertheless, the *3Soc* account has the divine revelation transmitted directly to Francis and through him to the other brothers. Francis, not Francis and companions, becomes the unequivocal receptor of the revelation, which takes on the form of a divine counsel (*divinum consilium*).<sup>438</sup> Then, in relating Francis' dedication to inclusion of strict poverty regulations in his rules (*in omnibus regulis suis*), the *3Soc* narrative recounts that Francis had composed several rules (*Plures regulas fecit*) and tested them before writing the rule he would ultimately leave to the brothers.<sup>439</sup> *3Soc* thus staunchly counters the fiction of redactional unity in the affirmation of a multiplicity of rules prior to the official rule confirmed by Pope Honorius. The category of definitiveness receives fair consideration in the instance of both the initial rule revealed by divination and the rule of 1223, whereby Francis declares the revelation of Biblical passages normative for all who will have wished to join the brotherhood (*haec est vita et regula nostra et omnium qui voluerint nostrae societati coniungi*) and in turn also considers definitive the final, confirmed version (*priusquam faceret illam quam ultimo reliquit fratribus*).<sup>440</sup> The dual definitiveness corresponds to the overt focus upon *RegB*, which consists also in a contextualisation of rule passages essential to the authors' intended message and the narrative's economy of

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<sup>437</sup> The *FF* transcription of Desbonnets' authoritative edition is that consulted for the purposes of the present study. *3Soc* 29 (*FF* 1401-3): *Oratione autem finita, beatus Franciscus accipiens librum clausum, flexis genibus coram altari aperuit ipsum. Et in prima eius apertione occurrit illud consilium Domini: "Si vis perfectus esse, vade et vende omnia quae habes et da pauperibus et habebis thesaurum in caelo (Mat 19,21; cfr. Luc 18,22)". Quo comperto, beatus Franciscus gavisus est valde et gratias egit Deo. Sed quia verus cultor Trinitatis, trino voluit testimonio confirmari. Secundo et tertio librum aperuit. Et in secunda apertione occurrit illud: "Nihil tuleritis in via (cfr. Luc 9,3), etc.". In tertia vero illud: "Qui vult venire post me abneget semetipsum (cfr. Mat 16,24; Luc 9,23), etc.". Beatus ergo Franciscus, in qualibet apertione libri gratius Deo exhibitis pro confirmatione sui propositi et desiderii dudum concepti tertio divinitus sibi exhibita et monstrata, dixit praedictis viris, scilicet Bernardo et Petro: "Fratres, haec est vita et regula nostra et omnium qui voluerint nostrae societati coniungi. Ite igitur, et sicut audistis implete."*

<sup>438</sup> *3Soc* 29 (*FF* 1401-3)

<sup>439</sup> *3Soc* 35 (*FF* 1407). The allusions to a plurality of rules are three (*in omnibus regulis suis*) (*Plures enim regulas fecit*) (*In una ipsarum*).

<sup>440</sup> *3Soc* 29 & 35 (*FF* 1401-3 & 1407-8)



meaning. Indeed, the narrative has Francis redacting *RegB* as Christ instructed him to do so (*a beato Francisco Christo docente compositam*).<sup>441</sup>

The authors then go on to assert the twofold approval of regular redactions, first relating Innocent's approval and subsequently of Honorius' solemn confirmation.<sup>442</sup> As regards the proportionality of Gospel and institutional prescriptions, *3Soc* takes a similar stance to *VJS* in diverging from *VbF*'s formula and avers that Francis composed the rule using words from the Gospel (*utens sermonibus sancti evangelii*). Dissimilar to *VJS*, fuller context indicates a clear prevalence for Gospel content in the rule, as Francis wrote the rule in pursuit of evangelical perfection (*ad cuius perfectionem totaliter inhiabat*) and the divination account follows up with manifold reiteration of a *Test* echo to live according to the Holy Gospel.<sup>443</sup> In terms of simplicity and brevity, *3Soc* explicitly affirms the former in reference to the rule approved by Pope Innocent (*scripserat verbis simplicibus*)<sup>444</sup> and is silent on the latter. The simple composition of few words in *Test* and *VbF* becomes a composition of simple words. *3Soc*'s account of the rule and its qualities refuses to adopt the formulaic representation of other extant legends and as such carries an expression all its own.

In a manner similar to *VbF*, *3Soc* sets forth an inverse formulation with respect to *RegB*'s *regula et vita*. When considered in tandem with the legend's many covert references to *RegNB* and numerous *Test* echoes, a manifest prioritisation of *RegNB* and the normative validity of the movement's charismatic origins emerges with respect to *RegB*, a prioritisation, which nevertheless intends to charge *RegB* with supplementary meaning rather than detract from it and to encourage its rigorous observance. That is to say, *3Soc* reads *RegB* through the interpretive lens of *Test*. Interestingly, the divination account of pericope 29 leads to Francis and his companions fulfilling the divine counsels that lay before them and setting out to live according to the Gospel.<sup>445</sup>

Of particular significance in the evolution of representation with respect to the rule, an addendum to the divination account relates Francis' composition of the rule at Christ's instruction (*a beato Francisco Christo docente compositam*).<sup>446</sup> Additional emphasis upon a

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<sup>441</sup> *3Soc* 62 (FF 1435)

<sup>442</sup> *3Soc* 51 & 62 (FF 1423-4 & 1435)

<sup>443</sup> *3Soc* 51 & 29 (FF 1423 & 1402)

<sup>444</sup> *3Soc* 51 (FF 1423)

<sup>445</sup> *3Soc* 29 (FF 1402): "*Fratres, haec est vita et regula nostra et omnium qui voluerint nostrae societati coniungi. Ite igitur, et sicut audistis implete.*" ... *Petrus etiam pro posse divinum consilium adimplevit. Distractis autem omnibus, habitum, quem paulo ante sanctus assumpserat postquam reliquit heremiticum habitum, ambo pariter susceperunt, et ab illa hora simul cum ipso vixerunt secundum formam sancti evangelii a Domino illis ostensam. Et ideo beatus Franciscus dixit in testamento suo: "Ipse Dominus mihi revelavit ut deberem vivere secundum formam sancti evangelii".*

<sup>446</sup> *3Soc* 62 (FF 1435)

link between Gospel and rule include direct echoes of *Test* coupled with *perfectio evangelica* and solidification of regular redaction at Christ's instruction. Pericopes 48 and 51 carry over the motif of *perfectio* accented in *VJS* and render it more concrete with a recurring link to the Gospel.<sup>447</sup> The narrative device of regular composition at Christ's instruction performed a specific function; namely, as legitimising mechanism regarding the rule's sacrality and inviolability. Direct revelation from Christ, the living Gospel, overrides the countermand of all other earthly authorities. In light of prior considerations on rule and *Test*, it follows that *3Soc* thus represents a pursuit to legitimise and reinstate rigorous observance of the rule in the face of recent developments in the order with particular regard for the juridical mitigations of *Quo elongati* and the Pre-Narbonne Constitutions. Following the narrative structure, composition of the rule at Christ's instruction leads to the brothers' mission to fulfill their divine counsel. Francis himself then chooses to dawn the habit of a hermit, not of a monk or regular canon, but a hermit. The allusion constitutes at least an indication of Francis' own predilection for simplicity and solitary prayer, at most a proposal of normative content in a charismatic context. Further deliberations on *3Soc*'s charismatic proposal are found below.

The work leaves room for discrepancy with regards for the essential consistency of the Minorite ideal. As indicated below, the transfer of charismatic representation and principle is not without its nuance and evolution. At any rate, the identification of the rule with Christ's will, recurring citation of *Test*, and overwhelming reference linking the brother's life with the Gospel confers the companion's position on the Gospel. Yet their legend is slightly more subtle in approach than the downplayed critique levied by *DeInc* against *Quo elongati*. The companions' writings are perhaps less a veiled critique of *Quo elongati* than a bold proposal of an alternative view regarding the brothers' life and rule and its relationship to the Gospel, which proves to be contrary to the ruling of the 1230 papal bull. Above all, the brothers are more careful with the way that they formulate Innocent's response to their initial *propositum*, making it appear as more of an authoritative reticence that fell in step with the many forms of resistance to way of life and ideal than a categorical assertion.

#### *The Authority of Francis*

The companions are nearly complete in their transfer of *DeInc* with regard to Francis' authority. While they offer the occasional embellishment or explication, they still present the

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<sup>447</sup> *3Soc* 48 (FF 1420-1): *Inveni virum perfectissimum qui vult secundum formam sancti evangelii vivere et evangelicam perfectionem in omnibus observare, per quem credo quod Dominus velit in toto mundo fidem sanctae ecclesiae reformare.* 51 (FF 1423-4): *Sed post paucos dies, cum venisset ad eum beatus Franciscus et ei suum propositum revelasset, ut dictum est, petissetque ab eo confirmari sibi regulam quem scripserat verbis simplicibus, utens sermonibus sancti evangelii ad cuius perfectionem totaliter inhiabat... Et sic amplexatus est eum et regulam quam scripserat approbavit.*

image of a kinder, gentler Francis compared to successive legends, such as for instance *Memoriale*. Generally somewhat more assertive and in control, though it may perhaps be a by-product of the hagiographical genre rather than the product of an effort to depict Francis as a leader.<sup>448</sup> The flexibility of the earliest period even saw Francis delegate the authority to enlist new members, an event which he himself had undertaken, albeit always in a kind and gentle manner, until that point.<sup>449</sup> As with *DeInc*, Francis personifies the ideal of universal obedience one who was subject to all (*omnibusque se subditum exhibebat*).<sup>450</sup> He would revere priests and prelates, honoured all members of society. Above all he intimately loved the poor and suffered with them deeply. As a constant reminder of his lowly place, although he was more elevated than the other brothers, he would appoint a guardian, whom he could humbly serve, a practice that nevertheless was not without its precedence even in the earliest days of the group.<sup>451</sup>

At chapter meetings the brothers would discuss the rule and how best to live it out, and Francis would issue *Admonitiones, reprehensiones et praecepta*.<sup>452</sup> His role as the group's leader and galvaniser but doing so also by means of encouragement. Only a single pericope relates Francis' reprimand of other brothers outside of the chapter. Here, the companions take a varied approach with respect to John. The thematic pericope regarding Francis' reproaches begins with his reproving the brothers for inflicting excessively harsh corporal punishments upon themselves.<sup>453</sup> Those brothers who were tempted to speak of worldly matters were not miraculously relieved of their temptation due to Francis' manner in speaking with them not as a judge but as a merciful father with his children or a doctor with the sick. The ensuing explication denotes Francis' willingness to serve his confreres and to be among them as one of them. He knew how to be sick with the sick and afflicted with the afflicted. Nevertheless, *3Soc* does not hesitate to underscore Francis' more stern side when it reads that he duly rebuked all delinquents and restrained obstinate and rebellious brothers with appropriate punishment. The companions' depiction of Francis thus takes on a more nuanced, more complex character. Image of kindly leader, but a somewhat barbed image.

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<sup>448</sup> *Imperium* (0x), *mandatum* (6x) primarily *mandata Dei*.

<sup>449</sup> *3Soc* 41 (FF 1414-5)

<sup>450</sup> *3Soc* 57 (FF 1428-30)

<sup>451</sup> *3Soc* 45 (FF 1418). Here, Francis proposes to elect one among them as vicar of Christ, whom they could serve. Bernard is the recipient of their collective vote.

<sup>452</sup> *3Soc* 57-9 (FF 1428-32)

<sup>453</sup> *3Soc* 59 (FF 1430-2)

Additionally, farther along in the narrative,<sup>454</sup> a vision of Francis as mother hen reveals to him that he is want of strength (*protegere mea virtute non potero*) and unable to protect and guide all of his sons. Safe in the reverie's delivery by means of the Holy Spirit, Francis commends the order into the hands of the Church and in particular to Hugo of Ostia as their Cardinal Protector. In addition to providing insight into Francis' motive in insisting upon an abdication and entrusting the order in the safe keeping of the Cardinal, the report also relays the utmost care with which Francis guided and ruled over the other brothers. The maternal image of a mother hen evokes alternative conceptions of leadership detailed in the writings (*RegNB*, *RegErm*). Nevertheless, it is worth noting that while John's Francis represented the personified ideal of an order authority since his attributes<sup>455</sup> were by and large transferable to others, *3Soc*'s Francis depends upon contingencies proper to the figure and time of Francis the founder, charismatic, and extraordinary saint. His example is therefore at times perhaps a touch too transcendent for the imitation of other ministers.

#### *Chapter Meetings and the Rule*

Just as its principal source *DeInc* had, *3Soc* charts the course of the movement's genesis and early evolution and of its recourse to periodic communal gatherings where the brothers hashed out both the grand significance and finer details of their life and rule. Full adoption of themes and motifs in *DeInc* regarding the parallel development of the community and the rule in the context of chapter meetings. References thrice the events of a chapter meeting, all of which take place in the context of major deliberations and decision making. Mirroring John of Perugia's legend, the companions transplant the story of deliberations on their rule and way of life in Rivo Torto to a chapter meeting,<sup>455</sup> where they decide to hold twice-yearly meetings at the portiuncula. Here they would discuss how they could better observe the rule and Francis would give *Admonitiones, reprehensiones et praecepta, sicut ei iuxta consilium Domini videbatur*. Next, (62) in the confirmed rule, the brothers protracted time between chapters so as to avoid burdening those in far off regions. Whereas two seemingly contradictory passages in *DeInc* rendered a verdict on the agency of electing and sending out ministers provincial into mission, in *3Soc* the chapter undertakes the election and delegation of the provincials. Therefore, in equal if not in greater measure than John, the companions establish the chapter meeting as the locus of Minorite identity formation and normative creation.

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<sup>454</sup> *3Soc* 63 (FF 1436)

<sup>455</sup> *3Soc* 57 (FF 1428-1430)

### *Poverty and Pauperistic Norms*

Much the same as *DeInc*, the companions underline the early movement's scorn for worldly goods, most of all coined money. They highlight Francis' tendency to forcefully commend poverty<sup>456</sup> and how they would seek lodging in the porticos of churches and homes.<sup>457</sup> After scenes adopted from *VbF*, which allude to Francis wedding a poor bride, that is, the order, *3Soc* makes twice explicit mention of Lady Poverty (*Domina Paupertas*).<sup>458</sup> Of the companions, Bernard is again raised to the level of example, as he was the first to embrace their life of poverty fully. He sold all possessions and give to the poor, lived according to the counsel of Gospel perfection, and preserved to the end in most holy poverty (*in sanctissima paupertate*). In the companions' view,<sup>459</sup> the early movement rejoiced most in poverty and spurned all transitory things desired by those enamoured of the world. Where it concerns poverty and their transition into the city, the companions are relatively more careful in their phrasing.<sup>460</sup> John was swift and forthright in admitting that they had built their own fixed localities (*DeInc* 41). In contrast, the companions show a reticence to assign proper initiative to the brothers, claiming instead that such places were built for them (*pro ipsis aedificata sunt loca in urbibus et in castris*). The discretion with which they take to the page displays an effort to imply a gradual development to some of the later committed endorsements of certain poor structures proper to the brothers' *propositum*. The work then admits to the brothers beginning to build, live, and preach once they had branched out in various provinces (*aedificare, habitare et praedicare*), having obtained official papal confirmation for their order.<sup>461</sup> Therefore, although in theory the authors uphold most holy poverty and bow twice to its personification in Lady Poverty, they too admit to complicity in the relaxation of poverty norms with regard for the construction and inhabitation of fixed localities as domiciles.

### *Charism and Charismatic Principles*

Similar to *VbF*, in order to compliment more corporate laudatory statements *3Soc* presents various companions as models of the charism, the first among those who were moved by his example and lift all things to join him in life and habit (*habitu vitae coniungi*).<sup>462</sup> Unlike *VbF*, the motifs of exemplary life focus more on a commitment to poverty than on other attributes. The first of such companions was Bernard, who observed the man's poor ways, his

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<sup>456</sup> *3Soc* 35 (FF 1407-8)

<sup>457</sup> *3Soc* 38 (FF 1410-1)

<sup>458</sup> *3Soc* 38 (FF 1411)

<sup>459</sup> *3Soc* 45 (FF 1418)

<sup>460</sup> *3Soc* 60 (FF 1432-3)

<sup>461</sup> *3Soc* 66 (FF 1438)

<sup>462</sup> *3Soc* 27-9 (FF 1400-1403)

constancy, and zeal in divine service, in particular his restoration of run-down churches and was moved to emulate what he saw. After the divination scene, Bernard and Peter followed divine counsel and began to live with Francis according to the form of the Holy Gospel.

However, *3Soc* also adopts the collective motif of *DeInc* with occasional embellishments, which lauds the brothers' diligence in prayer and manual labour.<sup>463</sup> The exhibited mutual love and service and cared for one another as a mother for an only and beloved child. The work also includes the anecdote of the brother taking the blow from the stone thrown by the simpleton, which it supplements with Christological commentary.<sup>464</sup> Due to their mutual charity, the brothers were prepared to lay down their life, one for the other. A sign of the ideals to which they committed themselves, the companion mention twice that the brothers donned the clothing of a hermit, a possible reference of the erstwhile charismatic groups that known for living in hermitages, in strict poverty and obedience to the rule and *RegErm* and with whom the companions had known ties.

With particular regard for mutual and hierarchical obedience, select alterations give the motif nuanced overtones. They are worth mentioning. One respected the other not only as master but as father. Here those who competed to be the most humble and self-effacing were the brothers entrusted with the office of prelate and no longer the whole lot. The brothers were ever prepared for their superiors' orders and did not distinguish between just and unjust commands, considering all that which was ordered them as the Lord's will. As indicated in *DeInc*'s narrative, the brothers' prompt and active obedience bleeds over into the realm of blind obedience operating on the basis of an indiscriminate approach to orders, uncharacteristic of the early movement's conception as presented in the writings, in particular *RegNB*. The companions supplement the *DeInc* verse with an added component, leading the clause. *Non discernebant inter iustum et iniustum praeceptum...* As with the *DeInc* passage, it diverges from the early movement's conception of vigilance in relation to superiors and legitimate dissent, encouraging blind obedience to orders and considering superiors the unquestionable channels of God's will. Only here the companions strengthen the affirmation all the more with a phrase that echoes *VbF* 39, where Thomas lauds the early movement in similar terms (*nihil scientes discernere in praeceptis*).<sup>465</sup> In concert with John's legend, *3Soc* thus proposes a somewhat shaded and nuanced view regarding both order superiors and models of obedience.

The guiding principles of self-*minoratio* and obedience to all also feature in the legend's examples and teachings regarding the worldly. The companions declare in laudatory

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<sup>463</sup> *3Soc* 41 (*FF* 1414-5)

<sup>464</sup> *3Soc* 42 (*FF* 1415-6)

<sup>465</sup> *FF* 313

terms that the early movement would bear resistance and rejection among people of the world with patience and humility always sure to give a good example.<sup>466</sup> As with *DeInc*, Francis himself personifies the ideal of universal obedience one who was subject to all (*omnibusque se subditum exhibebat*).<sup>467</sup> He would revere priests and prelates and honour all members of society, even the noble and well-to-do. As the Minorite *par excellence*, Francis truly embodied the charismatic notion of giving of self in favour of other. Above all he intimately loved the poor and suffered with them deeply. As a constant reminder of his lowly place, although he was more elevated than the other brothers, he would appoint a guardian, whom he could humbly serve, a practice that dated back to the earliest days of the initial *viva voce* approval. Additionally, Francis bid the other brothers exercise a non-judgmental approach to non-Minorites, in particular those who lead extravagant lives. Going a step beyond *DeInc*, the companions add that the brothers ought to show reverence to those people and consider them brothers and lords; they are brothers, because we were all created by one Creator and lords, because they help the good to do penance by providing them with the necessities of life. In a solemn tone, he then states that their way of life among the people should be such that those with whom they come into contact praise God.

With respect to the matter of paternal obedience, while, unlike *VbF*, John's legend glosses over Francis' symbolic renunciation of his father, the companions lend it a dramatic flare, by having Francis declare that he wished to serve God and not his earthly father, so that he could say 'Our Father who are in heaven' and not 'My Father, Pietro di Bernardone.'<sup>468</sup> Where it concerns such obedience and entrance into the life of the community, *3Soc* differs a fair deal from the incisive pronouncements of *DeInc*.<sup>469</sup> The companions are more selective in their absorption of John's narrative on this point. They note that the young began to abandon father and mother in order to follow the brothers and leave their parents in the dregs of sin. However, the emphasis lies here on the development of the three orders, such that the draw to the brothers' life did not demand the suspension of all societal relations. Uninvolved virgins and widows entered cloistered communities and the married committed themselves to penance in their homes. Rather than denoting a schism of biblical proportions, *3Soc* preferred a different reading of the passage and seized the opportunity to another end. As a result, they affirmed the foreshadowing and genesis of the second and third orders. The work's final chap-

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<sup>466</sup> *3Soc* 36 (*FF* 1408-9)

<sup>467</sup> *3Soc* 57 (*FF* 1428-30)

<sup>468</sup> *3Soc* 20 (*FF* 1392-3)

<sup>469</sup> *3Soc* 60 (*FF* 1432-3)

ter supports the notion when it boasts of the many nobles and their sons who came to dawn the habit of the order and their wives and daughters who entered cloisters of the second order.

### *The Stigmata as Institutional Symbol*

Of particular note in the way of novelties included in *3Soc* is the companions' account of Francis' miraculous stigmatisation atop Mount Alverna.<sup>470</sup> The narrative features a lavish description of the event itself as well as an emphatic intonation of its significance, in particular when compared that of the legends which preceded it. *VbF* and *VJS* underscored the miraculous nature of the event, *LUmb* placed a central focus upon the stigmata in its narrative, and *LChor* first solidified the direct inscription of the marks of Christ by the seraph. The companions then absorbed the above mentioned components and supplemented the account with explanatory comment and shocking detail, which suggest the incorporation of eyewitness reports. For the companions, the Lord had adorned Francis with a wonderful prerogative of singular privilege (*singularis privilegii mirabili praerogativa*). The title denotes with categorical force that God chose to gift Francis with a unique and extraordinary honour. It had been an unprecedented occurrence, and the companions were sure to proclaim that such was the case and promote Francis' exceptional sainthood without hesitation. They also offer a full description of the seraphic being and the nature of its apparition.

The narrative then adopts the detail put forth in *LChor* that the seraph appeared in the form of a crucified man (*formam pulcherrimi hominis crucifixi*), adding the superlative characteristic of beauty. Though Francis endeavoured to conceal his wounds, *3Soc* affirms, he was unable to cover them completely thereby unwittingly allowing them to become known at least to his intimate companions. Then, as the narrative turns to the scene of Francis' death, the authors share the information that those present at his death were copious witness to his wounds (*omnes fratres qui aderant et saeculares quamplurimi*), a datum as yet undivulged in prior literature.<sup>471</sup> The pericope contains reassurances as to the reliability of the testimonies as well as the visibility of the stigmata, as the witnesses most manifestly saw the marks of Christ (*manifestissime viderunt corpus suum Christi stigmatibus decoratum*). Undertaking a description of the wounds taken from *VbF*, the companions then adopt the stance of *LChor* in a rather attentive effort to afford resounding specificity to the disputed lateral wound, which was covered with a red scar from a very real and plainly visible wound (*verissimi ac manifestissimi vulneris rubra cicatrice erat obductum*), which while he was living frequently poured out sacred blood (*quod etiam sacrum sanguinem dum viveret saepius effundebat*). So as not to be

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<sup>470</sup> *3Soc* 69-70 (FF 1441-2)

<sup>471</sup> *3Soc* 70 (FF 1442)



mistaken or misunderstood, the companions add that the due to the abundant evidence collected (*ipsa veritate cogente*) one may confirm the undeniable truth of the marks of Christ in Francis which appeared most patently by means of sight and contact during his life and afterwards (*stigmatium infrangibilis veritas non solum in vita et in morte eius per visum et contactium patentissimum luculenter apparuit*).

Descriptors and exclamatories abound and provide the clearest account to date of the event, which was not only Francis' privilege, but the privilege of his companions who knew him intimately and that of the institution that claimed him as its own. An obscure scriptural reference proposes Francis' death and the conversions that took place as a result of the witness and testimony of his stigmatic wounds as his crowning achievement (*Multo plures interfecit moriens quam ante vivus occiderat*). Here the narrative transforms the theme of killing into a motif of conversion, whereby his stigmata served as the primary vehicle for the conviction of souls to becoming sensitive and responsive to the inner voice of God drawing them forth. Similar to *DeInc*, the companions were perfectly content in breezing past the canonisation and miracle accounts in order to highlight all the more the marks of Christ that Francis bore in life as in death.

#### *Ecclesial Obedience*

The companion's work sets forth a unique expression of ecclesial obedience. By both explicit and implied means it asserts the lordship of priests. The occurrence of the divination event at a Mass changes the thematic emphasis, altering the narrative. Francis and his brothers constantly revered all men of holy orders and bowed before them showing their reverence for the ministers of the Lord's sacrament. Francis himself in particular revered priests and prelates and had a special rapport with the priest at San Damiano, whom he consulted and comforted on several occasions.<sup>472</sup> The brothers even explicitly call out 'Lord Priest' (*domine sacerdos*) to a greedy priest who has done them wrong.<sup>473</sup> Even during his secret conversion, Francis would secretly send priests furnishings to adorn churches.<sup>474</sup>

Not only did the brothers revere priests, but all manner of men in holy orders at all the various levels of Church hierarchy. The work relates how Francis would periodically consult the bishop of Assisi in particular regarding his heart's deepest desire.<sup>475</sup> Indeed, Francis heeds the counsel of bishop and returns his fortune to his earthly father.<sup>476</sup> Close analysis evinces a

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<sup>472</sup> 3Soc 21 (FF 1393-4)

<sup>473</sup> 3Soc 30 (FF 1403-4)

<sup>474</sup> 3Soc 8 (FF 1380-1)

<sup>475</sup> 3Soc 10 (FF 1381-2)

<sup>476</sup> 3Soc 19-20 (FF 1392-3)

joint development between Francis' evangelical authenticity and the approval of the Church, which initiates early on in the narrative with the bishop of Assisi, who upon seeing Francis after he relinquished his father's fortune, came to the realisation that his deeds were prompted by divine counsel (*facta ipsius ex divine esse consilio*), at which point the bishop made himself a helper (*adiutor*) and exhorted, cherished, loved, and embraced him with the depths of his charity. On one occasion, the brothers ventured to Rome, where they encountered bishop of Assisi, who introduced them to Lord John of Saint Paul.<sup>477</sup> They wished an audience with the Pope. The Cardinal spoke of him to Innocent, claiming that Francis was a most perfect man, who wished to live according to the form of the Holy Gospel and observe evangelical perfection in all things. The Cardinal affirmed that he believed the man to be sent by God to reform the Church. The Pope rejoices and on the next day meets Francis in person, who reveals his entire *propositum*. Innocent expresses doubt, but in a manner wholly different than in *DeInc*. Here he says to Francis and his companions that their life appears (*videtur nobis*) exceptionally hard and severe, going on to commend them for their zeal. However, the Pope is reticent due to those who follow after the brothers, worrying that their path may appear to severe for others. The Pope then asks to pray that God will reveal whether their *propositum* proceeds from his will. The identical dream of the poor woman ensues.<sup>478</sup> The narrative then breaks with *DeInc*, at which point the companions recount Innocent's dream that a religious, small and scorned (*modicus et despectus*), upheld the collapsing foundation of Saint John Lateran.<sup>479</sup> He identified the religious as none other than Francis himself and immediately approved his rule.

The brothers' recounting of close relations with Cardinals Lord John of Saint Paul and Hugo of Ostia.<sup>480</sup> Here, they embellished the description of the brothers' rapport with Hugo. Overcome with awe and enthusiasm, Hugo feels as if he were their spiritual father and volunteers to offer them his advice, assistance, and protection. A vision of Francis as mother hen reveals to him that he is want of strength (*protegere mea virtute non potero*) and unable to protect and guide all of his sons.<sup>481</sup> Safe in the Holy Spirit's inspiration in the dream, Francis commends the order into the hands of the Church and in particular to Hugo of Ostia as their Cardinal Protector.

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<sup>477</sup> 3Soc 47-9 (FF 1420-2)

<sup>478</sup> 3Soc 50 (FF 1422-3)

<sup>479</sup> 3Soc 51-2 (FF 1423-4)

<sup>480</sup> 3Soc 61 (FF 1433-4)

<sup>481</sup> 3Soc 63 (FF 1436)

In an original addition to the Minorite canon of anecdotes about Francis, the companions recall how even as he was still in the world he performed a symbolic gesture in the basilica of St. Peter as a tribute to the church's namesake. Feeling drawn by God to travel to Rome, upon arrival Francis then scattered coins at the basilica in honour of Peter, Prince of the Apostles and, of course, predecessor to the roman pontiff. Another striking anecdote distinguishes *3Soc* from prior legends with regard to papal obedience.<sup>482</sup> Having gained an unexpected audience with Pope Honorius III, Francis gratuitously expresses his shame at the lowly nature of himself and the order and confesses his unworthiness to even be in the Pope's presence, at which point he begs the Pope for Hugo's tutelage and protection.

### *Compilatio Assisiensis*

#### 1. Textual Features and *Sitz im Leben*

But a single manuscript witness (Ms. 1046 Biblioteca Comunale Augusta, Perugia, ex M.69) transmits the integral and authentic text previously known under various other titles both as a whole<sup>483</sup> and in part<sup>484</sup> and now universally identified as *Compilatio Assisiensis*. For a text with such a minimal witness sample, the history of its treatment has been marked by perplexity and obfuscation since the time of its rediscovery in the early 1920's. That *CAss* came to be ascertained as a considerable contribution to the Franciscan Question is quite a matter of wonder, for such has only been gradually revealed to us in more recent decades of intense philological analysis. Scholars experienced difficulty in determining if and in what fashion the work, whether in part or whole, fit into the operative model for analysis of legends, which had been Sabatier's distinction based upon official-unofficial status. In the first decades of the last century, LEMMENS<sup>485</sup> and LITTLE<sup>486</sup> unwittingly published stories likely derived from *CAss* found in other codices in their editions and compilations. It was DELORME who upon rediscovery of Ms. 1046 claimed to introduce a new text to modern scholarship. On analysis of the codex's miscellanea,<sup>487</sup> he determined that it contained a legend which preced-

<sup>482</sup> *3Soc* 65 (FF 1437-8)

<sup>483</sup> *Legenda antiqua sancti Francisci* (G. de Paris, 1924 & Burkitt, 1925). Other ventured and equally unwarranted titles include *Fiori dei tre compagni* (Cambell, 1967) and *Scripta Leonis, Rufini et Angeli, Sociorum S. Francisci* (Brooke, 1970). Cf. E. Menestò, 'Introduzione,' FF, 1449.

<sup>484</sup> Entitling the work *Legenda Perusina* in his editions, Delorme first published what he determined to be novel content and thus extracted those literary units that had also been present in Celano's *Memoriale* and excluded a great many of those already taken up by Lemmens and Little.

<sup>485</sup> L. Lemmens, *Intentio Regulae & Verba sancti Francisci*, in: *Documenta Antiqua Franciscana* I, 1901, 83-99 & 100-6, respectively; Id. *Speculum perfectionis minus & Speculum vetus*, II, 1901; Id. *Extractiones de legenda antiqua*, 1902, 25-49.

<sup>486</sup> Little, 1914.

<sup>487</sup> *CAss* is located on ff.94r-124ra of ms. 1046. For further paleographical specifications, see: Menestò, 'Introduzione,' (FF 1449-50).

ed the famed *Speculum minor*, indeed that *CAss* was a copy of the *Speculum*'s exemplar;<sup>488</sup> he dated the text late-13<sup>th</sup> century.<sup>489</sup> Upon more mature reflection, DELORME revised his theories and asserted that there were Pre-Celanese parts of the legend that he deemed the “oeuvre des compagnons du saint d'Assise;”<sup>490</sup> in short, the *florilegia* sent by brothers Leo, Rufino, and Angelo to Crescentius of Jesi in 1246. Only after nearly one half century of debate, critique, and several partial editions<sup>491</sup> did BIGARONI published the first integral edition of the work in 1975 after essential contributions by MOORMAN,<sup>492</sup> CABELL,<sup>493</sup> and BROOKE.<sup>494</sup> As to what portion of the text pertained to the *florilegia* and how it had been transmitted, MOORMAN had long since put forth the theory that the work in its complex entirety depended in diverse ways upon that original letter. CABELL and BROOKE in turn made attempts to clarify and confirm what had been theorised by MOORMAN. BIGARONI's edition, which built upon those of his predecessors, met sharp critique.<sup>495</sup> One most poignant of his critics was A. GATTUCCI. Unconvinced by BIGARONI's edition and more broadly by the presuppositions of prior scholars, in particular the very existence of the *florilegia* and its traceability though *CAss*, GATTUCCI pointed out inconsistencies and unsound method in specific editorial choices. Though manifestly imperfect, BIGARONI's edition permitted ulterior studies, chief among which MANSELLI's magisterial analysis of the legends on Francis and of their *Formgeschichte* that constituted a definitive account of certain pericopes based upon internal evidence.<sup>496</sup> While the relentless BIGARONI redacted yet another version of the document with interlinear indications in 1992, admittedly no edition exists as yet that one may define as critical in the proper sense of the term.<sup>497</sup> Nevertheless, as ACCROCCA duly notes, BIGARONI's edition marks “il definitivo abbandono di una metodologia di ricerca ... tesa all'individuazione del

<sup>488</sup> Delorme, 1922, 38-9, 319-20. “Le ms. de Pérouse, le ms. Little et le *Spec.* Lemmens constituent trois familles d'un même texte.” *Op. cit.*, 37

<sup>489</sup> *Op. cit.*, 328.

<sup>490</sup> Delorme, 1926.

<sup>491</sup> Gattucci, 1975, 795-8 and Menestò, ‘Introduzione,’ (*FF* 1454-1458).

<sup>492</sup> Moorman, 1940.

<sup>493</sup> Cambell, 1967.

<sup>494</sup> Brooke, 1970.

<sup>495</sup> A. Gattucci, ‘Dalla “*Legenda Antiqua S. Francisci*” alla “*Compilatio Assisiensis*”: storia di un testo più prezioso che fortunato,’ in: *Studi Medievali* 20 (1979): 790-807. For critical recensions, see: S. da Campagnola *Laurentianum* 16 (1975): 357-67; O. Schmucki, *CF* 45 (1975): 316-9; J. Cambell, *Frate Francesco* 43 (1976): 21-8; Th. Desbonnets, *AFH* 69 (1976): 240-2.

<sup>496</sup> R. Manselli, *Nos qui cum eo fuimus*, 1980. Already in 1968, E. Pásztor had called for such an examination of the texts and their complex interrelations. See: *Studi Medievali* 9 (1968): 252-64. Her call would not be answered for more than a decade. Subsequently, Pásztor would however publish a new critical edition of the texts identified by Lemmens (*Verba sancti Francisci & Intentio Regulae*). Idem., Francesco d'Assisi e la “questione francescana”, Assise, 2000., 207-42.

<sup>497</sup> “Non si è inteso offrire un testo critico.” “*Compilatio Assisiensis*” dagli *Scritti di frate Leone e Compagni su S. Francesco d'Assisi*. Dal Ms. 1046 di Perugia. II edizione integrale riveduta e corretta con versione italiana a fronte e varianti, a cura di M. Bigaroni, Assisi 1992, P. XXXV.

florilegio inviato a Greccio....”<sup>498</sup> In any event, given that the authoritative text to date is that transcribed in BIGARONI 1992, it is therefore the edition consulted in the preparation of the current section.

For all the confusion on the complexities of the compilation and its interdependence with other texts, *CAss*’ place in the genealogy of texts has been firmly established.<sup>499</sup> Likewise, *Sitz im Leben* has reached the point of vast consensus.<sup>500</sup> Who is the author of the curious document? While a link to writings related to Brother Leo (*rotuli*) is possible,<sup>501</sup> the majority of scholars prefer to speak of a compiler(s) when it comes to the redaction of *CAss*’ transmitted form. Given codicological division into thematically diverse and graphically disconnected sections along with the absence of select pericopes in *Memoriale*, scholars often infer two conclusions. Though he had a substantial portion before him, Thomas likely did not have the entire *CAss* in hand when he took to composition; the entire material must therefore have been compiled on a separate and likely subsequent occasion. Bonaventure’s acquaintance with the probable chronological outlier of the source material used in *CAss* (*Verba sancti Francisci*) sets an absolute *terminus ante quem* of 1260. The editors of the recent French language edition have found occasion to question the latter conclusion above. They propose a compelling argument for a date as early as 1246, even counting *CAss* among the “écrits leonins” later collected and retouched.<sup>502</sup>

In the *CAss*, we who were with him (*Nos qui cum eo fuimus*) offer narrative anecdotes (*flores*) and instructional motifs (*exempla*), although it is not always immediately clear where and how to distinguish the two as the two genres do not generally lend themselves to hard and fast categories. As a consequence, the anecdotes, stories, and teachings put forth in the present work shall receive custom-tailored treatment and analysis. Examination of a pericope in terms of the world within the text, and the world behind the text shall ensue on an individual basis.

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<sup>498</sup> F. Accrocca, ‘La *Compilatio Assisiensis* nella Questione Franciscana,’ in: *AFH* 86 (1993): 105-110, here 107. For a divergent approach to the question of *CAss* and the dossier sent to Crescentius, see: E. Pásztor, 1974, 1980, 1988.

<sup>499</sup> The occasional study casts doubt on the largely affirmed relationship between *CAss* and *Speculum perfectionis* and seeks to reaffirm the by now obsolete thesis of P. Sabatier. See: M. Causse, ‘Paul Sabatier et la Question Franciscaine,’ in: *Revue d’Histoire et de Philosophie religieuses* 67 (1987): 113-35; Id. ‘Question Franciscaine (2e article). Du *Speculum Perfectionis* aux *rotuli* de Frère Léon,’ *ibid.* 69 (1989): 285-307; Idem. ‘Un inédit de Paul Sabatier: Texte critique de la Légende de Trois Compagnons,’ in: *AFH* 83 (1990): 568-86. Nevertheless, the studies of R. Manselli and R. Infantino (‘Lo *Speculum perfectionis* nella ‘questione franciscana,’ in: *Analecta TOR* 19 (1987): 411-58) provide unequivocal evidence against Causse’s claims.

<sup>500</sup> Cf. E. Menestò, ‘Introduzione,’ (*FF* 1460) and Desbonnet, 1983, 175.

<sup>501</sup> The sections of *CAss* bearing Lemmen’s denomination *Verba sancti Francisci* and *Intentio regulae*.

<sup>502</sup> S. Piron, ‘Introduction’ to ‘Les écrits de frère Léon,’ 1165-84, esp. ‘Identification des écrits de Léon,’ 1176-84 & F. Delmas-Goyon, ‘Introduction’ to ‘Compilation d’Assise,’ 1187-1207, esp. 1197-1204 on compositional context, authorship, style, and date.

As the writing of early companions, who along with their interpretation of the Minorite meaning had been pushed aside by the prevailing order, *CAss* instantiates a case of what Lefevere might consider a form of incompatible or even dissident literature. Given that the work's rewritten Francis treated the prevailing order and its cultural narrative with reproach and recall to a prior narrative, the institution's literary production had to interfere with its promulgation by altering it and absorbing it into the new official rewrite in Thomas' *Memoriale*.

## 2. Thematic-Theological Analysis

*Compilatio Assisiensis* puts forth a rich variety of obedience conceptions, some highly nuanced, others familiar to those acquainted with the writings of Francis and the early movement. Yet, while obedience as conceived and outlined in the present study remains ever-present in the background of the legend, poverty serves as the primary focal point of the *CAss* narrative. Textual analysis reveals a drastic shift away from the accent upon *obedientia*, as in *VbF*, in favour of other virtues. From the perspective of lexical representation,<sup>503</sup> one notes a marked difference in the economy and hierarchy of virtues, where the balance clearly sways in favour of *paupertas*, which outnumbers obedience by a factor of more than six. *CAss* also plays on classical hagiographical themes of *pietas*, *humilitas*, *reverentia*, *caritas*, and *pax*. *Humilitas*, though it pertains to obedience in some respects, often takes on the form of a couplet with poverty, which somewhat restricts the usual elasticity of the virtue. The theme of *perfectio*, so prevalent in *VJS* and to a lesser extent *DeInc* and *3Soc*, enters the scene and receives the highest frequency in usage to date of any Minorite hagiography. In reference to the rule, *CAss* employs *observantia* and *observatio* each on one occasion.<sup>504</sup> Of interest for the work's conception of obedience are the opening appendage and an image of a *servus Dei*, each of which offer alternatives to the prevailing institutional arrangement. The writing sets off with a passage containing 55 words in total, which mentions obedience four times, three times in substantive form, once as a verb, and precept three times.<sup>505</sup> The work's inaugural lines somewhat set the tone. Echoing a lesson found in Hugh of Digne's *expositio*, the periscope speaks of a superior who rules in an unruly manner in terms of a sword in the hands of a madman. The fuller indication from *ExpHug* relays the motif as grounds for deposing such

<sup>503</sup> *Paupertas* (53x), *pietas* (29x), *humilitas* (26x), *reverentia* (24x), *caritas* (17x), *pax* (15x), *perfectio* (15x), *obedientia* (8x).

<sup>504</sup> *Observantia*, *CAss* 101, *observatio* *CAss* 8.

<sup>505</sup> *CAss* 1 (FF 1471): Per **obedientiam** itaque raro **praecipendum** consuit, nec primo fulminandum laculum, quod esse deberet extremum. "Ad ense, inquit, non cito manus mittenda est." Eum vero qui **praecepto obedientiae obedire** non festinaret, nec Deum timere nec hominem revereri. Nihil verius istis. Nam quid in temeraro **praeceptore** auctoritas imperandi nisi gladius in manu furiosi? Quid vero desperatius religiosio **obedientiam** contemnente?

ministers, which is an echo of the *RegNB*'s 'principle of fraternal control of authority.' Another telling passage promotes a symbol for the obedient brother, which sets forth an alternative to the *Memoriale*'s image of ultimate passivity in the cadaver. In *CAss* 10, Francis instructs the brothers to consider themselves of little worth in relation to God.<sup>506</sup> We read, *servus Dei est quedam pictura*. The motif of the obedient brother as a painting for the divine design is in stark contrast to the image of dead obedience in Thomas' official legend and proposes a creative, more dynamic paradigm for obedience, which recalls conceptions both implied and explicit vis-à-vis charismatic principles forged by Francis and the early movement.

### *Gospel-Rule-Testament*

Analysis of the Gospel-Rule-Testament relation may be served by an initial investigation of the compositional and confirmational contexts as told in the account of *CAss* and in the terms of comparison individuated by QUAGLIA. As *DeInc* and *3Soc*, *CAss* affirms the singular authorship of regular redactions at Christ's instruction,<sup>507</sup> though other passages suggest Francis' singular authorship<sup>508</sup> and perhaps that of the brothers collectively. *CAss*'s narrative roundly rejects redactional unity, relating the redaction and approval of a first rule (*ita scribi fecit in prima Regula*) as well as that of a lost rule,<sup>509</sup> although without express mention of Honorius III's official confirmation of the rule in 1223. Even if *CAss* does not consider regular definitiveness in the identical terms as *VbF* or *DeInc*, its narrative does endorse definitiveness of the original rule alleged to have been dictated by Christ.<sup>510</sup> Somewhat surprisingly, confirmation receives only partial treatment, as indicated, for want of plain reference to Pope Honorius' official authorisation by bull. Of particular significance, a nuance in the development of the Gospel-institutional prescription proportionality matter becomes apparent in both a compact descriptor and an extended treatment. Therefore, not only does pericope 46 extol the rule as the marrow of the Gospel (*medullam Evangelii*),<sup>511</sup> the Gospel in essential form, but the *Intentio regulae* argues in no uncertain terms that the rule binds brothers to observance of the entire Gospel (*ad observandam perfectionem sancti Evangelii*).<sup>512</sup>

<sup>506</sup> *CAss* 10 (FF 1481-3)

<sup>507</sup> *CAss* 17 (FF 1495-6): ... *ad faciendum Regulam, quia prima erat perdita, quam, Christo docente, scribi fecit ... Christi respondentis: "Francisce, nichil est in Regula de tuo, sed totum est meum quicquid est ibi...."*; 45 (FF 1517-8): ... *in quadam Regula scribi fecit hec verba....* & 101 (FF 1637): *ita scribi fecit in prima Regula, cum portavit eam coram domino papa Innocentio III.*

<sup>508</sup> *CAss* 101 (FF 1637): *ita scribi fecit in prima Regula*; 112 (FF 1667-9): *Ego iuravi et statuti fratrum Regulam observare ... Fratres habent Regulam suam.*

<sup>509</sup> *CAss* 17 & 101 (FF 1495-6 & 1635-9)

<sup>510</sup> *CAss* 17 (FF 1495-6)

<sup>511</sup> The phrase is perhaps a distant echo of *VbF* 22 (FF 296-7): *Hoc est quod volo, hoc est quod quaero, hoc totis medullis cordis facere concupisco.*

<sup>512</sup> *CAss* 102 (FF 1639-41)

Thus, in addition to the assertion of the rule's God-revealed nature and the concomitant indication to obey the Gospel contained therein, *CAss* in its turn also endorses the absolute prevalence of Gospel content in the rule with unprecedented emphasis, a prevalence approaching equivalency. Although the epithet *medullam Evangelii* may suggest a straightforward, streamline text, explicit mention of simplicity and brevity are altogether absent in the legend. However, the depiction of the rule as a work in progress with the periodic addition of rule passages tends toward the negation rather than affirmation of the two categories. Passages even recount the circumstance of Francis' supplementing the rule. As with *3Soc*, the portrayals of a plurality of rules, and the image of a rule in progress also prevails.<sup>513</sup>

In virtue of emphatic reference to the Gospel and the *Test* in a regular context, the *CAss* constitutes an overt statement regarding the interrelation of the three elements. Taken as a whole, *CAss* represents a radical adoption of the *Test* and its meaning with renewed specificity for Gospel life encapsulated in the Minorite rule and with particular opposition toward the rulings of *Quo elongati*. Here, the suggestive nature of various passages and in particular the express call to obey the rule *sine glossa et ad litteram* and to obey the Gospel in its entirety bears exceptional significance. In passage 52, Francis implores brothers to follow the Gospel with no concern for the morrow. The account then relates that from the hour the Lord revealed to him that they should live according to form of the holy Gospel, they strove to observe it *ad litteram*.<sup>514</sup> *CAss* links an echo of the *Test* with the statement of Gospel observance *ad litteram*. The passage thus equates the brothers' life with observance of the Gospel *ad litteram* in a manner similar to *VbF*. Two other passages further the extent of identification between Gospel and rule. As indicated, a striking passage of *Intentio regulae* proclaims that the brothers are held to obey the Gospel in its entirety,<sup>515</sup> which the author couples with two familiar phrases, that is, *ad litteram, sine glossa*. Unmistakable reference to *Test (sine glossa)* and *Quo elongati (ad litteram)* drives the specificity of the account. *CAss* takes the ambiguous overlap between the normative spheres of rule and Gospel in other sources and transforms them into a single, identical sphere. In particular, the work's foundational myth on the rule includes a resounding proclamation by Christ to Francis. Implying a prophetic message also the present, the work presents resistance to the rule not from outside or from above, but from within the order.

After the brothers complain that the rule is too harsh (*nimis asperam*) and express their refusal to be bound to it, Francis consults with the Lord, whose voice becomes externally au-

<sup>513</sup> *CAss* 45 (FF 1517-8): *in quadam Regula scribi fecit hec verba*

<sup>514</sup> *CAss* 52 (FF 1528)

<sup>515</sup> *CAss* 102 (FF 1639-41)



dible. We read, *Franciscus, nichil est in Regula de tuo, sed totum est meum quicquid est ibi*. We read, *Et volo quod Regula sic observetur ad litteram, ad litteram, ad litteram, et sine glossa, et sine glossa, et sine glossa*.<sup>516</sup> Here, allusions to the *Testament* and *Quo elongati* redound thrice, rendering a judgment on Gospel-Rule-Testament relationality, which already wholly inheres the work, with abundant clarity. *CAss* thus affirms sacred quality of the rule and, at least on the surface, its interpretive inviolability. Yet, despite multiple *Test* echoes referring to the brothers' status as strangers and pilgrims in the world, *CAss* integrates a legitimising motif with regard to domicilial use.<sup>517</sup> Here, Francis entreats the brothers to construct no new churches, but advocates the use of cells and houses fashioned from mud and wood. The brothers were to wield no right of ownership; rather, they were only to stay in them as pilgrim and strangers. The position of *Quo elongati* regarding legitimate domicilial use finds a compliment in *CAss*. In principle, *CAss* therefore espouses, indeed deems normative, life by Gospel literalness and thus countermands *Quo elongati*'s ruling, but at once also subscribes to partial softening of the rule that its proclamation applies, that is to say, in the use of domiciles.

Elicitation of the *RegNB* and the *Test* passages conditions the charismatic understanding of the rule which *CAss* proposes.<sup>518</sup> Indeed, the work draws upon both rules with comparable frequency. The *Admonitiones* also feature on occasion. Interestingly, *CAss* is the only legend of the thirteenth century Minorite canon to acknowledge Francis' authorship of other writings.<sup>519</sup> Aside from the rule, the *Testament* overtakes all of the other writings in explicit mention and significance, in addition to underlying the legend's approach to the rule and to the charism. The reference regarding the brothers' dwelling in places *sicut advene et peregrini* appears to gain particular currency. Explicit references are joined with pericope 20, which reflects the direct influence of the *Test* as it relates that Francis refused to request papal arbitration from the curia in the form of privileges.<sup>520</sup> Curious passages attribute words to the *Test* that do not pertain to it, raising suspicion as to the potential existence of another or even several different testaments other than the *dictum* entitled Testament of Siena.

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<sup>516</sup> *CAss* 17 (FF 1495-6)

<sup>517</sup> *CAss* 56-8 (FF 1532-49)

<sup>518</sup> Few passages incorporating a teaching on the rule: *CAss* 61 & 62 on receiving novices (*RegB* II); 9 on remaining strangers and pilgrims (VI, 2 & 6); 11 & 39 *RegNB* Prol; 45 "written in one of the rules" *RegNB* X, 4 infirm; 48 (*RegNB* VII, *RegB* V) work and laziness; 51 beg for alms (*RegB* VI, 3); 119-20 (*RegB* III on office hours and *RegNB* on riding horseback). References to *Test* (4x): 58 (*Test*, 24, pilgrims and strangers), 101 (23, greeting of peace), 103 (13, honour theologians and ministers of divine words), 106 (24, care not to build... pilgrims and strangers)

<sup>519</sup> *VbF* cites the *Testament*, but neither recounts nor relays Francis' authoring of it.

<sup>520</sup> *Ego pro me volo hoc privilegium a Domino, nullum scilicet ab homine habere privilegium, nisi omnibus reverentiam facere et per obedientiam sancte Regule exemplo plus quam verbo convertere universos.*

At any rate, the literary device of Francis' unvarying reproach as well as the stalwart, resolute insistence upon Gospel, *Testament*, and rule distinguishes *CAss* from the prior two legends of a non-official nature, in that it renders the recall to past and the prophetic critique of present with exceptional intensity. While *DeInc* and *3Soc* were not without the potential for evocation of the charism and veiled critique, *CAss* and unequivocally looks to narrow the wide normative gap opened by Gregory IX's bull *Quo elongati* and coagulated by the order's constitutions. Not insignificant is the theoretical link of the *Testament* and the charismatic level of meaning with the locality of the Portiuncula, which the work proclaims as *caput et mater ordinis*. *CAss* 56 states that Francis bequeathed the poor church to the brothers, ordering that they always hold with reverence and devotion.<sup>521</sup>

#### *Poverty and Pauperistic norms*

Of equal if not greater importance to the rule in the narrative is the issue of poverty. The authors of *CAss* prove veritable champions of poverty, as it sets forth the clearest stance toward controversial matters and also the most pronounced critique of any legend to date. The work underlines the supreme importance of poor ways according to the rule in manifold motifs and symbols. Unsurprisingly, Francis himself serves as a bastion of poverty and a performative example at times also *in extremis* or the others. Francis experiences shame when he encounters one who is poorer than himself.<sup>522</sup> He tells the others that the man's poverty brings shame on them and passes judgment on their own, recalling the devotion he had promised to holy poverty in committing to her as his ladyship (*cum sanctam pauparetatem elegerim pro mea domina*). He also shows himself unwilling even to ride a donkey when ill, a necessity-based provision circumscribed in the rule for the infirm. Other brothers also feature as exemplary figures.<sup>523</sup> For instance, an emblematic scene reincorporates the final blessing at Francis' death and exalts Bernard as the exemplary poor brother.<sup>524</sup> He blesses Bernard (and not Elias), proclaiming that whoever accedes him as head of the order should always love and honour the man.

He began first and fulfilled most perfectly the perfection of the Holy Gospel, distributing all his goods to the poor. The legend tells of how Francis abhorred furnishings in a house, which he wished to sing of exile and pilgrimage (*ut omnia peregrinationem, omnia contarent exilium*) and recommended ragged sheets over straw bedding, which the brothers

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<sup>521</sup> *CAss* 56 (*FF* 1537)

<sup>522</sup> *CAss* 113 (*FF* 1670)

<sup>523</sup> *CAss* 72 (*FF* 1575-6)

<sup>524</sup> *CAss* 12 (*FF* 1486-90)

were to regard as a nuptial bed.<sup>525</sup> Particularly strong language marks the depiction of coined money and those who go near it. In his description of general minister, Francis declares money the principle corrupter of their profession and perfection (*nostrae professionis et perfectionis preceptuam corruptalem*).<sup>526</sup> He also rebukes and severely reprimands the brother who touches coins at the Portiuncula as in *DeInc* and *3Soc*.<sup>527</sup> Even as the ministers pressured him to allow for communal possessions, Francis shows himself a staunch defender of their poor ideal by way of his numerous rebukes and corrections. When he consults Christ on the matter, Christ responds that he would strip the brothers of all possessions be they individual or communal.

Sharing a similar sensibility for poor ways to that expressed in the writings, the authors sought to on the one hand make known their brothers faults in their transgressions by addressing certain common problems experienced in regards to poor living and on the other draw them back to the movement's original standards or an approximation thereof. In particular, the specificity with which the work confronts the matters of dwellings, dress, and books surpasses that of any prior legend. Such indications point to certain problematic items as concretely experienced in the order regarding interpretation and observance of the rule's poverty norms. Regarding books, *CAss* asserts that their worth lie in their testimony of the Lord, not in their elegance.<sup>528</sup> The brothers should have few books and make them available to those who need them. The authors do not yet specify the identity of such brothers, nor by what criteria they define said need, though the issue emerges further on. *Intentio regulae* puts forth a scathing indictment of the mentality that drives religious into the library and away from their vocation. Being held to a higher standard, the minister general should only have a pen and a small book for use in serving the other brothers.

With respect for proper dress, compelling motifs lay out the position held by Francis. As an example for the other brothers, Francis suffers the cold in a hermitage and merely mends his tunic with patches rather than doning several layers. In several instances, he shows extreme generosity as he gifts his mantle to others in need. As he lay dying, the man praises his sister larks, for they symbolise the ideal religious; a humble being, who gladly follows along the path looking for grain and even if found in manure, eats it all the same.<sup>529</sup> They praise the Lord in flight and look down on earthly things, considering their life in heaven.

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<sup>525</sup> *CAss* 26 (*FF* 1503)

<sup>526</sup> *CAss* 42 (*FF* 1514-5)

<sup>527</sup> *CAss* 16 & 27 (*FF* 1495 & 1503-4)

<sup>528</sup> *CAss* 25 (*FF* 1502)

<sup>529</sup> *CAss* 14 (*FF* 1492-4)

Dull, earth-like feathers represent the clothes fitting for a religious. In such a manner, the image of a lark offers good example to religious not to wear clothes that are colourful or refined. In a moment of indignation, Francis relays how he detested brothers who wore many layers of clothing of soft material and without necessity.<sup>530</sup> Here the legend enters into a difficult topic that comes to bear on Minorite communal life; namely, discerning the legitimate basis for exception to the rule due to necessity. Such a loose take on necessity, argues Francis, rests on pleasure and not on reason (*non ratio sed voluptas ostentat*).

The legends presents a lesson on how standards can diminish in a piecemeal fashion until a religious is outside of the realm of grace and fully immersed in a worldly mentality. Francis thus admonishes them to maintain strict consciences lest they slip into a pattern, risking a downward spiral into a transgressive course of action. As suggested, Francis even wished to endure need even when he need not do so, in order to offer good example to the other brothers. Indeed, to take more than one needed would be cheating the poor of their share and would thus be tantamount to theft, a likely critique of the policies arbitrated in the bulls *Quo elongati* and *Ordinem vestrum*.<sup>531</sup> In a moment of conviction, the man from Assisi speaks of true necessity (*vera necessitas*).<sup>532</sup> If encountered, not only ought the brothers exempt themselves from the rule only a grave case nor observe the rule in spite of it, they must be embrace even the direst of needs. The harsher the circumstance, the greater the heavenly reward. Here he likens a lack of perseverance in need to the Israelites returning to Egypt after long years in the desert rather than follow on to the Holy Land.

The rule allows the brothers two tunics, which may be mended with patches when necessary. He permitted the infirm to wear a finer material underneath, provided they overlay a rough and cheap material on outside. A warning then ensues on the human tendency to become obtuse and inattentive in observance, *Tantum adhuc laxabitur rigor, dominabitur tepor, quod filii pauperis patris etiam scarulaticos portare, colore solum mutato, minime verebuntur*. The passage accomplishes a double effect. At once it convicts the guilty and also calls them back to the severity of the original standards. Thus through certain narrative events, *CAss* begins to display the true meaning of necessity and its legitimate employment as justification for making exceptions to poverty norms. However, in the first instance, by addressing the standard of necessity in cases of exception, *CAss* not only looks unfavourably on *Ordinem vestrum*, it also reverts to the pre-*Quo elongati* standards of poverty, at least in theory.

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<sup>530</sup> *CAss* 92 (*FF* 1616-7)

<sup>531</sup> *CAss* 15 (*FF* 1495)

<sup>532</sup> *CAss* 30 (*FF* 1505-6)

More than any other case of poverty norms, *Cass*'s treatment of issues regarding the use of architectural structures undercuts its otherwise purely charismatic approach to the rule viewed through the lens of the *Test*. Also the considerations on poor structures are somewhat ambiguous in logical consequence, which further complicates the matter. One senses the struggle with which the conscientious adherents of the primitive ideal approached the trying times in which they lived. It is evident from allusion that, by the companions' account, only poor abodes and hermitages were allowed the brothers (*permanent in pauperculis domibus et heremitoriis*).<sup>533</sup> An extended treatment of proper protocol for construction of Minorite dwellings explains the matter.<sup>534</sup> Poor dwellings are to be fashioned from mud and wood and consist of little cells for prayer. The passage also permits the use of churches, if they are not too sizeable. Though Francis acknowledges the existence of some larger, more extravagant buildings in the order, he beseeches his brothers to observe their rule and holy poverty in order to avoid scandal, give good example, and edify others. A striking example shows Francis' reaction to the construction of a grand structure of stone. With Francis away from the scene, the brothers built a large house with walls at the site of the Portiuncula made of stone and mortar absent Francis' consent.<sup>535</sup> Upon returning, he found the house and at once stormed into action to dismantle it. Just then a representative of the Commune arrived to halt the brothers from destroying the house, claiming that it now belonged to the Commune of Assisi. Francis replies that he will not touch the house if it belongs to them. As in all things, Francis had a stricter conscience than the others, and he held himself to an unprecedented degree of asceticism when it came to poverty. Francis even refused an eremitical cell prepared for him.<sup>536</sup> Though the brothers had fashioned it out of wood, its appearance was too beautiful, so he ordered it to be covered in branches and ferns. Further in the narrative, when offered to stay at Cardinal Leo's residence in a tower with nine chambers at the city wall of Santa Croce, he fears giving bad example to devout brothers who *permanent in pauperculis domibus et heremitoriis*.<sup>537</sup>

#### *The Authority of Francis*

Due to the clear identification of the rule with Christ's will, it follows that God would also bestow upon Francis a greater authority. However, his is an authority that contingent on Christ and which he also inverts in order to better serve others. The figure of Francis is thus

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<sup>533</sup> *CAss* 117 (*FF* 1677-82)

<sup>534</sup> *CAss* 58 (*FF* 1546-9)

<sup>535</sup> *CAss* 56 (*FF* 1532-43)

<sup>536</sup> *CAss* 57 (*FF* 1543-5)

<sup>537</sup> *CAss* 117 (*FF* 1677-82)

more forceful in correction and in defence of the instructions given him by Christ, but also a good measure more servile. A revival of supernatural powers of discerning the inner realms of others consciences' from *VbF* takes the form of miraculous revelations of inner thoughts and wishes, whereby he miraculously comes to know the thoughts of a brother<sup>538</sup> and is acquainted with the wish of another from afar.<sup>539</sup> Such extra-sacramental grace affords Francis a privilege reserved only for men of holy orders. Yet relatively few miracle accounts and the complete lack of a stigmatisation narrative represent Francis as a holy man, but one with non-extraordinary authority over nature. He was nevertheless shrouded with virtue (*Indutus homo iste virtute*).<sup>540</sup>

Francis' hybrid leadership style corresponds to the attributes of justice and mercy common to God. The forcefulness of Francis' leadership asserts itself as commands, rebukes, corrections, and punishments. With no precedence in the Minorite canon as yet, *CAss* presents the image of Francis the enforcer saint. The man of Assisi does not show particular hesitance to issue mandates to brothers. Yet most orders revolve around self-deprecating acts.<sup>541</sup> Francis' gears his rule toward the observance of the Gospel and the rule and the elimination of vice. For such a reason Francis praised Brother John the Simple who imitated him perfectly and also executed Gospel commands without falter. An integral part of a forceful approach to charismatic leadership is an adamant assertion of a forging a unique path as is shown in his response to Cardinal Hugo and the other brothers who seek to persuade Francis to permit guidance from the other monastic rules in forming the community.<sup>542</sup>

Most notable with regard to forceful exercise of authority is Francis' unvarying reproach, which, although it serves a specific purpose as a literary device for the work's polemical inclination, still impresses upon the reader certain attributes of Francis. It is said of him that no idler could appear in his presence without feeling the sharp bite of his criticism (*Nullus coram eo comparere poterat otiosu, quin mordaci dente eum corripere*).<sup>543</sup> The vast majority of reproachful motifs involve poverty or idleness. He detested brothers who wore many

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<sup>538</sup> *CAss* 72 (*FF* 1575-6)

<sup>539</sup> *CAss* 73 (*FF* 1576-8)

<sup>540</sup> *CAss* 28 (*FF* 1504)

<sup>541</sup> In *CAss* 80 (*FF* 1589-91), Francis orders Peter to obey and not contradict whatever he wanted to say and do to himself. The scene leads to a demonstrative act of self-deprecation. Other passages link observatio and Francis' will in executing acts that encourage the saint's own self-*minoratio*. Cf. *CAss* 8 (*FF* 1477-80).

<sup>542</sup> *CAss* 18 (*FF* 1497-8). With an emphatic response, he proclaims, "*Fratres mei, fratres mei, Deus vocavit me per viam humilitatis et ostendit michi viam simplicitatis: nolo quod nominetis michi Regulam aliquam, neque sancti Augustini, nec sancti Bernardi, nec sancti Benedicti. Et dixit Dominus michi, quod volebat, quod ego essem unus novellus pazzus in mundo; et noluit nos ducere Deus per aliam viam, quam per istam scientiam; sed per vestram scientiam et sapientiam Deus vos confundet. Sed confido ego in castaldis Domini, quod per ipsos vos puniet, et adhuc redibitis ad vestrum statum, ad vestrum vituperium; velitis, nolitis.*"

<sup>543</sup> *CAss* 49 (*FF* 1521-3)

layers of clothing and of soft material,<sup>544</sup> corrected idle words,<sup>545</sup> orders brothers to observe (*talia ordinavit et a fratribus observanda mandavit*), rebukes and severely reprimands a brother who touched coins at the Portiuncula,<sup>546</sup> and rebukes a young nobleman with impure intentions, and calling him a wretched and fleshly man, turns him away, refusing him entrance into the order.<sup>547</sup> In an especially marked instance, he forcefully rebukes the entire town of Arezzo as animals who bound and sold themselves in the market and as wretched and ignorant people, ungrateful for God's favour.<sup>548</sup> As a lesson on poverty, he reproaches a brother who slanders a poor man, commanding the brother to go before the poor man naked and beg forgiveness at his feet.<sup>549</sup> Upon reflection, a key phrase brings insight to the policy on reproach, punishment, and correction, which is nothing other than an extension of his theology of God.<sup>550</sup> He reveals as much when he states, *quos diligit Dominus tenere in presenti vita, nichil in ipsos relinquit inultum*.

If Francis proves more than willing to assert his charismatic authority in *CAss*, he also exhibits a caring, merciful, at times even servile attitude in other aspects of his charismatic leadership. The primary focal point of Francis' softer side as a charismatic authority fans out from the abdication narrative, a unique feature to *CAss* and only one other Minorite legend (*Memoriale*). Though the act had its precedence in the early choice of Bernard as the group's leader and the request for a constant guardian, whose bidding he could do, the abdication finalised a constant yearning experienced by the saint, that is, to be lowly not only in the Church but also among brothers.<sup>551</sup> Quite early on in the discourse Francis states his resignation as head of the order, citing a wish to remain one who is lesser in the religion.<sup>552</sup> Other passages flesh out the description of his hopes in performing the act and the consequences of its performance.<sup>553</sup> Pericope 112 unfolds Francis' motive in abdicating his post. *quapropter, ex quo dimisi officium fratrum, de cetero, propter infirmitates meas et pro maiori utilitate animae meae et omnium fratrum*. A willingness to be of service and to offer example to the other brothers stands at the centre of his purported motive in abdication. The passage here also suggests that Francis may have abdicated in order to better fulfill the rule.<sup>554</sup>

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<sup>544</sup> *CAss* 29 (FF 1504-5)

<sup>545</sup> *CAss* 107 (FF 1653-5)

<sup>546</sup> *CAss* 27 (FF 1503-4)

<sup>547</sup> *CAss* 70 (FF 1573-4)

<sup>548</sup> *CAss* 108 (FF 1655-62)

<sup>549</sup> *CAss* 114 (FF 1670-2)

<sup>550</sup> *CAss* 116 (FF 1675-7)

<sup>551</sup> *CAss* 9 (FF 1480-1)

<sup>552</sup> *CAss* 11 (FF 1483-6)

<sup>553</sup> *CAss* 106 & 112 (FF 1647-53 & 1667-9).

<sup>554</sup> *CAss* 109 (FF 1662-4)

An extension of the logic undergirding his abdication, the man from Assisi lays out the burden of a leader and the delight that one must share in resistance and ridicule. No one is a lesser brother unless he has the attitude by which he is equally as content with insults, dismissal, and shame as with praise and honour. The other brothers accrue benefit all the same, and if they throw me out, my benefit is greater. A good leader, he continues, should be happy to hear the words *Nolumus te regnare super nos*. Here he echoes a Lucan verse and thus grafts the anecdote to the principle logic of the conception of proper leadership under the charism, which is to say giving of self in favour of other. Thus, even as a prelate, Francis performs the charismatic guiding principles of self-*minoratio* and obedience to all. As such, Francis suffers with the other brother and is at times austere with himself and compassionate with others.<sup>555</sup> A key passage delivers the core message of Francis' more compassionate approach to charismatic authority. He endures the bitter cold in a hermitage near Rieti with other brothers.<sup>556</sup> Here, he expresses the wish to be the form and example for the other brothers (*Me oportet esse formam et exemplum omnium fratrum*). To that end, he left the office of prelate. His highest and principal goal was to teach the other brothers more by actions than by words what to do and what to avoid. Declaring the ultimate goal of the *officium praelationis*, he states, *Meum officium est spirituale, videlicet prelatio super fratres, quia debeo dominari vitiis et ea emendare*.<sup>557</sup>

#### *Order Authorities*

Aside from the at times transferable qualities of Francis as a leader, *CAss* also exemplifies and details characteristics of the ideal order authority. Parallel to the hybrid charismatic leadership style, the image of order hierarchy put forth in the legend is at once stern and also merciful. Above all, the spiritual nature of their post and the duties that uphold such a function come to the fore, as suggested by the comments above. At the outset of the legend, Francis cautions against commands given under obedience, admonishing officials not to issue them lightly.<sup>558</sup> A rhetorical question provides the force of the passage. What is a command in a rash leader but a sword in the hands of a madman? Here we find a striking parallel to *ExpHug* on the nature and control of power within the order. Hugh relates that some among the brothers believe the charismatic policy of fraternal control of superiors (*RegNB*) should stand, whereby the sword of power should be removed from the hands of a madman.

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<sup>555</sup> *CAss* 50 (*FF* 1523-6)

<sup>556</sup> *CAss* 111 (*FF* 1665-6)

<sup>557</sup> *CAss* 106 (*FF* 1647-53)

<sup>558</sup> *CAss* 1 (*FF* 1471)



Borrowing in part from *Memoriale*, *CAss* puts forth a description of a minister general, whereby Francis enters a diatribe on the ideal attributes and actions of a holder to the office. Presenting his query to the man from Assisi, a brother egresses and inquires as to whom he would appoint as father of his family and as his successor.<sup>559</sup> Interestingly, he responds that he finds no adequate candidate as leader of such a varied army, or shepherd of such a large flock. Francis then proceeds to paint the image of an ideal minister general in attitude and in deed with particular emphasis upon equal treatment of all, availability, transparency, and service. He must be of distinguished dignity, of great discernment, and of praiseworthy reputation. Without favourites, he must love all equally. The ideal minister should be weary not to neglect devotion to prayer and the sacraments. Evoking total transparency, Francis asserts that he must make himself available for all to peel away his skin. He should respond to all and provide for them. Francis then reinforces the absence of favouritism characteristic of an ideal leader with the assertion that he must show an equal measure of care for the lesser and simple brothers as he does for the others.

The ideal head minister must also live in simple and poor ways, the saint declares. A habit and a little book (*libellus*) shall suffice for his needs and for brothers' needs a pen and seal shall serve him well.<sup>560</sup> He must not be a collector of books (*aggregator librorum*), nor be excessively immersed in study, but console others acting as the final refuge of the distressed. The charismatic principles of Minorite leaders as *ministri et servi* properly crystallise in *CAss*' description, as if taken directly from *RegNB*. Recalling the pastoral role of the minister, Francis states that he must show mercy in the face of recalcitrant brothers. He is to bend rebels to meekness by lowering himself and relinquishing some of his rights (*se ipsum prosternat et aliquid sui iuris relaxet*). In addition, head ministers are to be merciful to those who withdraw from the order, for they are as lost sheep. A key passage on the ministers' responsibility as guardian of the other brothers' souls then rounds off the early movement's approach to leadership. In particular, he must concern himself with the consciences of others, discerning what is hidden there and drawing out the truth from its hidden recesses. Perhaps more so than all other works studied in the present investigation, *CAss* captures the essential attitudes and responsibilities proper to Minorite ministers.

A certain muster and backbone is also required of a head minister, for his post entails the forceful maintenance of discipline as well as the intimate care of souls. At once, a minister general must not show excessive meekness and allow numbness to set in or indulgence to

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<sup>559</sup> *CAss* 42-3 (*FF* 1514-7)

<sup>560</sup> *CAss* 43 (*FF* 1516-7)

dissolve discipline. Though he ought to be loved by all, he must also be feared by them in equal measure. Additionally, *CAss* seeks to instil the proper view of superiors from below. Here the classical monastic motif of vicar of Christ serves as the operative imagery to channel the message. We read, *Honorari eum vice Christi vellem ab omnibus et in omnibus cum omni benevolentia Christi provideri.*<sup>561</sup> The subject should not consider his prelate, a human being, but God, for love of whom he is subject to him.<sup>562</sup> The work thus calls for the utmost respect and reverence in relation to hierarchy. The motif of vicarage connotes a degree of identification of order superiors with the divine and thus grants their authority a sacral dimension. Sacred power tends to assert itself in an absolute form. Such an image surely does not pertain to lexicon, nor to the mentality of the early movement.

### *Charism and Charismatic Principles*

The motifs employed in support of the charism and charismatic principles are largely geared toward lessons on poverty and asceticism, though they are also not entirely astride from notions of self-*minoratio* and obedience to all. For instance, an early pericope depicts Francis who wishes brothers to serve lepers as a sign of humility and poverty.<sup>563</sup> As suggested, *CAss* delimits the usual flexibility of the virtue *humilitas* by means of a perennial link to *paupertas*. With regard to incorporation of charismatic principles, the legend reinforces above all lessons regarding devout, inner observance *spiritualiter*, lowly labour, mutual love, and a disposition of service to others. Francis speaks with the language of the early movement when referring to the abuse of the exception to poverty based upon necessity.<sup>564</sup> Here he declares that in negligence the mind of the flesh forms the conscience (*sensus carnis conscientiam format*). He begins to echo the *spiritualiter-carnaliter* dichotomy and observance *spiritualiter* of rule. Francis detested brothers who wore many layers of clothing and of soft material, saying that it was a sign of a spirit that is extinguished (*signum extincti spiritus*). In another passage, he rebukes a young nobleman, turning him away and refusing him entrance into the order.<sup>565</sup>

As far as labour is concerned, *CAss* reinforces the policy in *RegNB* and *Test* and supplements their lowly work with internal and external motivation.<sup>566</sup> In our manual labour, declares Francis, we stray away from idleness and are less of a burden to people. Averse to prof-

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<sup>561</sup> *CAss* 43 (*FF* 1516-7)

<sup>562</sup> *CAss* 11 (*FF* 1483-6)

<sup>563</sup> *CAss* 9 (*FF* 1480-1)

<sup>564</sup> *CAss* 29 (*FF* 1504-5)

<sup>565</sup> *CAss* 70 (*FF* 1573-4)

<sup>566</sup> *CAss* 48 (*FF* 1520)

it, he would never accept payment for his services. The *Intentio regulae* purports a lesson in which it describes a novice who desired to have a Psalter followed by an intervening lesson on the tendency of brothers to – on the pretext of edifying others – exert too much energy in learning and grow cold spiritually, or become idle or prideful, and abandon their vocation.<sup>567</sup> While it appears to meander from issue at hand, the narrative proceeds along a diatribe against excessive importance on study and little thought for spiritual endeavours or manual labour, which are benefits to self and others.

For the authors, the locus of the brothers' charismatic identity is undoubtedly Francis' beloved church, the Portiuncula, with particular emphasis upon self-*minoratio* and lowly labour. Select passages<sup>568</sup> adorn the humble church with grand titles such as the poorest little church in the area of Assisi, the mother and head of the poor Lesser Brothers, and the God-gifted church. An appeal to the *Test* buttresses the claim to the church as a primary site of the charismatic revelation, origin, and enduring identity. A litany of virtues then follows, chief among which are fraternal correction of useless or idle words, manual labour, ascetical practices, and coming to the assistance of the poor. Indeed, *CAss* expresses Francis' wish that the humble church be the model and example of the entire religion (*forma et exemplum totius Religionis*). A veiled critique of the basilica of St. Francis is detectable, that is, of its bestowal by the Church as *caput et mater ordinis* and its grandiose presence that communicates institutional posturing. In short, the authors propose the Portiuncula, and specifically not the papal basilica, as the brothers' *caput et mater*.

On the occasion of a chapter meeting, Francis issues a blessing, which somewhat encapsulates the core of the charism as represented in *CAss*. Here, he blesses the chapter and all brothers present and shows his will in three words, as sign of remembrance of his blessing and testament;<sup>569</sup> may the brothers always love each other, always love and observe their Lady Holy Poverty; and may always remain faithful and subject to prelates and all the clerics of Holy Mother Church.<sup>570</sup> The blessing is followed by yet another exhortation to provide good example and steer clear of bad example. As a result, mutual love and service of others provide the main channel for the brothers' exercise of the early movement's guiding principles. To repeat previous indications, an integral form of articulating such a good example for the authors was to remain true to holy poverty and observe the rule. Again, the pendulum sways toward the primacy of *paupertas*.

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<sup>567</sup> *CAss* 113 (*FF* 1670)

<sup>568</sup> *CAss* 56 & 106 (*FF* 1532-43 & 1647-53)

<sup>569</sup> *CAss* 59 (*FF* 1549-51)

<sup>570</sup> K. Esser considered the passage a dictum of Francis. Cf. K. Esser, *Opuscula*, 323-4.

However, the early movement's stance on universal obedience and a disposition of service to others expresses itself in a manner distinct from poor ways, as well. Such principles echo in n. 115 and its outline of a strategy for converting robbers.<sup>571</sup> Francis entreats the brothers to bring the thieves food and to wait on them with patience. They are to be shown humility and charity. The brothers must then provide a witness to mercy and service of the Lord, proclaiming that it is better to serve the Lord. Francis himself embodies the service of others in his resignation,<sup>572</sup> which proves a form of obedience to the duty to provide a good example to others. Here he devoutly prays that Lord govern, preserve, protect, and defend religion, ending the motif with the words *volo usque in finem observare*. A refreshing hint of cosmic obedience also features in the legend's narrative. The narrative recounts how, on his death bed, Francis wished everyone to be cheerfully generous not only to the poor but also to the animals and birds.<sup>573</sup> He would often tell his brothers to protect sister larks. He had even wished to entreat a written law against harming them and to oblige people to scatter grains of wheat for them to eat. Also on the occasion of Christmas, he imagined that at the Nativity scene all should give brother ox and brother ass a generous portion of fodder. While the nature motifs in other legends are demonstrative of Francis' care for nature to a point, they operate in large part as literary devices designed to serve as proofs of holiness based on a classic pattern of a saint's ability to exercise control over nature.

#### *Ecclesial Obedience*

As with all Minorite legends, *CAss* puts the brothers' obedience and reverence for all levels of men in holy orders, from the lowest ranking parish priest to the highest curial official, all the way up to the Vicar of Christ himself. To all clerics Francis and his brothers show due deference. The legend recounts how in the early days of his conversion Francis would sweep churches and exhort those present about cleanliness of churches, altars and everything pertaining to celebration of divine mysteries.<sup>574</sup> Evoking notions of the early movement, there is an entire pericope devoted to an explanation on the brothers' relationship to clerics.<sup>575</sup> Francis taught by word and showed by example always to be humble to all, behaving as little ones (*parvulos*), but particularly toward clerics. Here he calls the brothers to be children of peace and to be subject to prelates at all times (*estote subiecti*). Two lexical echoes from the writings of the early movement, both from the epistolary genre. The legend is sure to assert

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<sup>571</sup> *CAss* 115 (*FF* 1672-4)

<sup>572</sup> *CAss* 112 (*FF* 1667-9)

<sup>573</sup> *CAss* 14 (*FF* 1492-4)

<sup>574</sup> *CAss* 60 (*FF* 1552-3)

<sup>575</sup> *CAss* 19 (*FF* 1498-9)

the position of priests, as Francis admonishes the brother reveres priests and consider them as his lords.<sup>576</sup> In a curious passage, Francis shows reverence for a particular bishop.<sup>577</sup> After delivering a sermon in the piazza and receiving high praise from the crowd, the bishop approaches Francis and cordially extends his greetings. At once Francis shows supreme humility toward the bishop of Terni, falls to his feet, and honours him for not praising the creature but the Creator. Perhaps more so than in other legends, Cardinal Hugo of Ostia shows extraordinary initiative and interest in wishing to protect the budding movement from the critique and attack of other prelates and orders.<sup>578</sup> He extends the hand of assistance offering not only his own protection but also that of other cardinals so long as the brothers remain within the region.

Perocope 49 tells of an encounter between Francis and Dominic at the residence of Hugo of Ostia.<sup>579</sup> Baring the unlikelihood of the account's historical veracity, the bishop asks both of them whether he can make their brothers into prelates and bishops, for they resemble the poverty and charity of the apostles and early church fathers themselves. Francis responds that the brothers bear the name minor so that they do not presume to become minor. The saint beseeches the bishop not to ever allow them to become prelates for they will begin to become proud and arrogant. The account issues a scathing indictment of jealousy and envy, ambition for honours, and conflict that arises as a result. Francis urges the brothers to look at their fathers and reassures them that it does not concern the good, only the bad, who should be rooted out so that they do not infect the others. The narrative contains a potential critique of the inserting Minorites into hierarchical roles in the Church. If read in conjunction with the 1241 election of Leo of Perego to the Milanese archvescovoal cathedra, such an interpretive perspective is plausible.

### *Memoriale in desiderio animae*

#### 1. Textual Features and *Sitz im Leben*

Of newly reinforced authenticity and integrity, Thomas of Celano's 1245-7 legend, entitled *Memoriale in desiderio animae* survives either partially or fully in fourteen manuscripts of varied origin, a relatively small but unsurprising turn out given the 1266 decision at chapter to eradicate all prior legends. S. RINALDI redacted the first modern edition in 1806 using a

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<sup>576</sup> *CAss* 58 (*FF* 1546-9)

<sup>577</sup> *CAss* 10 (*FF* 1481-3)

<sup>578</sup> *CAss* 108 (*FF* 1655-62)

<sup>579</sup> *CAss* 49 (*FF* 1521-2)

late-eighteenth century apocryphal codex.<sup>580</sup> Shortly after the turn of the last century, P. SABATIER argued that the *Memoriale*'s manuscript tradition is foiled by the transmission of two principal redactions that were the product of successive redactional stages. Critical editions in the post-Sabatierian era ought therefore to somehow grapple with the paleological and philological quandary of a double redaction. In the preparation of their 1936 edition, until recently the prevailing modern authority, the Quarrachi fathers had consulted the only two manuscripts available at the time (ms. AB.23 and ms. 686) comparing them with a few extant excerpts in auxiliary codices.<sup>581</sup> All modern translations have thus far depended fully upon the Quarrachi edition with the exception of one. SABATIER's theory then found renewed support in such scholars as F. ACCROCCA<sup>582</sup> and J. DALARUN, though specific discrepancies still remained. In the 2010 French language edition, DALARUN formally addressed the problem. With the Quaracchi text in hand, he elected to provide a diplomatic version with a synoptic outlay to exhibit divergence between the two codices consulted by the Quaracchi editors.<sup>583</sup> Reexamination of the manuscript tradition and the fortuitous rediscovery of ms. C.4 of Uppsala allowed ACCROCCA and A. HOROWOSKI to individuate and identify three redactional phases in the extant manuscripts,<sup>584</sup> which they determined to be subsequent recensions.

In conjunction with the call to gather anecdotes and sayings (*miracula gesta et verba*) of Francis advanced at a 1244 chapter meeting, minister general Crescentius of Iesi entrusted the author, Thomas of Celano (already introduced in a prior section), with the charge to gather such accounts and with them to compose a legend unto Francis' honour.<sup>585</sup> In addition to his own prior work, Thomas' known sources were composed in environments linked to Francis'

<sup>580</sup> S. Da Campagnola, 'Introduzione,' *FF*, 271.

<sup>581</sup> Thomas de Celano, *Vita secunda S. Francisci, Legendae S. Francisci Assisiensis saeculis XIII et XIV conscriptae, Quaracchi*, coll. *Analecta Franciscana X*, 1926-41: 127-268 & *Addenda et corrigenda*, 722-723.

<sup>582</sup> F. Accrocca, 'Le due redazioni del Memoriale nel desiderio dell'anima di Tommaso da Celano,' in: *Frate Francesco* 72 (2006): 153-186 & 'Due diverse redazioni del "Memoriale in desiderio animae" di Tommaso da Celano?: una discussione da riprendere,' in: *CollFranc* 74 (2004): 5-22.

<sup>583</sup> Dalarun admits to supplementing the pericope *Memoriale* 220a with Città del Vaticano, BAV, Chig. C.V.136. Cf. Vies, 1438, note 4.

<sup>584</sup> Important mss. for determining the *stemma codicum* of the intermediate and final stages include: Poppi, Biblioteca Comunale Rilliana, ms. 13; Assisi, S. Convento, Fondo Antico Comunale, ms. 686; Rome, Collegio San Lorenzo da Brindisi, ms. AB.23; & codice del Museo Francese in Marsiglia. The editors consulted auxiliary codices, often times compilations of Franciscan hagiographies, corresponding to the intermediary (Worcester, Cathedral Library, ms. F.75; Bologna, Biblioteca Universitaria, ms. 2134; & Dublin, Franciscan Library, ms. *sine numero*) and final stages (Perugia, Biblioteca Comunale Augusta, ms. 1046; Firenze, BNC, Conv. Soppr. C.9.2878; Rome, Antonianum, ms. 1; Rome, Collegio S. Isidoro, ms. 1/73; Fribourg Suisse, Bibliothèque des Cordeliers, ms. 23.J.60; Città del Vaticano, BAV, Chig. C.V.136; & Napoli, BN, ms. VI.E.20). They then published a synoptic edition in 2011, which accounts for the three recensions. Given that the initial stage survives in but a single codex (Poppi, Biblioteca Comunale Rilliana, ms. 13) and is no longer reconstructable, the edition furnishes the intermediary stage<sup>584</sup> alongside the final stage represented by the manuscript widely known as the 'codice del Museo Francese in Marsiglia' located at the Cappuccin Archivio Generale in Rome. The standard *FF* edition is used in the present study.

<sup>585</sup> Eccleston, 166.

companions, that is, *De Inceptione*, *Legenda trium sociorum*, and at least a substantial part of *Compilatio Assisiensis*.<sup>586</sup> The former two supplement the first book's chronological narrative, while the latter offers a wealth of rich motifs that Thomas employed for the lengthy second book. The general climate in the order was not a positive one. The tumult of Elias' deposition, the constitutional restructure, and promulgation of the bull *Ordinem vestrum* had given ample cause for scruple and dispute. Evident tensions in the order indicate that the motive behind the call for a new legend likely exceeded the effort to sharpen the brothers' historical consciousness and entered the realm of identity construction and instilling a sense of the ideal and the normative. In fact, Thomas' self-proclaimed motive in writings as he did was to honour Francis and rouse the brothers' dozing hearts.<sup>587</sup> Still Thomas expressed hesitation in the prologue, recognising his limitations in fashioning an ideal depiction of Francis and the early movement, even going so far as to frame the subject in terms of remaining humble lest one be perceived as presumptuous and fall short of obedience.<sup>588</sup>

## II. Thematic-Theological Analysis

The relatively high prevalence of the Latin *obedientia* in Thomas' *Memoriale* reflects the thematic focus of the work and evinces a marked shift in the economy and hierarchy of virtues from the perspective of lexical representation and to an extent in a broader sense.<sup>589</sup> Outnumbered only by *paupertas* and *caritas*, *obedientia* arises on some 28 occasions, which is just over half the iteration of the top virtue. As with other legends of the period, *paupertas* rules the roost of explicitly mentioned virtues. Given that the legend elicits obedience by name predominantly in select instances regarding obedience toward God, Francis, or ecclesiastical hierarchy, the case of *Memoriale* yet again shows the demand for recourse to the theoretical grammar established at the study's outset and developed in the course of in-depth textual analysis. For instance, the work also invokes *observantia* in the context of observance of the rule, of the Gospel, and of the Highest Poverty, thus immediately evincing a degree of thematic overlap between the two terms.<sup>590</sup>

<sup>586</sup> Dalarun counts a total of three episodes adopted from *VbF*, five from *AP*, thirty-four from *3Soc*, and eighty-seven from *CAss*. J. Dalarun, *La Malavventura di Francesco d'Assisi: Per Un uso storico delle leggende francescane* (Milano: Edizioni Biblioteca Franciscana, 1996), 92.

<sup>587</sup> *Memoriale* 26 (FF 467-8): ... *non superfluum puto de multis pauca subnectere, quibus et commendetur sanctus et noster somnolens excitetur affectus.*

<sup>588</sup> *Memoriale* 1 (FF 443-4)

<sup>589</sup> *Paupertas* (49x), *caritas* (31x), *obedientia* (28x), *pietas* (25x), *humilitas* (23x), *perfectio* (22x), *simplicitas* (18x).

<sup>590</sup> *Observantia* appears three times: 33 (*regularis*), 78 (*sancti Evangelii*), 204 (*paupertatis altissimae*).

As in Thomas' first legend, the conversion motif has strong, explicit overtones of obedience. In carrying out the will of the Father and in pursuit of perfection,<sup>591</sup> Francis obeys Christ's command and receives divine rank (*divinum praesidatum*),<sup>592</sup> a *hapax legomenon* in Thomas' works, which refers to accession to a position of feudal lordship. God calls Francis by name, and issues the first instalment of a double command, the first regards following *sequela Christi*; the second the Church. The two commands correspond with the order's twofold mission of following Christ in poverty and serving the Church. As Francis completes his turn toward God, he already becomes a model of obedience *forma obedientiae factus* (cfr. 1Pt 5, 3) worthwhile of emulation, as he is even a feudal lord over himself.<sup>593</sup> Here the narrative opens a recurring ascetical motif designed to communicate Francis' complete spiritual integrity, whereby Francis' body obeyed his spirit.<sup>594</sup> Indeed, he begins to undergo a mysterious change, which dovetails in a single, enigmatic event. Pericopes 10-11 then initiate the other a major thematic thread in book I.<sup>595</sup> At the church of San Damiano, the suspended crucifix calls out to Francis, again by name, and bids his compliance, issuing a command. *Vade, repara domum meam, quae, ut cernis, tota destruitur.*

At once Francis sets out to fulfill the holy mandate. We read, *Ad obediendum se parat, totum se recolligit ad mandatum.* From that mission he did not part. At that point, the wounds of sacred Passion already impressed deep in his heart, though not yet visible in his flesh. Francis does not forget to care for that holy image, nor hesitate to carry out the divine directive. Underscoring his enthusiasm, it states that he ran to fulfill it, and worked tirelessly to rebuild the church, that is, the Church. Another case of a lexical shift that reveals much more than a simple altered use of language, *propositum* appears an inordinate number of times in *VbF*, 22 in total, historically explicable in the work's compositional context. The term emerges on a mere 8 occasions in the *Memoriale*. Instead of placing importance on the foundation and development of a manner of living and on its legitimisation, the latter work lends more direct focus to the encounter with Christ and Francis' ensuing response. Thomas thus identifies the will of Christ with that of Francis and aligns the two in a single mission. In such a fashion, Christ's mandate translates readily into Francis' mandate.

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<sup>591</sup> *Memoriale* 2 (FF 444-5)

<sup>592</sup> *Memoriale* 5 (FF 447)

<sup>593</sup> *Memoriale* 6 (FF 447-8)

<sup>594</sup> *Respondit filius diligenter ad patrem, a Domino sibi dari verbum responsionis agnoscens: "Dic mihi, si dignaris, o pater, qua diligentia corpus tuum, dum potuit, tuis obtemperavit mandatis?". Qui ait: "Testimonium illi perhibeo (cfr. Ioa 5,31), fili, quia per omnia obediens (cfr. Col 3,20) fuit, in nullo sibimetipsi pepercit, sed quasi praeceptis ad cuncta ferebatur imperia. Nullum subterfugit laborem, nullum declinavit incommodum, tantummodo iussa posset perficere (cfr. Iudc 9,54). In hoc perfecte convenimus ego et ipsum, ut sine aliqua repugnantia Christo Domino serviremus (cfr. Col 3,24)".*

<sup>595</sup> *Memoriale* 10-1 (FF 452-3)



In a broader sense, frequent association of obedience with its traditional sister virtue humility renders Thomas' conception consonant with much of the monastic tradition that preceded it. In an extreme example,<sup>596</sup> Thomas affirms that the more contemptibly a superior presides, the more pleasing is the humility of the one who obeys. He goes on to discuss how the companions inquired as to the nature of perfect and highest obedience. The saint responds that a cadaver is the symbol of a truly obedient subordinate.<sup>597</sup> He thus likens an obedient brother to a lifeless corpse, which in no way resists, complains, or protests. He is not argumentative and does not pester. If placed in an office, the corpse maintains its usual humility. If honoured, all the more will he consider himself unworthy. The symbolisation of the obeying agent as a cadaver proposed a theological undergirding for the utter subordination and limited sphere for conscience demanded by emerging structures. In terms of LEFEVERE's theory on literary frames, the image therefore constituted an ideal complement to the dominant narrative fostered by the institutional literary system, in whose benefit it was to ensure complete surrender and assimilation of the Minorite programme. Although such a notion marked a radical departure from the ideal in the *RegNB* and other writings of Francis and the early movement, it would promptly take hold in the tradition. The active conscience of the early movement now abated and digressed into a more passive agent of the superior's will.

#### *Gospel-Rule-Testament*

Appeal to the categories of QUAGLIA regarding the express qualities of the rule in its specific narrative representation garners insight into the determination of the Gospel-Rule-Testament relation conveyed in *Memoriale*. Thomas diverges considerably from the narrative in *VbF* and even slightly from his sources by shifting the focus from the divination and confirmation events to sporadic pericopes interspersed throughout the larger narrative, itself undercut by a division into distinctly partitioned chronological and thematic sections. With particular respect to the matter of authorship, *Memoriale* imparts a nuanced view of the divination event and subsequent regular approval. Thomas transforms the divination scene into a fraternal act of requesting Christ's counsel at Francis' initiative.<sup>598</sup> Nevertheless, rather than affirming in direct manner the God-revealed nature of the rule, the narrative sequence serves primarily to assert Bernard's role as exemplar in perfect fulfilment of the divine command to expropriate his belongings (*nec consilii huius vel unum iota transgreditur*) all the while evok-

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<sup>596</sup> *Memoriale* 151-2 (FF 577-9)

<sup>597</sup> *Memoriale* 152 (FF 579): *describens obedientiam sub figura corporis mortui*. The idea of dead obedience may originate from John Cassian. See: *De coenobiorum institutionum* XII 32 (PL 47, 475).

<sup>598</sup> *Memoriale* 15 (FF 456-7)

ing in the background God's revelation of a plan of action to the brothers (*Aperiunt librum, et consilium suum in eo aperit Christus*) and Francis' role as guide (*duce Francisco*).

Without the clear indications of *DeInc*, *3Soc*, and *CAss* as to regular composition at Christ's instruction and Francis' outspoken proposal, the narrative leads in turn to a new chapter where Francis presents himself and his brothers before Pope Innocent *ad petendam vitae suae regulam*.<sup>599</sup> Somewhat detached from the prior establishment of the direct, Gospel-inspired character of the rule in relation to Francis, the teaching therefore centres on the Gospel mandate of poverty with Bernard as the exemplar of material expropriation. While Francis' successive request of a rule for his life at the start of a new chapter may suggest papal authorship or at least collaboration, the follow-up line disambiguates. The proposed manner of life (*propositum conversationis*), at first apprehended as too strenuous by the Pope, was indeed their own. Only in the ensuing anecdote does Thomas solidify Christ's approval of their manner of living.<sup>600</sup> An alteration transpires in the passage from *VbF* to *Memoriale* regarding the inverse proportionality between *mandatum* and *propositum*.<sup>601</sup> Early mention of Francis' execution of Christ's *mandatum* in *Memoriale* creates a motif, whereby Francis' *propositum* transforms into an effecting of Christ's initiative.<sup>602</sup> Additionally, pericope 209 offers a hint as to Minorite collegial discussion on the rule.<sup>603</sup> Yet the immediate context firmly establishes Francis as the divine instrument of composition.

Dissimilar to his various sources, Thomas places negligible emphasis upon actual authorship, much less upon the nature of the rule itself, in relation to divination and the initial papal approval. In general, the narrative emphasis of *Memoriale* devalues the divination and approval events when compared to prior legends. In fact, a comparable, if perhaps not even more significant, moment arises in Francis' choice to entrust the brothers to the Church and request of the Lord of Ostia as his own Pope,<sup>604</sup> which provides the climactic event of the first book. A later reference<sup>605</sup> ratifies Francis' singular authorship of a certain rule in a passage echoing *CAss* (*in quadam regula scribi fecit haec verba*). Whereas explicit mention of the rule accompanies acknowledgment of the initial *viva voce* approval, the official confirmation does

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<sup>599</sup> *Memoriale* 16 (FF 457-9)

<sup>600</sup> "Mei", ait, "estis filii et haeredes (cfr. Rom 8,17); timere nolite (cfr. Mat 14,27; 17,7)! Nam si de mensa mea nutriuntur extranei, iustius est ut enutriri faciam quibus haereditas tota de iure servatur"

<sup>601</sup> Disproportional change from *VbF* to *Memoriale* occurs in terms of *propositum* (22x – 8x, respectively) *mandatum* (4x – 13x, respectively).

<sup>602</sup> *Memoriale* 5 (FF 447)

<sup>603</sup> *Memoriale* 209 (FF 624-5): *Tempore quo de Regula confirmanda fiebat inter fratres collatio....*

<sup>604</sup> *Memoriale* 23-25 (FF 464-7)

<sup>605</sup> *Memoriale* 175 (FF 597-8)

not receive the same attention, though two references ascertain its *bullatio*.<sup>606</sup> Clear indications regarding approval (*concessit*)<sup>607</sup> and confirmation (*confirmanda*) carry *Memoriale*'s literary representation of the rule and thus affirms certifiable redactional disunity. As an official legend written on commission from order hierarchy, definitiveness applies unsurprisingly to the case of *RegB*, which Francis had wished to supplement but which canonical standards precluded him from doing.<sup>608</sup> As in *3Soc* and *CAss*, various anecdotes imply that the rule's composition up to the point of *bullatio* had been a gradual process.

Thomas' legend resolutely underscores the prevalence of Gospel content in the rule by employing a nuanced thematic approach in the way of reverie. In addition to Thomas' absorption of *CAss*'s noted phrase concerning the rule as marrow of the Gospel (*medullam Evangelii*),<sup>609</sup> he favours Gospel observance (*Evangelicae puritatis observatio sacra*)<sup>610</sup> to a remarkable degree and accents the absolute evangelical authenticity of their rule, now granted also a holy property (*sanctam istam Regulam*) as in *CAss*.<sup>611</sup> Whereas the Gospel had often carried such a descriptor in prior Minorite texts, the idea that the rule possesses a holy quality was novel in the cited instances. The rule was a gift (*donum*) granted the brothers from on high, which Francis assembled at divine instruction. Francis served as the tool for its assembly; the Gospel his building material. Equation of the rule with the host stresses all the more the sacramental nature of their manner of living confirmed by the Church and sanctioned from the celestial realm. *VbF*'s reference to necessities of religious life inserted into the rule vanishes without a trace. Absolute Gospel prevalence in the rule provides the hallmark of *Memoriale*'s regular conceptualisation. While it perhaps dodges outright subscription to a Gospel-Rule equivalency, *Memoriale* refuses to mince words with respect to proportionality.

If *Memoriale*'s accent on Gospel in relation to rule signals thematic resonance of *Test* (*vivere secundum sanctum Evangelium*), to what degree is Thomas' legend in line with the wider message uttered in the writing as outlined in the first chapter? In addition to numerous direct and consonant echoes of *Test*,<sup>612</sup> a lexical hiccup (*tuis piis desideriiis*) in the circumstance of Francis' audience with Pope Innocent provides a valuable instance. With the identical, patronising words found in *Quo elongati*, Innocent communicates his apprehension regarding the harshness of their manner of living. He deemed it excessively so. A divine vision

<sup>606</sup> *Memoriale* 193 (FF 612): *Hoc sane verbum voluit in Regula ponere, sed bullatio facta praeclusit. 209: Tempore quo de Regula confirmanda fiebat inter fratres collatio....*

<sup>607</sup> *Memoriale* 17 (FF 459-60): *Proinde postulata cito concessit....*

<sup>608</sup> *Memoriale* 193 (FF 612): *Hoc sane verbum voluit in Regula ponere, sed bullatio facta praeclusit.*

<sup>609</sup> *Memoriale* 208 (FF 623-4)

<sup>610</sup> *Memoriale* 24 (FF 464-5)

<sup>611</sup> *Memoriale* 208 (FF 623-4). Cf. *CAss* 46

<sup>612</sup> Cf. *Memoriale* 8, 9, 14, 32, 44, 55, 59, 103, 130, 143, 151, 161, 163 & 208.

in turn convinces him otherwise. The passage carries a message less of a personal attack than of symbolic meaning. Thomas thus levies a veiled critique at the mitigation of *Test* and of the non-charismatic reading of the rule that *Quo elongati* formalised and codified. Furthermore, *Memoriale* evokes the movement's charismatic origins in attempts to retrieve proper approach to the rule. Numerous embodied teachings on the *RegB* also allude to interpretation of regular obedience in the sense of the *RegNB*.<sup>613</sup> Of added significance, in direct subsequence to the vision of the crumbs and the host, Thomas praises the brothers of those times. Here, the early companions incarnate the values that he wishes to instil, chief among which consideration of what they had promised as neither hard nor harsh (*non duram vel asperam*) and willingness to give more (*supererogare*) than required in all things.<sup>614</sup> The verb *supererogare*, *hapax logomenon* in the Vulgate, being employed only once in the Lucan account of the Good Samaritan,<sup>615</sup> infuses the lesson with Biblical connotation. Core to the teaching is that the brothers' sworn promise supported and undergirded their manner of life encompassed in the rule. The words, exclusive to *Memoriale*, supply the narrative with thematic consonance to the *Test*'s insistence upon following the rule as God revealed it to Francis and returning to the charismatic roots, though Thomas' account lacks the hyper-emphatic threefold formulation of *CAss*, that is, *ad litteram et sine glossa*. Since in large part parable and reverie act as vehicles for transmission of his message, Thomas' is a subtler, perhaps more diplomatic proposal in comparison to *CAss* or even *3Soc*.

In addition to select pericopes of charismatic recall, Thomas appears to react to more contemporaneous fronts on the rule and its observance. In particular, one may conceive passages 69-70 and 130 as a critical reaction against regular abuses sanctioned by *Quo elongati* and more specifically the recent decretal *Ordinem vestrum* (1245).<sup>616</sup> As indicated, Innocent IV's bull supplied considerable contribution to the legal marginalisation of the rule in not only its reinforcement of *Quo elongati*'s ruling but in its further easement, which in effect pronounced that the non-commercial acquisition of "immanent necessities" allowed for in *Quo elongati* then become the permissible acquisition of "necessary and useful items" in *Ordinem vestrum*. The two watershed moments introduced additional softening of poverty norms, which lead Thomas to join *CAss* 29-30 in chiding those who hid behind the excuse of necessi-

<sup>613</sup> *Memoriale* 61 (*RegNB* IX, 1 & 4); 65 (VIII, 6); 66 (VIII, 6); 69 (II, 13-14); 71 (IX, 2-8); 77 (IX, 8); 78 (III, 13); 80 (II, 4 & VIII, 7); 85 (IX, 5); 114 (XII, 3-4); 128 (VII, 16); 130 (II, 14); 143 (Prol 3 & IV, 6); 152 (XV, 3); 161 (VII); 174 (X, 4); 180 (IX, 11), 190 (I, 2 & II, 4), 200 (IX, 5) & 208 (XXIV).

<sup>614</sup> *Memoriale* 209 (*FF* 624-5): *Hanc quidem quam iuraverant fidem, non duram vel asperam fratres illorum temporum reputabant, qui erant ad omnia supererogare promptissimi. Neque enim languor vel desidia locum habet, ubi amoris stimulus semper ad maiora perurget.*

<sup>615</sup> Lk 10, 35

<sup>616</sup> *Memoriale* 69-70 & 130 (*FF* 507-8 & 561-2)

ty to acquire luxurious material goods. Talk of correction for withdraw from poverty (*recedentes a paupertate*) and Francis' indissoluble bond to Lady Poverty in the immediate context substantiates such a reading.<sup>617</sup> To illustrate the casual extent of regular infraction, Thomas appeals to the absurdity of Minorite brothers dressed in garments fashioned from lavish cloth and surrounded by fine furnishings.<sup>618</sup> Of interest for the current study, the Francis of *Memoriale* subscribes to the necessity of using houses (*usum domorum*), as opposed to holding them as property (*proprietatis habendo*).<sup>619</sup> Thomas thus undercuts the implied critique of rule infringement under the guise of *Quo elongati* by drawing attention to the legitimate use of domiciles. Thomas thus legitimises, as other legends of the period, the order's domestication to fixed localities.

Nevertheless, a broader contrast of the attitude toward observance of regular norms described among the early companions and that of recalcitrant brothers in the indicated passages offers compelling insight into the legend. Whereas relaxed strictness and lukewarmness hold sway in the minds and hearts of recalcitrant brothers, the generally strict and enthusiastic approach to the rule fostered in the narrative brings the link between charism and regular observance to full expression. *Cass*'s overarching denotation where regular norms and charism are concerned thus come to the fore and find greater clarity in the antitype of such attitudes. Thomas' pursuit of charismatic recall vis-à-vis the rule in the spirit of *Test* constituted an utter critique of the laxity prevailing in the order with respect to regular norms. The dying Francis, his health fading ever more, incarnates the charismatic intent of the appeal to necessity and proper appeal to strict conscience in approaching the rule.<sup>620</sup> The saint allows treatment for his malady to be procured but only upon strict consultation of conscience.

In its broader literary economy, *Memoriale* constitutes an extended lesson, a veritable working commentary, on *RegB*, its meaning, spiritual function, and proper manner of execution. Whereas with prior legends Minorite life exemplified in Francis and his companions subsisted alongside the rule, and at least in part also supported it, *Memoriale* virtually equates Minorite life with the rule (*regularis observantia*)<sup>621</sup> and on a surface level exclusively to

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<sup>617</sup> *Memoriale* 70 (FF 509): *Indissolubili itaque vinculo dominae paupertati connexus....*

<sup>618</sup> Cf. *Memoriale* 61, 70, etc.

<sup>619</sup> *Memoriale* 59 (FF 497-8): *Sequi eum possumus in forma praescripta, nihil proprietatis habendo, licet praeter usum domorum vivere non possimus.*

<sup>620</sup> *Memoriale* 210 (FF 625-6)

<sup>621</sup> *Memoriale* 33 (FF 473). The full phrase stems from a teaching of Francis to a brother, of whom in implementing Francis' instruction the following is said: *Factus est autem proinde dictus frater congregationis et societatis amicus* (cfr. Prov 18,24), *illis maxime devotus collegiis, in quibus regularis observantia magis viget*. The *FA:ED* editors point out that the phrase, unique in Minorite texts of the period, was a standard couplet in the Cistercian reform, which "connotes the exact and conscientious observance of the *regula*...."

*RegB*, to which the latter, essentially more substantial portion of Thomas' legend is dedicated in a series of regular exemplifications.<sup>622</sup> Frequent references include *RegB* II and VI (on five and six instances, respectively) on acceptance of novices and appropriation of goods, alms, and treating the infirm.<sup>623</sup> Thematic consonance with *RegNB* is, however, not found wanting, as suggested above. Thomas fills out, nearly overburdens, the thematically organised latter portion of his legend with *exempla* that in large part regard the rule, proper satisfaction of regular norms, and the spirit in which they were conceived. It is thus unsurprising that D. SOLVI would suggest that *Memoriale* sets in motion a shift into a “nuovo paradigma agiografico,”<sup>624</sup> albeit not quite in the extreme terms that he proposes.<sup>625</sup> *Memoriale*'s teaching culminates in extolment of the rule immediately prior to final narrative treatment of Francis' illness and death. The pericope couplet 208-9 has as its core the spiritual internalisation of the rule with particular concern for its sacrosanct and sacramental properties as indicated.<sup>626</sup> Reproducing the sentiment of *RegNB* XXIV, *Memoriale* 208 reads, *Hanc volebat haberi ab omnibus, sciri ab omnibus, et ubique in allocutionem taedii* (cfr. Sap 8,9) *et memoriam praestiti iuramenti cum interiore homine* (cfr. Rom 7,22) *fabulari*.<sup>627</sup>

Perhaps not sensing terribly the need to legitimise the rule or the *propositum* as suggested above, Thomas presupposes its holiness and integrates manifold lessons on its contents into the fabric of his largely thematic narrative. In the second book of his *Memoriale*, Celano set into motion a new paradigm in Minorite hagiography. He attempted to reconcile the *sequela Francisci* with *observantia regulae* by identifying the two. Though the two are in some ways comparable, Thomas' approach to Francis and the rule in *Memoriale* differs fundamen-

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*FA:ED*, vol. II, 268, note a. For a discussion of medieval religious life as *observantia regularis*, see: K. Schreiner, *Gemeinsam leben: Spiritualität, Lebens- und Verfassungsformen klösterlicher Gemeinschaften in Kirche und Gesellschaft des Mittelalters*. Herausgegeben in Verbindung mit Mirko Breitenstein von Gert Melville (Vita Regularis, Abhandlungen, 26.) Münster: Lit, 2013, 331-371.

<sup>622</sup> J. Dalarun, 'Introduction,' in: *Les vies de saint François d'Assise*, Paris 2009, 60. "Une sorte de version illustrée de la Règle, dont bien des têtes de chapitre sont en effet traitées par la légende." Marked instances include *Memoriale* 6 (*RegB* VI, 2); 59 (VI, 1); 61 (VI, 3); 65 (IV, 1); 69 (II, 14-15); 72 (VI, 4); 74 (VI, 3); 78 (III, 14); 89 (II, 5); 112 (IX, 3); 130 (II, 16); 143 (I, 2); 144 (II, 7); 147 (IX, 1); 148 (I); 152 (XII, 1); 161 (V); 180 (VI, 7-9) & 190 (II, 5).

<sup>623</sup> References to *RegB* II: 69 (II, 14-15); 89 (II, 5); 130 (II, 16); 144 (II, 7) & 190 (II, 5). Those to *RegB* VI: 6 (VI, 2); 59 (VI, 1); 61 (VI, 3); 72 (VI, 4); 74 (VI, 3) & 180 (VI, 7-9).

<sup>624</sup> D. Solvi, 'La *Regula et vita* dei frati Minori nella agiografia,' 129.

<sup>625</sup> Solvi proposes that *Memoriale* marks the beginning of the split between official and unofficial hagiographical representations operating on the basis of the polemical restoration of an ideal. Here, he appears to underestimate the companions' susceptibility to altering the past, whether wittingly or not, and constructing their own *forma Minorum*. While such a clean break would be convenient, elements of the dynamic exist in prior texts. Solvi, 'La *Regula et vita*,' 137-8. Thomas appears to concur with such a notion when he writes *Memoria nostra velut hominum rudium, temporis prolixitate obtusa, fugas subtilium verborum eius et factorum stupenda praeconia nequit attingere, quae mentis exercitatae velocitas etiam coram posita comprehendere vix valeret* (*Memoriale* 1).

<sup>626</sup> *Memoriale* 208-9 (FF 623-5)

<sup>627</sup> *Memoriale* 208 (FF 623)

tally from that of for instance Hugh's commentary, in that while Hugh attempted, in a manner not dissimilar to that of Francis in the *Test*, to reframe – in the language of LEFEVERE – the *RegB* within the charismatic undercurrent represented in *RegNB* passages and in the insights gleaned from early companions, Thomas pursues a realignment of Minorite life with the rule of 1223. Previously, the two had been well distinct and generated ambiguity in Minorite life, in particular after the promulgation of *Quo elongati*. The divide that Francis attempted to bridge in his *Testamentum* was once again shown itself to be unbridgeable. Celano hoped to prove wrong such a theory, but in a manner wholly different than that employed by Francis. Francis' *Test* interpreted *RegB* through the lens of *RegNB* and Francis' witness, whereas *Memoriale* identified *RegB* with *sequela Francisci*. In so doing, Thomas thus aligned the will of Francis and the *RegB* in such a way that it at once also averted suspicion of supporting the *Test*. Whereas 'unofficial' legends of the period aligned Francis' will and Christ's will with *RegB*, but in a patent espousal of the *Test*.

#### *Poverty and Poverty Norms*

As in the case of contemporaneous Minorite legends, *Memoriale* places a concerted thematic focus upon the question of poverty. Poverty is of central importance in Thomas' legend. During Francis' conversion Christ calls him by name and issues a double command, the first of which concerns *sequela Christi* in poverty; the second, the Church. *DeInc*, *3Soc*, and *CAss* engage the matter in a critical fashion in particular with respect to the increasingly relaxed approach to poverty norms common in the order. Thomas' work does not falter on this account. The author elevates Francis' status as exemplar and advocate of poverty deeming him father (*pauperum pater*)<sup>628</sup> and Patriarch of the Poor (*pauperum patriarcha*).<sup>629</sup> He makes a fitting spouse for his only love Lady Poverty, whom Thomas honours in a vision in which she is adorned in all manner of precious material, gold, silver, crystal, and iron.<sup>630</sup> A desirable figure compliments her composition. She is tall in stature; slim and harmonious in form. Thomas amplifies the exemplariness of Francis' attitude toward the keeping of supreme poverty,<sup>631</sup> when he states that the saint envied those poorer than himself. An extended verse entitled *De laude paupertatis* accentuates its privileged place among the virtues.<sup>632</sup> Here, the author extols poverty as the way of perfection, pledge and guarantee of eternal wealth, which is to be coveted. Francis then beseeches others to watch over the pearl of the Gospel (*evangeli-*

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<sup>628</sup> *Memoriale* 43 (FF 483)

<sup>629</sup> *Memoriale* 78 (FF 515-6)

<sup>630</sup> *Memoriale* 82 (FF 519-20)

<sup>631</sup> *Memoriale* 83 (FF 520)

<sup>632</sup> *Memoriale* 55 (FF 494-5)

*cae margaritae*). Given its central importance, it follows that transgressions of poverty norms give cause for reproach and correction.

As indicated above, the exemplary role of Francis weds the regular observance as the saint performs fulfilment of such norms or rebukes those who violate them. Poverty is thus a prime example of the manner in which, for Thomas, the *sequela Francisci* and *observantia regulae* congeal into a unitary form. Additionally, given that such corrections and illustrations often have the rule as their central focal point, the trend signals that poverty not only a Minorite custom, but its foundation lies in the rule, subsequently extolled by the author as the marrow of the Gospel (*medulla evangeliae*).

With the evangelical basis of poverty established, the preliminary declarative affirmations then begin to take concrete form in a series of teachings on the proper manner of poor dress, edifices, books, money, and alms. The pericope just mentioned sets out with particular focus on poor dress.<sup>633</sup> Just as Francis had done, the brothers are to dawn poor dress consisting of a single tunic, cord, and breeches. The lesson resurfaces without substantive alteration in a passage taken from *CAss* 28-30 on dress proper to the brothers' poor ways.<sup>634</sup> Regarding the poverty of houses, Thomas adopts a portion of *CAss* 23 wherein Francis shows the brothers a crude sketch and instructs them to build only poor domiciles of modest size and fashioned from wood, not stone.<sup>635</sup> The following paragraph depicts Francis as he threatens to demolish the stone construction near the Portiuncula, calling it a monstrosity against poverty (*monstrum paupertati oppositum*).<sup>636</sup> Pericope 59 is largely a repetition of *CAss* 23 and 57 on property rights and maintaining the laws of pilgrims and then supplements with an account of Francis refusing a cell.<sup>637</sup> Christ did not stay in a cell or a house in the desert, argues the saint, rather beneath a rock. The author then follows the story up with a practical prescription regarding *sequela Christi, nihil proprietatis habendo, licet praeter usum domorum vivere non possimus*. The prescribed course of action constitutes a patent indication of the policy put forth in the bull *Quo elongati*. The statement is, however, but a single instance in a long series of affirmations regarding the papal bull. For Thomas, as for the authors of *CAss*, the Portiuncula symbolises evangelical values, chief among which humility and most high poverty.<sup>638</sup> In a passing comment, he supplements the motif indicating that ownership lies in the hands of others and the brothers only had use of it.

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<sup>633</sup> *Memoriale* 55 (FF 494-5)

<sup>634</sup> *Memoriale* 69 (FF 507-8)

<sup>635</sup> *Memoriale* 56 (FF 495)

<sup>636</sup> *Memoriale* 57 (FF 496)

<sup>637</sup> *Memoriale* 59 (FF 497-8)

<sup>638</sup> *Memoriale* 18 (FF 460-1)



Thomas endorses the rulings of *Quo elongati* to the extent that the work displays a certain interiorisation of the principle of use over and against possession that infiltrates the internal logic of the work. In a rather polemical rant on wayward ministers,<sup>639</sup> Francis critiques those who use their position to ulterior ends not in alignment with the charism. He then draws a parallel between the use of material goods and laying claim to property rights and use and possession in spiritual matters. The saint retorts to his brother's inquiry on the ministers claiming that certain of them cling to their positions in an irresponsible manner, as if they owned their post rather than using it. With a similar logic, Francis expresses the desire for eminent clerics to relieve themselves of their main property, which is to say the property of learning.<sup>640</sup> As a result, *Memoriale* defuses the message of poverty based on the principles outlined in *Quo elongati* to such an extreme that he also relegates it to the realm of spiritual concerns, perhaps in order to detract from the controversies surrounding material goods at the acceptance of the bull *Ordinem vestrum* or to call for a return to prior standards as was the case with his sources' endeavours. In contrast with the other legends, *Memoriale* exhibits a preference for support of Gregory's decree rather than contending with the nature and significance of the earlier standard based upon *necessitas*.

Concerning proper Minorite approach to the handling of coined money, Thomas provides four vivid examples, the majority of which are repetitions from prior legends.<sup>641</sup> The principle underlying all of the exemplified stories reinforces the zero tolerance policy concerning the use or even the physical contact with pecuniary media. The first account regards the correction of the brother who touched money at the Portiuncula. Subsequently, a brother approaching the hospital for lepers comes upon a pile of money, which he justifies grabbing with the excuse that he shall give it to service of lepers, lost power of speech. Then Peter Catanio reproaches a brother who wished to be permitted to keep the goods of a novice that he might have recourse to them in time of need. The legend then rounds off the motif with a story of a bag of coins that miraculously turns into a snake.

A topic that goes largely uncovered in the other legends of the period is the begging of alms.<sup>642</sup> As such, Thomas' inclusion of the issue and insistence upon its importance merits attention as it is a somewhat novel item exemplified in a few memorable passages. In a reference to the shame at begging for alms, Francis declares its danger as an enemy of salvation

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<sup>639</sup> *Memoriale* 188 (FF 607-8)

<sup>640</sup> *Memoriale* 194 (FF 612-3)

<sup>641</sup> *Memoriale* 65-8 (FF 503-7)

<sup>642</sup> *Memoriale* 71-9 (FF 509-17)

(*inimicam saluti*).<sup>643</sup> Here the author links the order's poor ways with the Gospel origin of their title, lesser brothers. Shame in begging that does not cause one to draw back is holy. Their place in the world was to give the elect the chance to earn the praise of the divine judge. For that reason, the brothers should inhabit not only cities but also hermitages. On another occasion, when invited to dinner at a lord's abode, Francis begged for alms beforehand and brought his own food to the evening meal.<sup>644</sup> Evoking lord-vassal relations in feudal society, he proclaims that he would not trade his permanent inheritance, that is, eternal life, for a fief granted for one hour, a message reiterated in a successive passage,<sup>645</sup> where he refers to the payment of eternal inheritance. The saint later performs a similar act at a dinner hosted by Hugo of Ostia.<sup>646</sup> A distinctly polemical motif revolves around a brother who ate much more than he begged.<sup>647</sup> Francis casts the friar away, calling him Brother Fly. He bids the brother be gone, reproaching him, saying that he feeds on the sweat of his brothers but wishes to be idle in the works of God. Having realised his gluttony, the man went back to the world, which he had never left. We read, *Qui nullus ad eleemosynam fuerat, nullus iam frater*. Begging alms thus constituted a veritable *conditio sine qua non* of Minorite identity. So enthusiastic for the act of alms-begging was Francis that he even went to the trouble of convincing secular knights to trust the Great Almsgiver and beg for alms in their time of need.<sup>648</sup>

#### *The Authority of Francis*

Much like *CAss*, *Memoriale* is quite insistent on the charismatic authority of Francis. All are subject to his rule and his commands because of his personal calling and his prompt response to Christ's double command.<sup>649</sup> His unique prerogative in personal vocation and swift obedience grants him especial authority. As suggested above, the disproportional change from *VbF* to *Memoriale* in terms of *propositum* (22x – 8x, respectively) and *mandatum* (4x – 13x, respectively) attests to the assertion of Francis' authority as a literary device of use in instilling values. The opening scenes sets the tone of the entire work. Mandates are issued and obedience must follow. The narrative is also overwrought with rebukes and corrections of the brothers, albeit perhaps not to the same extent as in *CAss*. Importantly, the saint frequently employs reproach and reprimand in cases of violation of the rule. In a striking episode,<sup>650</sup> as

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<sup>643</sup> *Memoriale* 71 (FF 509-10)

<sup>644</sup> *Memoriale* 72 (FF 510)

<sup>645</sup> *Memoriale* 74 (FF 512-3)

<sup>646</sup> *Memoriale* 73 (FF 511-2)

<sup>647</sup> *Memoriale* 75 (FF 513)

<sup>648</sup> *Memoriale* 77 (FF 514-5)

<sup>649</sup> *Memoriale* 5 & 10-11 (FF 429-30 & 433-4)

<sup>650</sup> *Memoriale* 47 (FF 488-9)

brothers fed a flock of birds, one of which, a larger bird, became greedy and fought off the others, though he was already full. Francis then cursed him and a punishment ensued, whereby the bird went to drink from a pitcher and fell in and drowned. The final line of the tale cautions that avarice must also to be feared in mortals. The judgment of the saint is also to be feared when punishment ensues with such ease. If the figure of Francis represented in *CAss* may be deemed the enforcer saint, then Thomas' Francis is the bossy saint. Thomas notes of Francis that he had everything on earth subject to him with an extraordinary power (*quidquid in orbe fuit, mira virtute subegerat*),<sup>651</sup> a power which endowed him with superior knowledge of others' consciences, an extrasacramental grace as a rule afforded only to priests.<sup>652</sup> Divine favour also bestowed upon him great predictive powers.

A telling verse establishes the foundations of Francis' character as a servant of God, small in stature, humble in attitude, lesser by profession.<sup>653</sup> It was no different in his style of leadership. Thomas balances out his persistence in ruling with a humble, compassionate, and merciful side. In a section on the virtue of humility, Thomas extols Francis' qualities.<sup>654</sup> Maternal imagery underscores his inner turmoil and outer effort to serve his brothers. His spirit gave birth to them with greater labour pains than those experienced by a carnal mother. It is not for naught that close companions referred to him affectionately as dearest mother.<sup>655</sup> In particular, Francis showed extraordinary compassion for the ill and infirm.<sup>656</sup> Thomas relates that he would suffer the transgressions of the sick with mercy and patience, comforting *in specie* those who like wavering children were agitated with temptations and had become faint of spirit.<sup>657</sup> It is proper for a prelate, he asserted, who is a father and not a tyrant, to prevent occasion for failure. The narrative then returns to the pastoral motif of the shepherd seeking after a lost little lamb so as not to lose it. Yet Thomas points out Francis' simultaneous preference to correct stray brothers rather than lose them. Again, as in *CAss*, Francis' hybrid style of exerting his charismatic authority makes itself plain. Parallel to the mercy and justice of God, Francis consoled and punished as the circumstance demanded. However, the final line of the passage asserts the primacy of the divine merciful nature over that of vengeance or sacrifice. So, too, it was for Francis.

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<sup>651</sup> *Memoriale* 27 (FF 468)

<sup>652</sup> Cf. *Memoriale* 28, 29, 31 & 40

<sup>653</sup> *Memoriale* 18 (FF 460-1)

<sup>654</sup> *Memoriale* 140 (FF 567-8)

<sup>655</sup> *Memoriale* 137 (FF 565-6)

<sup>656</sup> *Memoriale* 175 (FF 597-8)

<sup>657</sup> *Memoriale* 177 (FF 599)

Of particular interest in the context of leadership and humility is Francis' resignation, the culminating act of Francis' humble and service-oriented character. In terms of internal logic, *Memoriale* portrays the resignation as an act of humility.<sup>658</sup> In order to preserve the virtue of holy humility, Francis resigned the office of prelate (*officium praelationis*). Francis underscores the finality of his act and assigns his vicar, when he declares, From now on, I am dead to you. But you have Brother Peter of Catanio. One and all should obey him. At once the saint bowed and promised him obedience and reverence. His first subsequent act takes the form of a prayer to Lord, in which he entrusts order to the ministers. Due to his infirmities, continues the narrative, he can no longer take care of his family. From then on he was subject until his death and behaved more humbly than the others.

### *Stigmata as Institutional Symbol*

Curious for an officially commissioned legend on the life of the institution's founder and saint, *Memoriale* offers no direct account of the stigmatisation event itself. Particular to Thomas' narrative is a distinguishable defence of the miracle's veracity and authenticity by means of a three-pronged strategy by specifying the threefold nature of the marks with regard to its predetermined dimension, its physical verifiability, and its sacramental-eschatological property. He first prompted the inner development of the stigmata as a direct result of Francis' being called twice by name and given a double mandate by Christ and the concomitant perfect conversion. In such a manner, the author bolsters the miraculous event by affording it a predetermined context. Early in the conversion narrative,<sup>659</sup> the crucifix of San Damiano spoke to him by name and ordered him to rebuild his house. Francis carries out his command. At that point, continues the author, the wounds of the sacred Passion were already impressed deep in his heart, though not yet visible in his flesh. Thus, already in Francis' perfect conversion, the stigmata began to become present.

Then he underscores the visual and tactile contact established with the sacred wounds by select brothers, giving account of individual rather than collective experiences with particular emphasis upon the oft-disputed lateral wound. Importantly, Thomas' legend contains the first detailed accounts in extant literature of select brothers and their viewing of the marks of Christ imprinted onto the saint's body. The author affirms that it would be unfitting to pass over it in silence, as the miraculous event is worthy of the reverence of the highest spirits.<sup>660</sup> He then lauds Francis's humility and discretion shown in his desire to conceal the marks of

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<sup>658</sup> *Memoriale* 143 (FF 570-1)

<sup>659</sup> *Memoriale* 10-1 (FF 452-3)

<sup>660</sup> *Memoriale* 135-6 (FF 564-5)

Christ, running through the various strategies employed by the saint in an effort to keep them out of sight. Few dared even to glance, as the saint became vexed when stared at. Even close companions would avert their eyes when he would have to reveal his hands or feet. In a notable scene,<sup>661</sup> brothers conspiring to see the wounds. They involved him in a ruse whereby they ask to have his blessing, appealing to him in blandishment as their dearest mother. By means of a pious ruse, Brother Pacifico and a visiting brother from Brescia came to view his pierced flesh. Only a single brother, reveals Thomas, did he deem worthy to see the wounds while Francis was still living.<sup>662</sup>

Finally, Thomas makes sure to highlight the sacramental and eschatological quality of the stigmata. In a verse on Francis' special devotion to the cross,<sup>663</sup> Thomas relates the sacramental nature of the stigmatic wounds under the guise of a hidden sacrament (*de occulto sacramento*). Unable to express the marvels of the cross with the poverty of human language, he suggests that the cross had to appear in Francis' flesh for that very reason. In poetic lines, the author intimates that silence should be left to speak where words fail, as symbol cries out where sign wane. Here he assigns an eschatological meaning to the sacrament of the marks, as they recount what is not yet clear and they reveal through him understanding and purpose from the future, which is true and deign of faith. The passage is a somewhat cryptic reference, which nevertheless renders the stigmatic marks an eschatological sign of Christ's faithfulness and underscores the extraordinary property of his wounds as a sacrament.

#### *Order Authority*

In a similar manner to the contemporaneous legends, which served as his sources, Thomas introduces innovative elements to the Minorite canon, which provide the image of order officials with an unprecedented level of nuance. The author strengthens the authority of ministers by identifying their post with the will of the divine. At once he also delivers a set of challenges to those who take on the exception privilege and responsibility of a higher office. Following on the predilection of his sources, Thomas incorporates the classical monastic image of an order official as a Vicar of Christ. Here, he borrows a phrase when he states, for a subject should not consider his prelate a human being, but rather the one for love of whom he is subject.<sup>664</sup> In order to strengthen the force of the passage, he adds, the more contemptibly a superior presides, the more pleasing is the humility of the one who obeys. As the lines suggest, the motif of divine vicarage lends its possessor a heightened authority that may tend to-

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<sup>661</sup> *Memoriale* 137 (FF 565-6)

<sup>662</sup> *Memoriale* 138 (FF 566-7)

<sup>663</sup> *Memoriale* 203 (FF 619-20)

<sup>664</sup> *Memoriale* 151 (FF 577-8)

ward the unconditional. The vicar title carries heavy theological implications. With the early movement's image of servitude and motherhood, leaders carried out the will of the divine in fulfilment of their duty to the other brothers. Whereas divine vicarage implies that the office holder wields supreme power, as he is not merely the satisfier of God's will in service but its very channel and transmitter. In terms of lexical representation, *praelatus* is the term of preference, appearing a total of 17 times, compared with only four occasions *VbF*. Such a change marks a qualitative distinction in the brothers' conception of leaders.

If Thomas' legend supports the enhancement of a superior's authority, then so too does it caution, urge, challenge, and critique unruly ministers. The author shares some challenging words against brothers whose love for their status as prelates and priests exceeded their love for the Lord and for their brothers.<sup>665</sup> Such self-interested brothers panted for prelacies (*idens autem quosdam praelationibus inhiare*), an ambition which even by itself made them unworthy of presiding. Francis admits that he does not consider them Friars Minor. They have forgotten their vocation. A canine motif links the brothers' panting for prelacies with the appropriation of one's will and posturing out of ambition and renders sharp and vivid the critique. Francis then criticised a wretched few who were upset when removed from office, declaring they sought honour, not burden in performing their duties. Then describes an ideal Friar Minor. He draws here from *CAss* 109. A true Friar Minor must wish to hear the following and be glad to hear it when uttered. We do not want you to rule over us. You are an uneducated and despicable man, unable to speak eloquently, simple, and ignorant. An echo of the *dictum* on perfect joy resounds. Then even if thrown out in disgrace, a true Friar Minor must have the same expression on his face, the same joy in his heart, and the same resolution for holiness. Only then may one be considered a Friar Minor. With an original contribution, he supplements that in prelacy there is a fall; in praise, a precipice; in the humility of a subject, profit for the soul. Attentive prelates ought to mind the danger less than the profits. Further on, Thomas mimics *CAss*'s opening pericope which cautions against commands under obedience and urges ministers to issue them lightly.<sup>666</sup> He adopts the powerful imagery of his source and likens a wrongful command to a sword in the hands of a madman, a thought also shared in *HugExp*.

In pericopes 172-81,<sup>667</sup> Thomas devotes an entire section to charity, which nevertheless come to bear directly on the proper matter of approach to positions of authority. He begins by proposing Francis as an example of proper leadership with a series of anecdotes and

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<sup>665</sup> *Memoriale* 145 (*FF* 572)

<sup>666</sup> *Memoriale* 153 (*FF* 579-80)

<sup>667</sup> *Memoriale* 172-81 (*FF* 596-602)

an explanatory teaching.<sup>668</sup> When criticised for an austere life, he used to reply that he was given to the order as an example. For that reason, Minorite officials ought to lead by example as Francis did. In prelates what the hand does is noticed more than what the tongue says. Thomas then lauds Francis as he convinced more gently with by his deeds, persuaded more easily, proved things more certainly. For whenever the reprehender is not feared, and proposes his will as reason to act, will the trappings of power (*sigilla*) suffice for salvation?<sup>669</sup> The Latin *sigilla* denotes effects that signify the authority of an office. As Thomas points out, the pretence of power and prestige detract from the intended, spiritually-oriented function of Minorite officials and in due course exerts a harmful effect not only on one's own self, but also and perhaps most importantly upon others. Thus, although he composed the *Memoriale* on commission from the minister general, Thomas appears to have woven a veiled critique of the misuse and outright abuse of power in the order, the manoeuvring hither and fro of the order's lesser brothers seemingly at will. Yet, regardless of Thomas' somewhat satirical indication, the conception of absolute authority with a seemingly unconditional demand for obedience wins out over the incompetence or perhaps even empty posturing of superiors. Even so, he laments, we must accomplish that about which such superiors thunder on, just as water flows to gardens beds in dry canals. The message, however poetically offered, reiterates that corrections may nevertheless serve a purpose, provided that brothers consider it to their spiritual advantage. As Thomas suggests, a subordinate agent can still use an empty critique to his favour if confronted as a chance to embrace humility. Thus Thomas states, may a rose be gathered from the thorns now and then, that the greater may serve the lesser.

Moving from the abstract to the more concrete, Thomas then presents a scenario in which a brother comes before Francis and inquires as to the ideal character of a minister general and whom among the brothers Francis would chose as his successor.<sup>670</sup> A description of the minister general and of the other ministers thus ensues. The saint's initial response also constitutes a commentary on the present state of the order. Once he has considered the brother's question, Francis admits that he finds no adequate candidate as leader of such a varied army, or shepherd of such a large flock. He then goes on to paint the image of an ideal minister general in behaviour and in inner disposition. The diatribe grants particular thematic focus to the equal treatment of all brothers, availability to subordinates, transparency, and service.

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<sup>668</sup> *Memoriale* 173 (FF 596-7)

<sup>669</sup> *Memoriale* 173 (FF 597): *Verum ubi reprehensor minime formidatur, et est pro ratione voluntas, satis ad salutem sigilla sufficiunt?* I have opted for the translation of *sigilla* rendered by the *FA:ED* editors, as it provides an immediate interpretive framework that would likely otherwise be unavailable to the average reader.

<sup>670</sup> *Memoriale* 184 (FF 604)

The minister general should be of great discernment, life, and reputation. He must love all with equal measure, careful not to show favouritism. Thomas asserts that devotion to prayer and the sacraments should also not fall into neglect. Francis then demands total transparency of the minister general when he asserts that he must make himself available for all to peel away his skin. In all that he does, he should be responsive to the other brothers and ensure provision where needed.

Thomas underscores that head ministers are to be merciful to those who withdraw from the order, for they are as lost sheep. An encompassing passage then solidifies the early movement's approach to leadership when it recalls the ministers' responsibility as guardian of the other brothers' souls. In particular, officials must concern themselves with the consciences of others, discerning what is hidden there and drawing out the truth from its hidden veins. In concert with *CAss*, Thomas endeavours to capture the essential attitudes and responsibilities proper to Minorite ministers as conceived and lived out by the early movement.

Unique to Thomas' legend is a terse section on the ministers provincial.<sup>671</sup> Thus, unlike *CAss*, Thomas extends his treatment to the duties and responsibilities of the lesser ministers. Though all the traits of a minister general ought to emanate from the provincials, the saint then offers an exhortation in abbreviated form. The first item on the list of desirable attributes is friendliness to the lesser ones of the order and utmost kindness, so that the recalcitrant would have no reason to fear and would gladly trust their affection. He then highlights the attentiveness required in the issue of commands and corrections, saying that they should be more prepared to be subjected to injury than to inflict it. Employing a variant of the classic Christian axiom 'love the sinner, hate the sin,' he writes that provincials are to be enemies of vice but healers of the vice-ridden. The imagery of a mirror also recurs in the exhortation on provincial ministers. Above all, such brothers should be mirrors of discipline (*speculum disciplinae*). As he suggests, manner should already implicate norm in those who guide the other brothers, just as a norm must guide one's manner of living. Thomas thus calls ministers to integrity as they carry the burden of solicitude and labour and govern the souls entrusted to them according to such a model and law (*tali forma talique lege creditas sibi animas gubernaret*).

Thomas then issues a critique of wayward ministers who use their position to ulterior ends not in alignment with the charism.<sup>672</sup> When asked why he had renounced care of brothers, Francis embarks on a diatribe of righteous indignation concerning the regrettable state of

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<sup>671</sup> *Memoriale* 187 (FF 607)

<sup>672</sup> *Memoriale* 188 (FF 607-8)



the order and the ministers' role in its shift in direction. There are those among the ministers, he proclaims, who do not follow his footsteps and abuse their freedom to lead the other brothers astray. Thomas once again issues a challenge to his contemporaries that Minorite leadership consists not in the exercise of power but in the fulfilment of a duty (*potestatem non exercere, sed implere officium*).<sup>673</sup> The language employed reflects that of the early movement, insofar as the *RegNB* warns brothers not to exert power or dominion as is customary among secular rulers, but rather they must serve one another on the example of Christ, who though he was of great privilege remained servant of all. In summation, a synergising reference then urges those in high charges to rule with Holy Simplicity in mind. In a poetic verse,<sup>674</sup> Thomas exalts the virtue, which grants due authority to her betters and seeks no authority for herself. Thus, due to the heavily critical nature of Thomas' comments vis-à-vis Minorite officials, the proposed behaviour and disposition which he outlines, and Francis' own resignation as an the example of humility, it is perhaps not unconceivable that the author would offer his own original contribution to the discussion. As Thomas' Francis looks about and finds no suitable candidate for minister general, perhaps neither did the work's author. Indeed, he puts forth the Holy Spirit himself as the order's true minister.

#### *Charism and Charismatic Principles*

Despite his official commission – issued by a known antagonist of charismatic groups in the Marches of Ancona no less –, the work's author provides an outlet for the grievances of Francis' companions as well as likely a few of his own, predominantly in the form of veiled critiques. As a means of instilling a general sense of the order's state, Thomas makes a five-fold evocation of the brothers' apathy with the Latin substantive *tepiditas*, which has biblical overtones of the Lord spitting the lukewarm, that is, the unfaithful, who are neither hot nor cold, from his mouth. He discusses *tepiditas* in the context of the sins of Francis' youth,<sup>675</sup> the dawners of fine clothes and the tendency to slip into a worldly mentality,<sup>676</sup> regarding temptation and urges of the flesh,<sup>677</sup> idleness and work,<sup>678</sup> and the prayer of companions to Francis.<sup>679</sup> Interestingly, the final prayer inverse of litany of the faults listed at outset of conversion. As a more direct reproach of those who contravene the charism, the prayer continues, do

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<sup>673</sup> *Memoriale* 188 (FF 608): *In omni quidem genere praelatorum regularium hoc potissimum commendabat, mores non mutare nisi in melius, conciliatos favores non quaerere, potestatem non exercere, sed implere officium.*

<sup>674</sup> *Memoriale* 189 (FF 608-9)

<sup>675</sup> *Memoriale* 33 (FF 472-3)

<sup>676</sup> *Memoriale* 69 (FF 507-8)

<sup>677</sup> *Memoriale* 116 (FF 549-50)

<sup>678</sup> *Memoriale* 161 (FF 586-7)

<sup>679</sup> *Memoriale* 221 (FF 638)

not allow that those who are like you by profession be unlike you in life. The verse indicative of the widening gap between making profession and living out charism. Thomas' affirmation connotes that Minorite life is not only limited to the outer observance of a profession. In other words, the Minorite *votum* does not encompass *virtus* or *vita*.

Thomas then dedicates paragraphs 159-163 to the topic of idleness.<sup>680</sup> One such paragraph levies a scathing critique against the idle and gluttonous.<sup>681</sup> Here Francis declares that the exercises of virtues have become hateful. Critical of the brothers' want of struggle and effort, he continues, claiming that the order has a more abundant supply of invalids than soldiers. Minorite brothers are born to work and should consider life warfare. Such brothers do not contribute gladly through action and are incapable of doing so through contemplation. They upset all with their singularity and work with their jaws more so than with their hands. Had they stayed at home, he whimsies, they would at least have lived by their own sweat. Now they feed themselves on the sweat of the poor (*pauperum sudore pascantur*). In contrast, elsewhere (3*Soc* 23) Francis' carnal brother mocks his labours, to which Francis retorts, I will sell that sweat to my Lord at a high price. Whereas the companions' was an ascetical motif, the current passage renders Thomas' message palpable.

For added effect, he goes on to ask, 'Can I believe that these monsters of men (*monstra haec hominum*) are deign to receive your glory?' In this slippery, transitory time (*hoc tempore lubrico e fugaci*), negligence and greed spread in the subjects as a sickness because the prelates ignore it, as if it were possible for them to sustain such vice and not earn punishment. The comment on the laxity of the times denotes the overwhelming tendency to disregard discipline and observance and to become steeped in all manner of laziness and excess. Such a tendency creates a recurring theme throughout the work with parallel in the novellas of brother fly and gluttonous bird.<sup>682</sup>

While *CAss* had depicted the Portiuncula as a locus of the charism, a marked alteration transpires in Thomas' Portiuncula motif,<sup>683</sup> which is reoriented toward preservation of the poor ideal, discipline, and observances. Inaugurating the verse dedicated to the Portiuncula, Thomas lauds Francis, *Servus Dei Franciscus, person modicus, mente humilis, professione minor*. The Portiuncula itself constitutes a mirror of the order (*speculum ordinis*) preserved in humility and most high poverty. The reflective imagery of a mirror served a highly symbolic function in medieval Christian piety, as it signified a sort of montage upon which passers-by

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<sup>680</sup> *Memoriale* 159-63 (FF 584-5)

<sup>681</sup> *Memoriale* 162 (FF 587)

<sup>682</sup> *Memoriale* 161 (FF 586-7)

<sup>683</sup> *Memoriale* 18 (FF 460-1)

could gaze and from which they could receive a message of identity- forming and normative import.<sup>684</sup> For Thomas, the Portiuncula symbolises evangelical values, chief among which humility and most high poverty. He supplements the motif indicating that ownership lies in the hands of others and the brothers only had use of it, a clear reference to *Quo elongati*. Rather than promote devotion, manual labour, and service of others as in *Cass*, the author stresses the value of rigid discipline in silence and labour as well as in other religious observances. He thus transforms the passage's thematic focus into a motif that stresses a monastic concept of religious life. A successive passage<sup>685</sup> outlines that in which strict discipline consists, that is, subjecting self to discomfort and ascetic self-denial. Importantly, for Thomas, Francis more so than any other represents the holiest mirror of the holiness of the Lord, the image of his perfection (*speculum quoddam sanctissimum dominicae sanctitatis et imagenem perfectionis illius*),<sup>686</sup> and a mirror and exemplar of the perfect (*perfectorum speculum et exemplar*).<sup>687</sup> Francis himself personifies the charism more so than the Portiuncula, whereas in *Cass*, it was equally the Portiuncula and thus the community that granted such agency.

Four anecdotes unique to *Memoriale* depict close approximations of charismatic principles regarding eremetical retreat and oscillating service of one another, service of others in need, universal obedience in mission, and allusion to conscience under the guise of the virtue *discretio*. In praise of the exemplary life lead by devout adherents to the charism, Thomas includes an account of hermetically inclined brothers in Spain.<sup>688</sup> A devout cleric from Spain approaches the saint and expounded upon the sort of life lead by brothers in his province. What the Spaniard goes on to describe aligns in ample measure with the way of life proscribed in *RegErm*. The brothers withdraw to poor hermitages. Half of the brothers tend to the chores, while the others dedicate themselves to contemplation and inner unction. Then the two groups oscillate roles. The brothers steeped in contemplation then took to the toils of labour so as to free up the others for solitude and prayer. Elated at what he hears, the saint rejoices. Importantly, groups such as the one described in the account had established a presence in the Marches of Ancona, where Crescentius of Jesi, the minister general and the work's commissioner had previously been minister provincial and had come into conflict with such circles of brother. The story thus affords another occasion to reflect on the institution's abandonment of its charismatic roots. In order to compensate for the concealed critical remark, Thomas then

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<sup>684</sup> Margo Schmidt, 'Miroir,' *DSp*, 1290-1303.

<sup>685</sup> *Memoriale* 21 (*FF* 462-3)

<sup>686</sup> *Memoriale* 62 (*FF* 500)

<sup>687</sup> *Memoriale* 221 (*FF* 638)

<sup>688</sup> *Memoriale* 178 (*FF* 599-601)

chastises the brothers who live as idle and worldly hermits and thus focus their efforts upon outward show and not spiritual integrity.<sup>689</sup> The narrative then shifts in tone as it declares Francis' exhortation of all to charity.<sup>690</sup> He urged all to exhibit a friendly manner and the closeness of a family (*affabilitate et domesticam familiaritatem*). Brothers should act as if they are sons of the same mother and provide for one another's needs.

Furthermore, Thomas devotes an entire section to charity in which he underlines in particular the charitable disposition expected of order officials in relation to their subordinates.<sup>691</sup> A predilection toward the charismatic models of leaders as servants and of obedience to all in the form of charitable working in the service of others at one's expense is manifest. Again, the figure of Francis operates on the basis of exemplarity, whereby he showed compassion showed for the other brothers, particularly for the ill and infirm.<sup>692</sup> Here the author utilises a classical works of mercy *topos* from the Gospels. Francis cared for his sickly brothers, he writes, and looked after their needs. His love for them was so extreme that he would pass on to them the tonics gifted him by generous lay donors. He would eat with them in order to alleviate their shame in having to consume more for their weakness. He would beg for meat in their stead to give to the sick brothers. In an especially touching scene, Francis took a sick brother who craved grapes to a vineyard and began to eat them together with the infirm man. In such a fashion, the figure of Francis serves as a performative demonstration of the way in which the brothers are to care for the lesser among them, represented with the image of the brothers in poor health.

Also singular to Thomas' legend is an emphasis upon the virtue of *discretio*, which declares the charioteer of the virtues.<sup>693</sup> The final passage of the section dedicated to the theme of obedience depicts a brother who came to visit Francis alone and without first obtaining an obedience. He was thus in violation of two norms. Taken aback by the brothers' unabashed act of disobedience, Francis ordered him to toss his hood into the fire. Then mysteriously under Francis' command the hood was removed unscathed from the intense heat of the flames. The brother was possibly not without merit, the author states, as he was likely overcome by his dedication to the Holy Father. However, he was ultimately found wanting in discernment. *Discretio* appears to be conceived here as an effect of the proper exercise of the conscience, more specifically, a discerning conscience judicious and acute in its observance.

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<sup>689</sup> *Memoriale* 179 (FF 601)

<sup>690</sup> *Memoriale* 180 (FF 601)

<sup>691</sup> *Memoriale* 172-81 (FF 596-602)

<sup>692</sup> *Memoriale* 175 (FF 597-8)

<sup>693</sup> *Memoriale* 154 (FF 580)

Again in the series of motifs devoted to the topic of obedience, a rather compelling pericope plays on a similar theme of permission and command describing the obedience of a cadaver and goes on to distinguish between permission granted by request and holy obedience ordered and not requested.<sup>694</sup> While the former is good, declares Francis, the latter is considerably safer. Yet the best of all, he purported, was that which consisted in a complete denial of flesh and blood, that is, going among the non-believers, by divine inspiration. Choice words from the rules resound.

### *Ecclesial Obedience*

As early as the first stages of Francis' conversion, obedience in an ecclesial accent plays a vital role in the narrative of *Memoriale*. Thomas transfers the account of Francis' performative act at the basilica of St. Peter in Rome.<sup>695</sup> Here, the author fills out the narrative with detail. The saint dined with the poor and tossed a handful of money (*plena manu pecuniam iactat*) before the altar in honour of Peter and the papal authority which he prefigures and represents. The account then spills over into a laudatory motif which describes Francis' obediencial approach to clerics. Always at their service, he was sure to show due honour to poor priests, gifting liturgical vestments even to those of the lowest rank (*usque ad inferiorem gradum*). Thomas notes of him that he was wholly integral in his catholicity (*fideque catholica integer totus*) and full of reverence for God's ministers and ministries. Further in the narrative,<sup>696</sup> Thomas incorporates a total transcription of *CAss* 19 on the submission due to priests and the proper motivation for an obediencial disposition. As per usual, their role as administrator of the sacraments underlies the demand for priestly reverence. As with other legends, the figure of Francis also gives a demonstrative performance of humility and respect for prominent bishops.<sup>697</sup>

Pericopes 10-11 open a major thematic thread in book I which follows through until the final verses. At the site of San Damiano, Christ speaks out to Francis by means of the suspended crucifix, calling him by name for the second time, and issues the second of his two-fold command.<sup>698</sup> We read, *Vade, rapara domum meam, quae, ut cernis, tota destruitur*. With immediacy, Francis sets out to fulfill the holy mandate. *Ad obediendum se parat, totum se recolligit ad mandatum*. From the divine directive he does not veer. He ran to fulfill it and worked tirelessly to rebuild the church, that is, the Church. The work lends direct focus to the

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<sup>694</sup> *Memoriale* 152 (FF 578-9)

<sup>695</sup> *Memoriale* 8 (FF 450)

<sup>696</sup> *Memoriale* 146 (FF 573)

<sup>697</sup> *Memoriale* 141 & 147 (FF 568-9 & 573-4)

<sup>698</sup> *Memoriale* 5 (FF 447)

encounter with Christ and Francis' ensuing response, which the narrative brings to its culmination at the close of book I in the delineation of Francis' unique submission to the Church and its outcome. Francis commends the order to the Church and reveals his intent in embracing the ecclesial submission.<sup>699</sup> The saint admits to fearing that the brothers may turn into rebels and become puffed up with self-importance. To that Thomas supplements the vision of Francis as a mother hen, in which he comes to terms with his limited personal capacity to ensure guidance of the order over the course of time.<sup>700</sup> He realises his insufficiency to put at bay human plotting and contradicting tongues. To that end, he entrusts his brothers to the Holy Roman Church, declaring that the evil-minded will be struck down by the rod of her power. He entreats the brothers to always follow her footprints with special devotion. The Church in turn will offer protection and emulate the glory of Minorite poverty and prevent the praise of humility from being obstructed by clouds of pride. For Thomas, it is the Church's responsibility to preserve the bonds of charity and peace and to strike dissidents with harsh punishments so that the sacred observance of the purity of Gospel will flourish. Unique submission (*Speciali subiectioni*) affords them preferential love and concern. So ends book I with the coupling of both components of the double command. The call to *sequela Christi* fans out into the reconstruction of the Church, to which Francis subsequently extends the utmost submission and ultimately commends the wellbeing of his brothers.

Also of interest for the work's historical context is an account of Francis,<sup>701</sup> who upon finding a house occupied by the brothers in Bologna (*domus fratrum*), entered a fit of rage and ordered one and all to abandon the house, even the sick. Shortly thereafter Hugo of Ostia abated Francis' anger by claiming that the property was his own and that the brothers merely made use of it with his permission.<sup>702</sup> M. LAMBERT assesses the passage as a precedence case for the Church's absorption of the property rights of all Minorite goods as enacted in the bull *Ordinem vestrum* (1245). However, one may just as well consider the inverse proposition, which is to say inclusion of the anecdote appears rather as a legitimating reference for the recent papal legislation incorporated with an intent to give the papal arbitration a precedent. In such an interpretive lens, the figure of Lord Hugo becomes a device invoked to establish a tradition vis-à-vis ownership of Minorite goods by ecclesiastical officials. The identity of the official portrayed as the former self of Gregory IX, long-time guardian and advocate of the order and issuer of the previous great papal arbitration *Quo elongati*, bolsters the reference all

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<sup>699</sup> *Memoriale* 23-4 (FF 464-5)

<sup>700</sup> *Memoriale* 24 (FF 464-5)

<sup>701</sup> *Memoriale* 58 (FF 497)

<sup>702</sup> The account also appears in *Speculum*, ed. Sabatier (1928), vi, 20.

the more. Granting the latter case, it was most certainly the general minister Crescentius of Jesi who insisted on the passage – by means either explicit or implied –, and precisely not Thomas, given the sensibilities exhibited by the author’s numerous veiled critiques employed throughout the work, one of which reproaches an excessively lax approach to poverty, the centrepiece of and major object of complaint regarding Innocent’s bull. Given that the account features in no other legend until the 14<sup>th</sup> century *Speculum perfectionis*, its historical basis is thin at best. However, even granting the story’s correspondence to historical events, its inclusion in a literary work renders it susceptible to the rewriting efforts of the stylus-wielder. With particular emphasis on his protective role, further laudatory passage on Hugo of Ostia then honours the recently deceased Gregory IX as the great door of the Church, a door which always held hostile powers at bay.

### **Thematic-Theological Analysis of Instructional Texts**

One may be led by temptation to consider the present grouping of texts, the *Summa Minorum* and *De Compositione*, as a sort of “Restcategorie,” an amalgamation of diverse texts that vary greatly in form and content. However, the thematically-driven nature of the two documents allots for a substantive discourse and justifies their common grouping. Though their scopes differed to an extent – one was designed to foster spiritual growth, the other theological knowledge –, each of the two documents is instructional in nature, the former regards scholastic instruction; the latter spiritual instruction. Both documents also functioned as a kind of reference work both for their authors and for further audiences. The need for another category of texts parallels the rise not only of general literacy but also of scholastic and systematic mentality. Indeed, in addition to their pedagogical form, it is by and large the systematic approach to topics that separates the current sources from the rest and beckons their common grouping. Due to the authors’ pursuit of generating a thought system, the *Summa fratris Alexandri*, or *Summa Minorum*, and the *De Compositione* lend themselves to the study of a theologically-inclined nature.

#### *Summa fratris Alexandri* or *Summa Minorum*

##### I. Textual Features and *Sitz im Leben*

Witnessed in multitudinous extant manuscripts (42 of book I, 39 and 41 respectively of book II in its two parts, and 66 of book III)<sup>703</sup> of mainly thirteenth-century origin, the work referred to here in its entirety as *Summa Minorum* has a “wesentlich kompilatorischen

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<sup>703</sup> *Summa*, Vol. I, XII; *Op. cit.*, Vol. II, X; *Op. cit.*, Vol. III, XII; *Op. cit.*, Vol. IVa, XV.

Charakter<sup>704</sup> and a relatively complex redactional and chronological history. It was a collaborative effort across time at the hands of Alexander of Hales, John of La Rochelle, and one or more anonymous authors. Considering the text's multiple authorship, the common designation *Summa fratris Alexandri*, which stems from as early as the mid-13<sup>th</sup> century,<sup>705</sup> appears wholly unsuitable. Semi-contemporary witness, including the 1255 papal bull *De fontibus Paradisi*,<sup>706</sup> and biographical data indicate that Alexander may have at least conceived and began to write the *Summa*, while more careful modern scholarship asserts that his role was largely editorial or supervisory.<sup>707</sup> Though insistent upon Alexander's authorship, on examination of style and doctrine, the Quaracchi father ultimately allotted for a plurality of redactors.<sup>708</sup> The *Summa* comprises an assortment of texts theological in scope, compiled from various lecture notes, *reportationes*, and complete works which was at various subsequent stages redacted and divided into four books. The issue of the text's author(s) and authenticity were highly disputed well into the redaction and publication of the Quaracchi volumes. Though the work's authenticity and integrity were a matter of debate in the previous century,<sup>709</sup> scholar-

<sup>704</sup> B. Geyer, 'Der IV. Band der Summa des Alexander von Hales,' in: *FranzStud* 31 (1949): 1-14, here 4. As I. R. WILLISON succinctly puts it "The *Summa* ... is a compilation by later Franciscan theologians based on the writings of Alexander (of Hales), John of la Rochelle, and Bonaventure et al," I. R. Willison, *The New Cambridge Bibliography of English Literature*, Vol. I (Cambridge, 1987), 769.

<sup>705</sup> C. Flüeler, „Summa theologica“; in: F. Volpi (Ed.): *Großes Werklexikon der Philosophie*, Vol. II, Stuttgart 1999, 34/35. Other common designations include *Summa Halesiana* and *Universae theologiae summa*.

<sup>706</sup> V. Doucet, "Prolegomena," Vol. 4a, LXVIII. He asserts: "Sic explicite confirmatur quod iam supponebatur in Bulla *De fontibus paradisi*, Summam scilicet minime esse scriptum ab Alexandro inceptum et ab eius discipulis postea perfectum." For the letter in full, see: *Summa*, Quaracchi, Vol. I, VII-VIII.

<sup>707</sup> Dougherty summates well the past century of scholarship when he writes, "All present-day interpretations appear to be somewhere between Alexander IV's claim that Alexander of Hales wrote the entire first three books of the *Summa* and Roger Bacon's claim that he wrote none of it." Dougherty, *Moral Dilemmas*, 49-50. Any claim to the authenticity of the first three books as an Alexandrian work demands thorough qualification. See: Doucet, "Prolegomena," CCCLXIX, "Ipse Alexander quodammodo Summam fecit (*critica externa*), sed collaborantibus aliis (*critica interna*); item, ex propriis maxime scriptis, sed etiam ex alienis. Quare et authentica et halesiana quodammodo Summa diei potest, non autem simpliciter." Cf. M. C. Wass, *The Infinite God and the Summa Fratris Alexandri* (Chicago: Franciscan Herald Press, 1964), 8 & J. Bougerol, *Introduction to the Works of Bonaventure*, 15.

<sup>708</sup> Doucet, "Prolegomena," CCCXXXVIII.

<sup>709</sup> V. Doucet, 'The History of the Problem of the Authenticity of the Summa,' *FranzStud* 7 (1947): 26-41; Idem., 'A new source of the Summa fratris Alexandri,' *FranzStud* 6 (1946): 403-17; Idem., 'Autour des Prolegomena ad Summam fr. Alexandri,' *AFH* 43 (1950): 196-200, Ibid., 'De „Summa fratris Alexandri Halensis" historice considerata,' *RFNS* 40 (1948) 1-44, F. Henquinet, Fr. 'Considerans: un des auteurs jumeaux de la Summa fratris Alexandri primitive,' *Recherches de Théologie Ancienne et Médiévale* 15, Louvain 1948; B. Geyer, 'Der IV. Band der Summa des Alexander von Hales,' in: *FranzStud* 31 (1949): 1-14; & V. Kempf, 'Problemas bibliograficos em torno das obras de Alexandre de Hales,' *Cruzeiro do Sul* 23 (1945): 67-90, F. Pelster, 'Interno all'origine e all'autenticità della Summa,' *Civiltà cattolica*, LXXII, 1981 & R. Prentice, 'The De fontibus Paradisi of Alexander IV on the Summa theologica of Alexander of Hales,' *FranzStud New Ser.* V., 1945. Book III's tract on law is based upon *Quaestiones disputatae de legibus et praeceptis* (*Tractatus de legibus*) possibly of Alexander's hand and *Summa de praeceptis et consiliis*, a known text of John of La Rochelle. See: V. Doucet, *Prolegomena in librum III necnon in libros I et II in Summa Fratris Alexandri* (Quaracchi), t. 4, pp. CCCLXIX CCCVII, F. Henquinet, 'Ist der Traktat *de legibus et praeceptis* in der *Summa* Alexanders von Hales von Johannes von Rupella?,' *FranzStud* 26 (1939): 1-22 & 234-258, I. Brady, 'Law in the *Summa fratris Alexandri*,' *Proceedings of the American Catholic*



ship claims John of La Rochelle as the most likely final author of books I and III. The fourth book, while at times ascribed either to Bonaventure of Bagnoregio or William of Middleton, still awaits definitive attribution, although it ostensibly contains traces of writings from both.<sup>710</sup>

Alexander of Hales<sup>711</sup> (ca. 1185-1245) had been a secular master of theology at the University of Paris before donning the habit of a Minorite. In addition to his noted contribution in the *Expositio quatuor Magistrorum super Regulam OFM*, Alexander composed a sentence commentary (and in fact popularised the literary genre) as well as various other works, which largely experienced neglect among scholars until the 20<sup>th</sup> century.<sup>712</sup> The character of the *Summa* as synthesis and its inclusion of excerpts and passages from Alexander's sentence commentary, in books I and III in particular,<sup>713</sup> permit one to exclude the latter work from the principal focus without also running the risk of giving unfair treatment to other textual sources. Active in the work's completion were two or more pupils of Alexander, primarily John of La Rochelle, co-author of the expositio of 1241/2. To the chagrin of certain critics like Roger Bacon, the *Summa Minorum* would become a mainstay in the Minorite educational curriculum. Both in its theoretical conception and its textual execution, the *Summa* is a testament to a growing measure of intellectual hierarchisation in Minorite discourse and logic. According to LEFEVERE, the *Summa* constitutes a conscious effort to codify and enforce an understanding of theology, which is in line with the prevailing order and the cultural narrative upholding it. As a solid work of theology, and in particular a juridically-attuned theology, the *Summa* could not help but appease the order and its patrons. The professionals who undertook its composition formulated their conceptions within such a context. The *Summa*'s implementation as the gold standard of theological instruction then fortifies the argument regarding its complementarity with the dominant institutional narrative and the conscious effort to control the literary frame by rewriting the possibilities of Minorite theological thought and instilling that in its readers.

## II. Thematic-Theological Analysis

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*Philosophical Association* 24 (1950): 133-6 & *Ibid.*, 'The *Summa Theologica* of Alexander of Hales (1924-1948),' *AFH* 70 (1977): 437-447.

<sup>710</sup> Geyer, 'Der IV. Band der *Summa*,' 14.

<sup>711</sup> R.M. Huber, 'Alexander of Hales OFM: his life and influence on medieval scholasticism,' *FrancStud* 5 (1945): 353-365.

<sup>712</sup> The sentence commentary was rediscovered only in 1946 with the aid of few testimonies. His *Quaestiones* and *Quodlibeta* have also appear to have received relatively little attention among scholars. Dettloff, 'Alexander Halesius,' 245-6.

<sup>713</sup> Geyer, 'Der IV. Band der *Summa*,' 9 & 14.

The *Summa Minorum* is a project of massive proportions in both depth and breadth of treatment. Prior scholarship has illuminated the work's finer points of theological and philosophical matters such as the production of norms, political theory, and obedience in both a social and broadly Christian context. While such studies are of interest in general and provide information as well as insight with particular regard for the work's conception of ontology and the production of norms,<sup>714</sup> they largely go beyond the scope of the present study. It is sufficient to confirm that the *Summa Minorum* proffered a vast endowment of ideas, both distinct and original, to the Minorite theological school as well as in the broader discourse of the scholastic tradition. An investigation of obedience conceptions in the *Summa* merits a comprehensive study in relation to the work in its complex entirety. Such a work has to my knowledge never been attempted. The comments that follow focus upon the principal object of the present study; namely, the voluntary obedience proper to Minorite religious life and identity. The constraints being as they are, the study addresses salient points relevant to the matter of obedience. Given the theoretical affinity, synthetic nature, and substantially Alexandrian – or at least Parisian Minorite – provenance that characterises the first three books, an approach that draws together common threads serves to garner insights into the theology fostered at the Minorite *schola* at Paris. This study therefore does not seek to examine the *Summa* as the work of single man. Rather, the approach seeks to assess the document as a composite text that represents a efforts to formulate, gather, and synthesise salient thoughts of various Minorite Parisian masters and produce a multi-generational synthesis of Minorite theology in Parisian accent. A treatment of the work's fourth volume is reserved for another occasion, as it pertains to a subsequent period and is by and large comprised of thoughts already found in other writings of Bonaventure.

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<sup>714</sup> Aloysius Obiwulu, *Tractatus de Legibus in 13th century scholasticism: a critical study and interpretation of law in Summa Fratris Alexandri, Albertus Magnus and Thomas Aquinas*, Münster, 2003; Wilhelm Steinmüller, *Die Naturrechtslehre des Johannes von Rupella und des Alexander von Hales: in der "Summa fratris Alexandri" und in der neuaufgefundenen Sentenzenglosse Alexanders von Hales*, Universität München, 1959; Leonardo Sileo, 'Natura e norma. Dalla "Summa Haliensis" a Bonaventura,' in: *Etica e politica: Le teorie dei frati Mendicanti nel due e trecento. Atti del XXVI Convegno internazionale*, Spoleto, 1999, 29-58; & Luca Parisoli, *La Summa fratris Alexandri e la nascita della filosofia politica francescana: Riflessioni dall'ontologia delle norme alla vita sociale*. Francescana, 21. Palermo, 2008. Parisoli writes, "...occorre ricordarsi che il ruolo filosofico giocato dal peccato originale nella comprensione normativa del mondo è un contributo essenziale della Summa, che certo riprende spunti risalenti nella tradizione cristiana – tra cui sant'Ambrogio – che radicalizzano quella che è una verità di fede cattolica, e come tale accettata da ogni pensatore cattolico, ma non condivisa da ogni pensatore cattolico nella dimensione inaugurata dalla Summa; che questo mondo creato è segnato dalla presenza inescapabile di fatti normativi che riflettono il primato dell'obbedienza, regina di tutte le virtù e passaggio obbligato per comprendere il tessuto pratico dell'azione umana (e più in generale, di ogni persona); che il primato dell'amore è lo sguardo finale sui problemi filosofici e l'apertura sullo spazio illimitato della Vita." P. 23.

The *Summa* takes a broad approach to theological exposition and spans a wide range of topics. As such, it expounds upon numerous themes tangential to the issue of obedience in religious life.<sup>715</sup> The primary themes relevant to the present study are relatively few in number, but where quantity is lacking, profundity of treatment more than compensates. The pertinent conceptual points regard entanglement of the conscience in moral dilemmas, the conception of conscience in relation to natural law and *synderesis*, the Decalogue, Abraham's obedience, and the commandment to honour father and mother. All else would detract from the study's principle directive.

*De perplexitate conscientiae: Moral Dilemmas in Religious Life*

The rules had afforded a generalised principle to protect against erroneous commands, in particular those that include harsh corrections, and endow the right to dissent in similar events. Alternatively and perhaps as a compliment, the *Summa's* authors offered deliberations consistent with their versedness and acumen, that is, a more reflective, philosophical solution to not only one but several problems of moral dilemma and difficulty in pragmatics where authorities and norms appear to conflict within the realm of religious life. In his philosophically attuned and admirably concise assessment of what he names the moral dilemma in medieval thought, M.V. DOUGHERTY gives a detailed analysis of the philosophical and theological underpinnings of the difficulties come across in theorising the moral life. The fruits of his labour carry indispensable insights and are of particular assistance in the present analysis of voluntary religious obedience. His overarching designation encompasses a wide variety of ethical phenomena that one incurs in matters involving a single source of norms that offers self-contradictory prescriptions irreconcilable in application, normative structures that conflict and may lead to a crisis of conscience, malformed consciences, and an assortment of historical solutions to each problematic scenario illustrated in example. Instrumental in moving the intellectual discourse along was the Minorite *Summa's* treatment of spiritual and corporeal *perplexitas* and the unique conclusions at which it arrives.<sup>716</sup> The long line of reflection preceding the *Summa's* conception and solution to moral *perplexitas* would begin in classical Greek philosophy, which already posed the issue as a problem of lesser evil, and would take hold in the Christian tradition through canonists such as Gregory the Great and above all Gra-

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<sup>715</sup> *Summa fratris Alexandri* (hereafter cited as *Summa Minorum*), 4 vols, Editiones Collegii S. Bonaventurae ad Claras Aquas 1979, t. II 466-90: *De libero arbitrio*; t. III 55-78: *De triplici differentia mali culpae*; & t. III 136-40: *De poena daemonum quae est vermis conscientiae*.

<sup>716</sup> The discussion appears to have marked a watershed in the Minorite theological tradition, as Bonaventure and Ockham would also take up the discourse each offering their own contribution circumstances of moral dilemma. See: *Moral Dilemmas in Medieval Thought*, 156-8 and 163-7.

tian.<sup>717</sup> The lesser evil principle is a precursor to the long-lasting Thomistic (or perhaps neo-Thomistic) principle of double effect,<sup>718</sup> which continues to provoke thought even in modern-day philosophical discourse. However, the earliest detectable discussion of moral dilemmas in the Western literary canon is found in Plato's *Republic*.

The *Summa*'s position is worth dwelling on as it not only pertains to the examples that evince the occurrence of such moral discourse in the thirteenth-century both prior to Aquinas and beyond the sphere of canon law, but, more to the point, it regards the matter of obedience and the role of the conscience with direct import. Antecedent *summae* and Peter Lombard's *Sententiae* had grappled with the problem of moral discrepancy, the latter case having done so with respect to a malformed or erroneous conscience.<sup>719</sup> Lombard did yet not address the issue in terms of *perplexitas*, but the insertion of his manual into the curriculum at the University of Paris lead to a Parisian tradition of taking on difficult moral quandaries, which many commentators referenced as *perplexitas*.

DAUGHERTY handles the problem of *perplexitas* in the *Summa* in synoptic form so as to weigh it against another foundational scholastic treatise in William of Auxerre's *Summa aurea*. The Minorite *Summa* cites William's and shows due deference to his contribution, acknowledging that it is a continuation on his discussion, albeit a discrepant one. Each of the two works apportion a section for the topic all its own and are remarkable for much the same reasons, chief among which their abundant scenarios, distribution of examples into categories, and anthropological insights, at times supplemented with advise for those who may find themselves in a particular scenario. William dedicates three chapters to the matter (*De perplexitate*)<sup>720</sup>; the Minorite authors two articles (*De perplexitate*).<sup>721</sup> For the sake of brevity, the current treatment shall condense all reference to *Summa aurea* to the necessary and the proper in attribution.

As the term *perplexitas* itself appears to imply three distinct phenomena, the authors first make sure to disambiguate.<sup>722</sup> The vocabulary's threefold implication comprises the per-

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<sup>717</sup> *Moral Dilemmas*, 13-40.

<sup>718</sup> Daugherty summarises the principle as one in which „...a course of action should be rejected when its foreseen but unintended consequences are worse than those of an otherwise equivalent alternative course.“ *Moral Dilemmas*, 191. The literature on the topic is extensive. For a primer and basic bibliographical indications, see: Joseph Mangen, SJ, „An Historical Analysis of the Principle of Double Effect,“ *Theological Studies* 10 (1949): 41-61 & T.A. Cavanaugh, *Double-Effect Reasoning: Doing Good and Avoiding Evil* (Oxford: Clarendon Press, 2006), 1-38.

<sup>719</sup> Peter Lombard, *Sententiae in IV libris distinctae*, 3rd ed., 2 vols. (Grottaferrata: Editiones Collegii S. Bonaventurae ad Claras Aquas, 1971-81), here I.2: 553-6.

<sup>720</sup> Guillelmus Altissiodorensis, *Summa aurea*, ed. Jean Ribailier, 7 vols. (Paris: Editions du Centre National de la Recherche Scientifique, 1980-7), III.2: 1044-54..

<sup>721</sup> *Summa Minorum*, III: 391-7.

<sup>722</sup> *Summa Minorum*, III: 391-2.

plexity of understanding Scripture (*perplexitas intelligencie Sacre Scripture*), the perplexity of understanding what is to be done (*perplexitas intelligencie faciendorum*), and perplexity in the case of inevitably committing a sin (*perplexitas inevitabilis peccandi*). The author identifies the difficulties as those of an erring mind that lacks the appropriate information, in brief of vincible ignorance. At their core, the first two represent theoretical scenarios of epistemic bemusement and not of moral discrepancy, insofar as they are promptly resolvable not by means of moral deliberation but provided that the agent in question simply gains in knowledge. Sufficient resolutions of vincible ignorance include exegetical tools and divine instruction provoked and infused by way of prayer informed by the Holy Spirit. Such dilemmas are not real dilemmas at all but misapprehensions of the factual state of affairs.

Prior to the main exposition, the author prefaces his remarks with a consideration as to whether perplexities of conscience exist as a valid phenomenon (*Utrum sit perplexitas conscientiae*).<sup>723</sup> He responds in the positive. The summist also offers the counsel to lay aside an erroneous conscience in an effort to seek remedy (*per depositionem erroneae conscientiae*). As a scholastic thought-experiment to prepare his readers for *disputationes*, the author then advances a counterargument that disputes the possibility of such moral entanglement by attacking the proposition's semantic integrity. The counterposition argues to the effect that an inevitable sin is no sin at all. An act committed in a set of circumstances in which one is unable to avoid a sinful outcome is not condemnable. Following the line of thought to its logical conclusion, there are therefore no grounds for sin and there is no cause for a muddled conscience. The interlocutor's argument connotes the semantic point that a sin constitutes a freely chosen transgression of divine law. Only such a course of action, if freely chosen and not coerced, would lead one to transgression. However, if a sin-bound course of action is truly unavoidable, then by definition sin does not enter the discussion. Hence, inescapable sin is itself a logical impossibility. The account of Abraham's sacrifice of Isaac comes to mind as a convincing example on which to construct an argument for the illusory nature of inevitable sin. While the summist addresses the narrative – dissimilar to other Minorite authors with the exception of David of Augsburg –, he does not consider God's command to Abraham as having induced a morally conflicting condition. As indicated, according to the *Summa*'s broader theological conception the nature of God's will in relation to the eternal law of the good is such that God can command against natural law and thus against the ten commandments.

The *solutio* begins to classify potential occurrences of perplexity into two types, drawing a distinction between perplexity of law (*perplexitas iuris*) and perplexity of fact (*perplexi-*

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<sup>723</sup> *Summa Minorum*, III: 392.

*tas facti*).<sup>724</sup> While both sorts can incur the inevitability of sin (*inevitabilitas peccati*), they do so on different terms. The first sort of moral entanglement occurs in the event of confusion regarding application of the law with regard to the duties that it imposes. It need not be the case, to formulate his statement in the positive, because irresolution of the law can always be removed (*Nullus enim est in tali statu quin possit ab eo amoveri dubietas iuris*). As DAUGHERTY is quick to point out, contemporary Raymond of Peñafort negates the legitimacy of the legal perplexity with a greater degree of clarity than does the summist. Raymond adds that perplexity of law may be resolved by the simple reconciliation of contraries. There is, he claims, no real contrariety in the law. Any appearance of legal contrariety is superficial.<sup>725</sup> Both authors therefore set forth the assertion that misunderstanding of the law never induces the necessity to follow a sinful course of action. Having denied the possibility of inevitable sin due to legal confusion, the summist enters the realm of what DAUGHERTY goes on to call “vincible epistemic perplexity.”<sup>726</sup> A condition of factual perplexity, on the other hand, comes about when moral entanglement occurs at one’s own doing (*potest aliquis ex proprio vitio esse perplexus*),<sup>727</sup> that is, when the occasion to enter a sinful course of action materialises as a result of a formerly accomplished misdeed.

As a concrete illustration of *perplexitas facti*, the author unfolds a first example, which although it does not concern voluntary religious obedience in a direct manner, it bears mention as it sheds light on the principle referenced and exhibits its usefulness for moral discussion.<sup>728</sup> The exemplification of *perplexitas facti* asks the reader to consider the case of a priest, who having committed prior sin of non-descript but mortal character, is in the midst of presiding at a mass. As he goes to utter the first words of the Eucharistic consecration, the priest takes note of his predicament and pauses in a moment of discrepancy. If he were to proceed to consecrate the sacrament having sinned mortally and without prior absolution he would celebrate unworthily and incur further sin. If, on the other hand, he were to halt the mass altogether, he would generate scandal among those present for not properly performing the duties of his office. Since either course of action would lead the priest to sin, it appears that he is in a state of *perplexitas*. The summist assents to the proposition that the priest in the given state of affairs is unable to escape a sinful course of action, but sets out to clarify that in

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<sup>724</sup> *Summa Minorum*, III: 392.

<sup>725</sup> ... *per contrariorum concordiam est solvenda: nam in iure nulla est contrarietas realis, sed superficialis tantum*. Raymond of Peñafort, *Summa*, Lib. 3, *De scandalo, et perplexitate, et notorio*, p. 6 in *Summa de poenitentia et matrimonio cum glossis Ionnis de Friburgo* (Rome: Ioannes Tallinus Bibliopolus, 1603), 356.

<sup>726</sup> *Moral Dilemmas*, 56.

<sup>727</sup> *Summa Minorum*, III: 392.

<sup>728</sup> *Summa Minorum*, III: 392.

order to remove himself from such a dilemma, the priest needed merely seek repentance before undertaking the mass.<sup>729</sup> Since the inevitability of the priest committing a sin was brought on by his own negligence in failing to seek absolution, the remedy for his entanglement in sin, though impossible in the present predicament, is a pre-emptive trip to the confessional. In a way, the authors reasoning is circular, but his response to the possibility of inescapable sin is clear. He asserts the possibility of absolute necessity to sin. DAUGHERTY deems such sort of discrepancy a “prior-fault dilemma.”<sup>730</sup> The debate of prior-fault dilemmas marks an original contribution to moral theory, to which thinkers of subsequent generations would return.

In a reference to Gregory the Great’s discussion of moral entanglement and the examples afforded, the author refutes their status as true dilemmas on the grounds that those who find themselves in the scenarios outlined are in fact able to be alleviated of their perplexity by pursuing a course of “subsequent rectifying acts.”<sup>731</sup> Exhibiting quite a more pastoral than systematic tone, the summist then advises the reader that aid is at hand for those with a propensity for sin, which he diagnoses as the primary cause for the supposed necessity to sin (*necessitas peccandi*). He then immediately dons his theologian’s cap anew when he suggests a providential motive for perplexities of conscience. God has a lesson in mind for that person, he argues, and the inescapable encounter with a sinful state serves the purpose of bringing the sinner to a state of dismay by their sin that they may think of their prior wrongdoings and be more liable to avoid such dilemmas in the future by repentance.<sup>732</sup>

As does William, the summist distinguishes between spiritual and corporal perplexity, or more precisely perplexity in spiritual works (*perplexitas in operationibus spiritualibus*) and perplexity in corporal works (*perplexitas in operationibus corporalibus*). Entanglements of the spiritual variety treat only of those situations in which an agent would sin as a result of violating the duties of their extraordinary vocation, whereas corporal perplexity involves more worldly matters such as the handling of coin, food, or other possessions. Indeed, examples abound, but while they are entertaining, not all relate to obedience in religious life. Alas it must suffice to list them as DAUGHERTY has deemed. Of the spiritual perplexity variety, the author advances opinion on the Fornicating Priest Dilemma,<sup>733</sup> the Simoniacal Priest at Mass

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<sup>729</sup> *Unde si primo ablatum esset vitium, non sequeretur perplexitas, sed manente tali statu potest esse perplexitas.*

<sup>730</sup> *Moral Dilemmas*, 57.

<sup>731</sup> *Moral Dilemmas*, 57.

<sup>732</sup> *Permittit tamen Dominus hominem cadere in huiusmodi necessitatem perplexitatis, ut sic confundatur homo super peccato suo. Summa Minorum*, III: 392.

<sup>733</sup> *Summa Minorum*, III: 392.

Dilemma,<sup>734</sup> the Simoniacal Office Dilemma,<sup>735</sup> the Latrine of the Devil Dilemma,<sup>736</sup> the Hermit Dilemma,<sup>737</sup> the Worldly Superior Dilemma,<sup>738</sup> and the Poor Parents Dilemma.<sup>739</sup> Examples of corporal perplexity include the Madmans' Sword Dilemma,<sup>740</sup> the Usurer's Money Dilemma,<sup>741</sup> the Homicidal Adulterer Dilemma,<sup>742</sup> the Hiding Fugitive Dilemma,<sup>743</sup> the Eater's Dilemma,<sup>744</sup> and the Venial Sin Dilemma.<sup>745</sup>

The treated instances lends themselves to a fourfold classification. One may classify each of the illustrations as either merely apparent, prior-fault but resolvable, prior-fault and irresolvable, or innocent agent dilemmas.<sup>746</sup> As the name suggests, the first set of scenarios represents a case of vincible ignorance. Such dilemmas are so in appearance only and not in reality, as there is a "previously unconsidered and morally permissible option for the agents described...."<sup>747</sup> Nearly all examples considered fall under the first class of merely apparent dilemmas.<sup>748</sup> Resolvable prior-fault dilemmas, then, develop as a result of a previous wrongdoing, as in the case of the cleric presiding in a state of mortal sin. Had the person in question simply thought to seek remedy for the original fault and successfully staid its after-effects, he could have removed himself from a path of inevitable sin and been spared the present state of affairs altogether. These are cases of contingent necessity to sin, and thus also not exigent of the term *perplexitas* in the summist's mind. The author is unique in putting forth an instance (the Simoniacal Priest dilemma) of moral entanglement from the third class, wherein the agent is truly incapable of undoing the dilemma by resolving a prior infringement and finds himself trapped on an inevitable course for sin, a catch-22 in modern-speak. The remaining two instances are those in which perplexity befalls a person not having committed prior fault and due to inability lands in an unsatisfactory condition vis-à-vis their respective duties; such faithful are perplexed through no fault of their own.

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<sup>734</sup> *Summa Minorum*, III: 393.

<sup>735</sup> *Summa Minorum*, III: 393.

<sup>736</sup> *Summa Minorum*, III: 393.

<sup>737</sup> *Summa Minorum*, III: 393-4.

<sup>738</sup> *Summa Minorum*, III: 394.

<sup>739</sup> *Summa Minorum*, III: 394-5.

<sup>740</sup> *Summa Minorum*, III: 395.

<sup>741</sup> *Summa Minorum*, III: 395.

<sup>742</sup> *Summa Minorum*, III: 396.

<sup>743</sup> *Summa Minorum*, III: 396.

<sup>744</sup> *Summa Minorum*, III: 396.

<sup>745</sup> *Summa Minorum*, III: 396.

<sup>746</sup> *Moral Dilemmas*, 83-4.

<sup>747</sup> *Moral Dilemmas*, 9.

<sup>748</sup> Merely apparent spiritual dilemmas include the Fornicating Priest, the Conflicted Hermit, the Latrin of the Devil, Simoniacal Office



As the author proceeds all the while refuting case after case, one begins to notice ever more the restrictive definition of *perplexitas*, with which he operates. Its conditions are virtually unmeetable. With the Simoniacal Priest at Mass dilemma, one chances upon the sufficient condition. In order for there to be true perplexity, there must also be no recourse to escaping prior wrongdoing. Such true dilemmas, as DAUGHERTY aptly summates, propose that the given agents “are judged to be unable to escape some degree of moral wrongdoing. [Both William and the Minorite summist] promote the principle of the lesser evil as a way for agents trapped in moral dilemmas to minimize their moral transgressions.”<sup>749</sup> By way of the irresolvable case and dilemmas of the ‘Poor Parents’ and of the ‘Simoniacal Priest’ dilemma, the summist sees fit to introduce a rendition of the principle of lesser evil. It shall suffice to run through the cases that directly address the study’s primary objective regarding systematic treatment of issues that relate to voluntary religious obedience.

None of the perplexities resulting from corporal acts lend themselves to study here. All but one are cases of perplexity resulting from a false dichotomy, and they have no direct parallel in religious life. Of the spiritual variety, three deserve especial attention, the ‘Worldly Superior’ dilemma, the ‘Conflicted Hermit’ dilemma, and the ‘Poor Parents’ dilemma. The first of the lot, the ‘Worldly Superior’ dilemma,<sup>750</sup> entails a male member of religious life, who has renounced the world and taken a vow of obedience to his superior in all that which does not contravene the law of God. The superior then orders him to engage in greater interaction with those of the world. Ill at ease with the superior’s mandate, the religious believes himself to be in a state of moral entanglement. If he elects to disobey his superior’s command in order to avoid worldly influence, he violates his vow. If he were to obey the order, then he would risk corruption by consorting with worldly outsiders and likewise violate his vow. As DAUGHERTY indicates, the summist hires the assistance of an example from Gregory the Great but alters it slightly, lessening its severity by having the superior mandate interaction with the worldly rather than avoidance of the godly.<sup>751</sup> Importantly, the summist envisages a scenario in which a superior should not be disobeyed as a resolution to the dilemma. The summist, in effect, makes a simple problem out of a complex one and softens the potential state of perplexity, rendering it a sort of straw man argument, easy to categorise and dismiss. The outlined ordeal is a clear case of false perplexity, as the religious should obey the superior’s command so long as it does not interfere with the will of God or go against the rule of his profession. Relatively little thought is required to ease the conscience of the religious.

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<sup>749</sup> *Moral Dilemmas*, 9.

<sup>750</sup> *Summa Minorum*, III: 394.

<sup>751</sup> *Moral Dilemmas*, 70.

It gives cause to wonder what the author would have written in response to Gregory's original dilemma, and perhaps more to the point, for what reason he opted out of the struggle in his obvious preference not to confront the problematic issue head-on. By weakening the blow of the superior's order, the author missed out on a valuable opportunity to address a pressing matter of particular interest for Minorite religious with their tradition of legitimate dissent to orders issued that show no basis in either the rule or the laws of God. Instead of unfolding a state of events in which a superior issues a wrongful order, he presents a facile case of a religious with hypervigilant conscience. As a consequence, while the author reiterates the protective measures of *RegB X*, he nevertheless fails to make a committed statement sanctioning proper dissent and dodges the question altogether. He missed his chance to underline a powerful potential of the Minorite tradition regarding obedience, which revolves around the conviction that a subordinate agent is not only the holder of the right to disobey in such case, but he also has a duty and responsibility to do so. It is also not unnecessary to mention that the author appears in his treatment of the 'Worldly Superior' dilemma to show favour for the *vita activa* over the *vita contemplativa*, for which the next dilemma considered then compensates.

Also pertinent to religious life is the 'Conflicted Hermit' dilemma,<sup>752</sup> a scenario common to both William and the summist. The Minorite author differs only on one brief account from his predecessor's treatment, subscribing to it and adopting it in full. Here a man living as a hermit feels himself drawn back to a context of urban ministry where his counsel and example might inspire others to turn to God. Having professed a vow to a life of hermetic solitude, the devout man enters a state of inner conflict at his predicament. If he follows the divine call to tend to souls in the city, he breaks his vow as a hermit. If he were to remain true to his vow and stay in self-administered prayerful isolation, he would violate the obligation to the divine movement in his own conscience. Uncertain which path to follow, he too is morally conflicted. Dissimilar to the priest at Mass and the religious ordered into the world, the role of the conscience in the hermit's inner discrepancy is of utmost significance. Not only is the hermit struck by moral conflict in the sense that he is unsure what course of action to take; he also finds himself amidst a spiritual conflict, whereby his conscience dictates one path, his original vow another. The account thus constitutes a case of vocational discernment, on which more below. In a move to conduct a sort of utilitarian cost-benefit analysis, the author consid-

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<sup>752</sup> *Summa Minorum*, III: 393-4. *Summa aurea*, 1048-9.

ers the evidence in favour of the hermit's dislodging himself from his professed way of life and taking to the city.

Despite the disproportionate amount of arguments amassed in support of their hermit's leaving for urban ministry, his vow, the summist argues, overrides his inner desire to be freed in order to carry out another, more active vocation. However, it is worth noting that William is much more attuned to the hermit's inner calling and moral sentiments in his treatment than is the Minorite summist.<sup>753</sup> Though in the end the two authors draw a similar conclusion, the contrast between the two arguments deserves particular mention. By juxtaposing the comparative sensitivity to the inner workings of the moral agent exhibited in William's treatment to the strict, absolutist natural law approach in the Minorite *Summa*, the distinction becomes clear. DAUGHERTY outlines what he refers to as the moral residue argument for the hermit's dilemma in relation to William's comments. In particular, William asserts that the hermit's conscience will be his point of reference if guided by the Holy Spirit (*ad Spiritum Sanctum, qui est verus magister et docebit ipsum facere debeat*).<sup>754</sup> His argument implies that the conscience is open to receiving the message of the Holy Spirit, whereas the Minorite summist privileges the dictates of the established order of legal procedure. For the summist, a vow once taken is indissoluble and may not be broken, no matter the particular circumstance. The author concludes that, while it may be true what Augustine says about spiritual sustenance being superior to the corporal, there is no feasible calculation to determine the good that his ministry would achieve. Case in point, even if such a calculation were successfully conducted and ended up in favour of the city over the hermitage, the premise itself, though worthwhile considering, suffers from a grave misconception.

The *Summa* takes issues with the defence of pastoral ministry, as by that logic, it would never be licit for anyone ever to enter into contemplative life because there will always be more souls to which to extend one's aid. Such perpetual deliberation of degrees of good on the basis of one's availability to others would *de facto* rob every hermit of his vocation. As such, the authors adjudicate the case of perplexity as one of mere appearance. It is resolvable in that there is no obligation that binds the hermit to the calling of his soul, whereas the vow that he has solemnly professed does bring with it dutiful and binding implications and thus supersedes his need to go to the city in rank of importance. Therefore, as DAUGHERTY rightly

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<sup>753</sup> *Moral Dilemma*, 63-6.

<sup>754</sup> *Summa aurea*, 1049.

argues, there is no legitimate reason to pit the value of his achievements in the city against that which he would achieve in prayerful solitude.<sup>755</sup>

In discussing the principle of lesser evil, a precursor to the theories of John Stuart Mill and the utilitarian ethic of modern-day moral philosophy, the author affords definitive proof as to his capacity for independent thought and incorporates an example found neither in the work of Gregory, nor Gratian, and veers from William's analysis, having found it somewhat lacking. The 'Simoniacal Priest at Mass' dilemma requires the inauguration of a fourth classification of moral entanglement; namely, that of the irresolvable prior-fault dilemma. Here he considers the predicament of a priest who, having been ordained by an act of simony, begins to preside over a Mass. Compelled to discontinue the Mass as for fear of celebrating in a state of grave sin and at once also obliged to carry the Mass to its completion so as not to cause scandal among the faithful and likewise incur grave sin, the priest is trapped in a moral dilemma, albeit of his own doing. Unique in that it does not lend itself to quick and easy resolution by appeal to repentance, the priest finds himself before a genuine moral entanglement resulting from a true dichotomy and must follow upon one of the two courses of action.

The author improves on William's analysis and underlines that, although the state of affairs hem the priest in, he brought it on himself, as he committed not one but two wrongful acts in order to land in such a difficult position. He purchased his way to ordination and then assented to liturgical celebration without prior absolution. The prescription given has the priest continuing the Mass in sorrowful penitence, for he is to avoid the greater evil (*cum dolore poenitentiali Missam perficiat: sic enim vitat maius malum*).<sup>756</sup> In effect, the summist formulates the principle regarding various degrees of evil, bringing the inevitable conflict between two evils to the fore. Interestingly, the author privileges the sin of sacrilege to that of scandal and the induction of others into grave sin. All the same, he is sure to avoid encouraging anyone to incur sin through a wrongful course of action. Hence, his careful phrasing.

On a final note, the summist's deliberations on *perplexitas* display a high selectivity in his treatment of cases. DAUGHERTY maps out the context necessary to recall such developments. The Minorite summist is exceedingly diplomatic in his selection of cases to treat and also of the way in which he presents the cases that he does treat. If the examples included by the summist are of interest, then perhaps those excluded may also be equally of interest. The proposal stands true in two cases in particular. Previously, William had treated of two cases of corporal perplexity involving monks, which the summist elects to leave out; to wit, the 'Mon-

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<sup>755</sup> *Moral Dilemmas*, 63.

<sup>756</sup> *Summa Minorum* III, p. 393.

astery' dilemma and the 'Food' Dilemma.<sup>757</sup> The two examples pertain to religious life, and the summist takes conscious action to avoid them. The element of an extraordinary vow and its concomitant problem-inducing potential appears to meet with a certain wariness in the summist, where as a rule he and his companions in composition pursue all manner of complicated queries, such as for instance the question of God's commanding against nature in relation to the Ten Commandments. Whether the author shies away for diplomatic or theological reasons is uncertain.

Moreover, as exhibited in the cases of the worldly superior, the conflicted hermit, and the poor parents, the summist's exposition differs from that of his forebears. He traceably shirks two opportunities to utter a profound statement on the obedience to a higher authority, be it one's conscience or the laws of God, in a setting of extraordinarily avowed religious life. Instead, either he softens the problematic premise of the scenario or he shies away from asserting a position congruent with the guiding principles of the early movement and in its stead proposes a strict, juridically-founded and hierarchical-minded approach.<sup>758</sup> In so doing, he shows where his affinities and loyalties lie in two primary respects. First and foremost, his comments arouse the suspicion of a constrained, one-dimensional conception of the conscience, which suspicion he later confirms in his dedicated treatment.<sup>759</sup> In addition, the strict, moral ontology approach to authority and obedience causes authority to supersede all and sets the individual conscience to naught. The apparent insensibility of the Minorite theologian with regard for the movements of the conscience in matters of obedience coupled with his active avoidance of questions regarding legitimate dissent reveal his true colours. Thus, the Minorite author is reticent to tackle certain intricate difficulties relating to obedience, William in particular exhibits a greater willingness to take them on and even does so in a way that bears greater likeness to the charismatic undercurrent of the early movement.

### *Conscience, Natural Law, and Syndresis*

A presumable implementation of the author's term *perplexitas conscientiae* in the considered resolution of moral quandaries is that moral choices in a moment of discrepancy are contingent on the ability of the conscience to make value judgments and act on them. The philosophical presupposition of moral entanglement of the conscience are laid plain in the

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<sup>757</sup> *Moral Dilemmas*, 76

<sup>758</sup> Such a juridical method of analysis also features in the selective approach to norms of natural law as *praecepta*, *prohibitiones*, and *demonstrationes*, the latter of which as mere counsels are mutable and thus subject to discrepancy with regard to obligation. *Summa Minorum*, III, pars 2, inq. 2, q. 3, c. 2 & III, pars 2, inq. 2, q. 4, m. 3, c. 2. A parallel to the *Expositio* of 1241/2 exposes a similar approach to norms of the rule.

<sup>759</sup> *Summa Minorum*, II, pp. 491-500.

section dedicated to the theme *De synderesi et conscientia*.<sup>760</sup> The summist's exposition leads one to presume an acute acquaintance with the tradition of the canonists and with Roman law. It also unveils a degree of innovation of the author's part. Of interest from the perspective of historical developments in the realm of treatises on law, the *Summa* is unique in establishing a systemic link to the theory of natural law that incorporates conscience and *syndresis*.<sup>761</sup> Here he defines conscience as a *habitus* and not a *potentia*, which is thus able to be either *recta* or *erronea*, *munda* or *immunda*, *tranquilla* or *perturbata*.<sup>762</sup> The immanent corruptibility of the conscience thereby renders it dependant upon proper formation via alignment with natural law, which nevertheless resides in one's heart whether rightly or malformed.<sup>763</sup> Natural law indwells the soul as its guide and simultaneously its end goal.<sup>764</sup>

Natural law thus supplies the rules that prescribe good and evil all the while forming the conscience as an agent enters into independent consideration and thought.<sup>765</sup> The author states, *Haec scriptura innata est cuilibet. Praeceptum ergo insitum est conscientiae cuiuslibet secundum dictamen rationis de faciendo vel non faciendo*.<sup>766</sup> Conscience thus constitutes the *habitus* which determines the value of a course of action. The dichotomies elicited above connotes that the state of the conscience is either rightly formed or malformed according to its particular condition of alignment with natural law. If rightly formed, it perceives well; if erroneous, it perceives poorly. Notwithstanding its particular condition, the conscience remains present and active. His theory appears to lack flexibility with regard to the dynamic movement of the soul's inner mechanism and its ability to produce, as DAUGHERTY so astutely phrases it, moral residue in discrepant moments. The summist's normative-ontological approach to theology therefore precludes an empirical-spiritual component to the conscience.

Examination of conscience and natural law raises the issue of *synderesis*, that spark of conscience (*scintilla conscientiae*) or the general keeping or understanding of moral law with particular regard for its relation to conscience. As indicated, natural law is innate in the soul, and the active *habitus* of the conscience judges good and evil courses of action on the basis of its particular orientation to the natural law. In its turn, *synderesis* deliberates based upon the conscience's inclination, narrows down the goods in question (*meritum et praemium*), and functions jointly with the will, inciting the agent and propelling it forward into action on the

<sup>760</sup> *Summa Minorum*, II, 491-500.

<sup>761</sup> *A Treatise of Legal Philosophy and General Jurisprudence: Vol. 6: A History of the Philosophy of Law from the Ancient Greeks to the Scholastics*, edited by Fred D. Miller, Jr., Peter G. Stein, et al., 281-2.

<sup>762</sup> *Summa Minorum*, II, p. 496.

<sup>763</sup> *Summa Minorum*, II, p. 499.

<sup>764</sup> *Summa Minorum*, II, p. 496.

<sup>765</sup> *Summa Minorum*, II, p. 499.

<sup>766</sup> *Summa Minorum*, IVb, pars II, inq. 3, tr. 2, sec. 1, q. 2, tit. 10, p. 2.

chosen trajectory.<sup>767</sup> Undaunted by the task and its demand for philosophical rigour, the Minorite theologian also ensures a distinction of the *synderesis* from the will. Distinguishing first between deliberative will (*voluntas deliberativa*) and natural will (*voluntas naturalis*), he thus hems in *synderesis* as an account or a reckoning (*ratio*), which acts in synergy with the natural will, which extends out to the *merita* and *praemia* within the scope of the options accounted for and abbreviated by the *synderesis*. Just as the conscience is an active *habitus*, however malformed or want of honing it may be, the *synderesis* is also an active propensity, but one which is more stable in the rational creature and thus does not require acumination (*potentia habitualis vel habitus naturalis, non acquisitus*).<sup>768</sup> In contrast, the conscience is a mouldable *habitus*, which necessitates an additional source of moral supply.

Despite the philosophical sophistication of the *Summa*'s treatment, the spiritual dimension of the conscience elicited in the early movement and alluded to on occasion by subsequent authors may be found somewhat wanting. The summist thus defines the conscience in the restrictive terms of value judgment in relation to natural law and consequent courses of action. Therefore, by the summist's reckoning, conscience consists in a direct relationship to natural law and in a merely mediated relationship to self and to God. The *Summa*'s notion of conscience derives from a removed, abstract approach to the soul, which hardly lends itself to personal consolation, pastoral application, or to counsel in times of spiritual conflict. Absent of a distinctly spiritual component, as seen in the refusal to address the moral residue aroused by the 'Conflicted Hermit' dilemma, the conception of conscience in the *Summa* reflects the influence of juridical and canonistic culture from which it emerges much more so than that of his order's charismatic roots and corresponding guiding principles. An exception is found in the traceable, direct influence of *Adm.* 3 in an early passage.<sup>769</sup> Nevertheless, the anomalous hiccup of acquaintance or inclination toward the early movement does not detract from the perennial, deeply-entrenched moral ontology and natural law approach taken throughout the *Summa*'s treatises.

#### *The Decalogue and the Obedience of Abraham*

As evinced by the discussion of *perplexitas*, various topics relating to obedience and viewed as problematic, unsavoury, or disagreeable in the early movement and the ensuing period began to receive treatment in a University setting in the arena of scholastic theological

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<sup>767</sup> *Summa Minorum*, II, p. 493.

<sup>768</sup> *Summa Minorum*, II, p. 492.

<sup>769</sup> *Summa Minorum*, I, p. 379. J. Bougerol, 'La teorizzazione dell'esperienza di S. Francesco negli autori francescani pre-bonaventuriani,' in: *Lettura biblico-teologica delle fonti francescane*, G. Cardaropoli & M. Conti (eds.), Ed. Antonianum, Roma, 1979, 247-60, here 249-50.

deliberation. Chief among such topics were the biblical account of Abraham and parental obedience. As outlined in the first chapter, the early movement's *propositum* and their guiding charismatic principles amounted to the absolute negation of worldly structures, in particular of the paternal variety. Francis himself exhibited outright disobedience to his father's wishes that he not walk the path of a poor penitent. Ostensibly due to the Decalogue's fourth commandment to honour one's father and mother, parental obedience was an ethical commitment required of all Christians on pain of sin. Transgression of a commandment meant violating the laws of God, the very definition of sin.

The second potentially awkward topic regards the biblical narrative of Abraham and God's mandate to sacrifice his son Isaac. Even though it is arguably the most prominent story of obedience in the entirety of the Scriptures, thirteenth-century Minorite authors tend to give the account a wide berth. Two factors come to mind that play into the resistance against the Abraham account. Given that the story involves father-son relations, the first factor has already received mention in the form of the early movement's aversion to paternal structures and the difficult relationship with parents that resulted from the initial upsurge of enthusiasm, which had children abandoning their homes in droves so as to take on the Minorite habit. Second and perhaps more important is that the biblical narrative of Abraham's willingness to sacrifice his son Isaac under obedience to God is a story of radical, blind obedience. The figure of Abraham could hardly have operated as an exemplary device for the emulation of brothers, in particular during the earliest phase of the order which constantly underscored the need to discern when obeying and to ensure that one's chosen trajectory in obeying or disobeying did not result in overlapping and contradictory normative fields. In other words, the brothers were attentive to clearly distinguish legitimate obedience and illegitimate obedience. As a consequence, the account of Abraham's sacrifice was somewhat problematic from the perspective of the early movement and even for successive generations of brothers.

Under the rubric *An Deus possit praecipere quod non vult vel prohibere quod vult*,<sup>770</sup> the summist resolves the theological matter of God's mandate to Abraham as well as of Abraham's obedience to commit a mortally sinful act on divine command. Alexander himself argues in another source that Abraham's faith, as it was of such magnitude and as it came into direct alignment with the will of God, would have saved him even without the salvific event of Christ's Incarnation.<sup>771</sup> The *Summa* also reconciles the quandary from the top-down. The

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<sup>770</sup> *Summa Minorum*, t. I, 376-80.

<sup>771</sup> Alexander Halensis, *Quaestiones disputatae 'antequam esset frater'* (Quarrachi [Florence]: Collegium S. Bonaventurae, 1960), q. 36, m. 4: *decessit in caritate, non revocato ad vitam, ergo salvabitur ... fides illa est fide liberationis, et haec maneret eitam si non pateretur Christus.*



work examines the question from the perspective of moral ontology, claiming that God's will dictates the supreme eternal law and thus he can legitimately command against nature and against natural law.<sup>772</sup> The Decalogue itself, the author argues, emanates from natural law, sovereign of which is the eternal law, the supreme level of normative hierarchy.<sup>773</sup> Natural law, an inborn, active faculty directing humans to the good, functions on the other hand in dialectical relation to the more distant eternal law, by which it is regulated.<sup>774</sup> Eternal law is immutable, but only to the degree in which the will of God is immutable.<sup>775</sup> The norms of eternal law are thus subject to God, not vice-versa. As a result, such norms are mutable and immutable according to the will of God, which imposes itself as a rule to itself and therefore by definition can never be in a contradictory state. The author puts forth a purely voluntarist approach to the issue of moral ontology, grounding moral norms and duties in the will of God. Thus the moral contradictions that arise from the account of Abraham's sacrifice of Isaac are contradiction of a merely apparent nature, insofar as God's will is morally self-determining.<sup>776</sup> If God issues the direct command *occides*, then one must obey despite the Decalogue's fifth entry *non occides*. The Commandments are an expression of natural law, and eternal law, which transcends natural law, resides with the very will of God. The summists thereby situate their conception of God firmly within the OT tradition and assent to a proposition that justifies a slew of morally questionable and indeed transgressive deeds committed by the Israelites, such as the sanction to slaughter, rape, and pillage of entire peoples and the polygamy of the patriarchs.<sup>777</sup>

<sup>772</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 2 Tricotomia 1: *facere 'contra naturam' est facere contra vim insitam naturae, secundum quod natura appellatur naturalis vis vel principium naturale initum a creatione, quod est principium motus et quietis ... alio modo dicitur 'contra naturam' contra naturalem possibilitatem inditam ut de illa possit Deus facere quidquid vult ... alio modo dicitur 'contra naturam,' id est contra summae naturae legem: et haec est summa natura quae est in Deo, regulans alia naturas. (...) Lex ergo naturalis potest dici vel secundum illam summam naturam in Deo, quae regulat alias; et sic contra legem naturae non potest Deus, quia haec natura summa idem est quod pise. Vel lex naturae potest dici secundum ordinem creaturae ad Creatorem secundum subiectionem, ut de ea faciat Creator quidquid vult et ei obediat natura: vel naturaliter, ut irrationalis, vel voluntarie, ut rationalis; et contra hanc similiter non potest, sicut nec contra se. Vel potest dici lex naturae lex secundum ordinem cursus naturae inditi: et hoc modo contra legem naturae potest praecipere.*

<sup>773</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 3: *ius Decologi emanat a iure naturali; ius autem naturale respicit ordinem creaturae ad se vel ad aliam creaturam, item respiciti ordinem creaturae ad Deum. Supra ius naturae primo modo dictum est lex aeterna, quae respicit ordinem creaturae ad Deum, ut scilicet quae libet creatura Deo subiciatur et ad Deum tendat tamquam ad finem. Supra autem istud ius non est aliud, quia hoc est quod dicitur ut Deus sit finis omnis creaturae et Dominus; et sic contra istud ius non potest aliquo modo praecipere nec contra praecepta emanantia ab eo, hoc est quae respiciunt ordinem in ratione subiectionis vel finis; sed contra praecepta emanantia a primo iure potest praecipere, hoc est contra ea quae respiciunt ordinem ad se vel ad aliam creaturam, sicut ipse est supra creaturam.*

<sup>774</sup> III, pars 2, inq. 1, q. unica, c. 7, a. 4; III, pars 2, inq. 2, q. 1, c. 1; & III, pars 2, inq. 2, q. 2, c. 1.

<sup>775</sup> III, pars 2, inq. 1, q. unica, c. 5

<sup>776</sup> III, pars 2, inq. 1, q. unica, c. 8, a. 1

<sup>777</sup> Parisoli, *La Summa fratris Alexandri*, 55-64.

In point of fact, in another part of the *Summa*, the authors address the question of Abraham with direct candour and respond in defence of the divine will and its legitimate command.<sup>778</sup> Affirming that God's nature is good and his will is not arbitrary, the summist's exposition defends the nature of God against accusations of evil or caprice. In essence, the masters ask whether the verb *ordinare* implies of necessity that a commanded agent fully intends that which is commanded in all its consequences, such that 'Abraham, sacrifice Isaac' equates to 'Abraham must sacrifice Isaac.'<sup>779</sup> In response to the query, the *Summa* distinguishes between a mandate ordered to the purpose of testing (*praeceptum probationis*) and that which is ordered to the purpose of execution (*praeceptum executionis*).<sup>780</sup> The former demands of its recipient the willingness alone to begin preparations for an action, while the latter implies the actual performance of an act. On theological grounds, the author thus contends that God's command to Abraham was not capricious, as the execution of the commanded act was not a direct extension of the will and thus was not the intended purpose of the command. Here, one may look to a distinction useful in the exposition of the *Summa*'s voluntaristic position regarding the primacy of the will over the intellect.

The case of Abraham's obedience thus forms a window into the heart of the summist's philosophical voluntarism. The will is good will in terms of what it wills; the sign of the will is that which is willed (*voluntas beneplaciti est voluntas qua vult, voluntas signi est id quod vult*).<sup>781</sup> The first inheres in the object willed, whereas the second does not, as it is metanomic in nature. As such, the sign of rule is the will of him who governs, but the will is not always subject to that which one commands.<sup>782</sup> The summist goes on to delineate the possible expression of the divine will as willing *aliquid in imperato*, which is to say the conformity of other wills without requiring the execution of an act.<sup>783</sup> Thus the will to be disposed to an act is not identical to the will to execute an act. As a consequence, the falsity of the proposition that God derogated the fifth Mosaic precept by ordering Abraham to sacrifice Isaac becomes self-evident.<sup>784</sup> After all, though God would have been fully justified to order Abraham *in prae-*

<sup>778</sup> I, pars 1, inq. 1, tr. 6, q. 3, tit. 1

<sup>779</sup> I, pars 1, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 1

<sup>780</sup> I, pars 1, inq. 1, tr. 6, q. 3, tit. 2, n. 2, c. 1, a. 1. *in praecepto probationis est voluntas de preparatione ad actum solum et non de actus impletione; in praecepto executionis est voluntas de impletione actus. Praeceptum ergo, quod fecit Dominus Abrahae, fuit praeceptum probationis, non executionis; unde nolebat nisi quod praeepararet filium ad immolandum, sicut et fecit.*

<sup>781</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 1

<sup>782</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 1. *Imperium signum est voluntatis eius qui imperat, sed on semper est voluntatis de ipso imperato.*

<sup>783</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 1

<sup>784</sup> I, pars I, inq. 1, tr. 6, q. 3, tit. 2, m. 2, c. 1, a. 1. *Praeceptum ergo, quod fecit Dominus Abrahae, fuit praeceptum probationis non executionis; unde nolebat nisi quod praeepararet filium ad ommolandum, sicut et fe-*

*cepto probationis*, as his will is a self-determining rule unto itself, the unique element that distinguishes the account of Abraham's obedience from patriarchal polygamy and Israelite genocide and theft is that God intervenes and halts the immolation of Isaac just as it is about to occur. The ordered act lacks follow-through and thus was the result of a test of faith.

In a successive exposition, the author declares that obedience is a means of putting discipline to the test (*ad probationem obedientiae* in the case of Adam) and even faith itself (*ad probationem fidei* in that of Abraham).<sup>785</sup> In such a fashion, the summist factors the narrative of Abraham's sacrifice into his normative theological framework. PARISOLI sets forth a brilliant comprehensive statement rife with explanatory potential regarding the *Summa's* conception of obedience at large.<sup>786</sup> Prior reticence to tackle the story of Abraham's obedience to God's seemingly absurd command gives way to a measured theological commentary in the *Summa* capable of successfully communicating the legitimacy of the mandate to an audience that comes from a background of dissent to illegitimate commands. It does so in a manner that telegraphs the singular particularity of its Minorite contributors and their worldview and proves a significant point of reference for comparison with the guiding principles expressed both during the early movement and in the course of the period of institutional interlude.

Yet it begs the question within the scope of the current study. Is Abraham a suitable model of voluntary religious obedience? The *Summa* makes no such consideration. Abraham is exemplary for religious no more so than he is for all other Christians. Even if the response were to perhaps be a negative one, the issue gives rise to an opportunity to reflect on a matter of distinction between normative spheres of ontology that regards hierarchical relations. Given the intense theological structure within which the author frames the discourse of obedience, the normative structure of divine creation descends from the top-down. God may by no means be disobeyed, for to do so would be to transgress all that is eternally good. As the authors intimate, in addition to obedience, adoration is the proper stance of humans toward God. In turn, veneration is appropriate in the case of a superior creature, lower celestial beings, angelic entities, and the like. For members of religious communities, obedience to one's superior is paramount.

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*cit. (...) Unde dicimus quod haec est falsa 'verbo praecipendi significavit se velle quod praecipiebat, scilicet Abraham immolare Isaac.*

<sup>785</sup> IVb, pars II, inq. 3, tr. 2, sec. 1, q. 2, tit. 10, p. 2. *Praeceptum vero disciplinae generalis est praeeptum datum ad probationem, ut homo sciat Deo se debere obedientiam, non tantum in expedientibus vel honestis, sed etiam in indifferentibus.*

<sup>786</sup> He writes, "La *Summa* mantiene un modo preciso ed esplicito di sottolineare l'importanza capitale della virtù dell'obbedienza, e di mettere al centro dell'antropologia e dell'ontologia il fatto normativo, tanto che si potrebbe sostenere che al centro del quadro del mondo dipinto dalla *Summa* non vi sono i fatti empirici, bensì un fatto normativo, il rapporto d'obbedienza instaurato dal fatto della volizione divina." La *Summa fratris Alexandri*, 142.

If the normative structure outlined above transfers to the sphere of religious life, there is no legitimate insubordination or rebuke of superiors. The *Summa* reinforces the strict hierarchy of religious communities in a context that has direct bearing on the account of Abraham's obedience; namely, by claiming that in hierarchical relations it is not permissible for an inferior to judge the presumed violation of a superior.<sup>787</sup> If the inferior were permitted to monitor, examine, or punish a superior agent's apparent misdeed, whether it be in command form or otherwise, he would upset the natural hierarchical order of creation and give an illegitimate undertaking. The legitimate right to examine and judge resides with a competent authority. At most, the subordinate agent may examine his superior with the attention to offer advice out of a spirit of fraternal love with no pretence to punish. Such a conception would contravene any potentially democratic elements present in the Minorite structure, both in its constitutional governance and in its principles of legitimate dissent to hierarchical mandate. The restrictive, unilateral image of hierarchical theology presented by the *Summa* in its barring the right of subordinates to judge their superiors takes an extreme form in its disciplined approach to accusations regarding a superior.<sup>788</sup> The summist predicates the permissibility of an accusation on its motive. If the indictment against a superior issues as a result of an inner movement of fraternal correction, it is licit. Conversely, if motivated by envy or an attempt to malign a superior agent (*ex affectu malignitatis*), the act takes on another quality and enters the moral realm of sin and the legal realm of violating ecclesiastical law. Alas the same discipline does not apply in the case of a superior's correction of a subordinate agent.

#### *Parental Obedience and The Fourth Commandment*

In their extensive treatise on law, the summists join the long line of commentators on the Decalogue, offering thereby theoretical bridges to their fixtures of natural law and eternal law as well as interpretative clarifications presented by specific matters. Among the ten commandments the fourth regarding honour toward one's father and mother (*De quarto praecepto*)<sup>789</sup> is of particular significance, not only for the reasons mentioned above, but also for the specified thematic section that it devotes to questions of entrance into religious life.<sup>790</sup> Interpretation of the Mosaic precept can take many forms, as the Minorite theologian asserts in his prefatory remarks. Threefold are the possible senses of the fourth commandment.<sup>791</sup> It can be thought to signify a teaching of natural law, of divine positive law, or of allegory, whereby the

<sup>787</sup> IVb, pars 2, inq. 3, tr. 2, sec. 2, q. 1, tit. 1, n. 1, c. 2

<sup>788</sup> IVb, p. 2, inq. 3, tr. 2, sec. 2, q. 1, tit. 1, d. 3, c. 2.

<sup>789</sup> *Summa Minorum*, t. IVb, pp. 505-20.

<sup>790</sup> *Summa Minorum*, t. IVb, pp. 515-20.

<sup>791</sup> *Summa Minorum*, t. IVb, pp. 505-6.

mandate taught by natural law refers to one's worldly father, by divine positive law to one's spiritual father, and by (improper) allegory to God.<sup>792</sup> As a complex phenomenon, honour is at once spiritual and corporeal and takes on three principle forms of expression; namely, in affection, in effect, and in signs. While the Latin adverb *improprie* reveals the illegitimacy of the commandment's third sense, the other two senses receive systematic theological analysis in the comments that ensue.

The Minorite theologian exhibits particular appreciation for the moral quality of the of the Mosaic law's fourth issuance. As had numerous scholastic commentators before him, the summist takes account of the commandment's positive phrasing. Phrased in the form of a positive imperative and not a negative imperative, the Mosaic precept is, dissimilar to others of its variety, thus in all respects a precept and not a prohibition. Such uniqueness grants it a particular quality, he argues, which tends toward the absolute. An agent never commits a wrongful act in honouring their parents. The categorical statement brings about a qualification, whereby the varieties of showing honour are twofold, *exhibitio corporalis* and *exhibitio spiritualis*. The distinction opens up the principle to a dynamic level of flexibility and allows the author to consider circumstances in which *exhibitio corporalis* would be contraindicated as the lesser of two goods.<sup>793</sup>

Four articles in particular regard obedience in religious life, the second of which echoes the 'Poor Parents' dilemma. The author considers the potential for a religious vow to unbind one from the mandate, whether the duty to one's parents overrides a religious vocation, whether one must honour a spiritual father, and the honour due to a bad superior.<sup>794</sup> The quandaries treated here amount to an expanded commentary on the articles regarding *perplexitas*. On the first point,<sup>795</sup> the summist incites his response with a distinction. The obligation of the Mosaic precept does not refer *simpliciter* to servicing one's parents with material necessities; it depends, rather, on a double condition. It is contingent on the possession of the giver and on the need of the recipient. The obligation which it imposes is thus conditional and not absolute. In the first instance, argues the author, the assumption of an absolute obligation to service with corporal provisions rests on a false premise. A son or daughter can honour their parents just as well if not with greater magnitude by means of spiritual support in rever-

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<sup>792</sup> 505-6. *Istud mandatum potest intelligi tribus modis ... secundum quod educitur a lege naturae ... quod est Legis scriptae a Deo inspiratae ... secundum quod accipitur per allegoriam improprie.*

<sup>793</sup> L. Smith, 'Who is My Mother? Honouring Parents in Medieval Exegesis on the Ten Commandments,' in: *Motherhood, Religion, and Society in Medieval Europe, 400-1400: Essays Presented to Henrietta Leyser*, C. Leyser, L. Smith (eds.), 155-172, here 160.

<sup>794</sup> *Summa Minorum*, IVb, p. 515.

<sup>795</sup> *Summa Minorum*, IVb, p. 515-6.

ence, consolation, and prayer. Entrance into religious life is scantily antithetical to the spiritual honour that a child can exhibit toward his parents. On the contrary, such support is of greater value as it does not unbind from the obligation but enhances obedience and extends out to the perfect accomplishment of the precept, as it draws father and mother toward the maximum purpose, that of conformity with God.<sup>796</sup>

With respect to the question of renouncing a religious vocation in order to sustain father and mother, the summist makes recourse to much the same principle of double contingency, only now he contends a more pronounced position, consistent with that articulated in the moral dilemma regarding poor parents. After considerations on the guidance of the Holy Spirit, the author claims that a religious can discontinue (*potest dimittere*) their entrance into religious life in order to tend to their parents so long as they do not commit a mortal sin, that is, provided that the circumstances satisfy the contingencies of the giver having and the recipient needing. In the case that the religious is without sufficient means to supply provisions, then he is no longer bound to such an obligation and must continue his total dedication to the Celestial Father, to whom he is to commend his parents. As a consequence, absent of immanent need of his provisions, the person with a religious vocation should not let the fourth commandment stall their vocational commitment. In the present passage the duty to the familial sphere appears to outweigh that to the sphere of religious life, whereas the resolution to the perplexed religious with poor parents ruled in favour of the religious sphere in large part due to the spiritual food, which one could provide by way of prayer and consolation. The distinction lies in the stage of advancement of the religious vocation. Under the present conditions, the religious had not yet fully entered into the religious sphere by profession of a binding vow. In the 'Poor Parents' dilemma, the religious had already forsaken his parents and entrapped himself morally. Having examined both the treatment of *perplexitas* and the present exposition, it thus appears that the summist privileges the familial sphere over the religious sphere when it comes to the corporal exhibition of parental honour by supply of necessary provisions and prior to the profession of a religious vow. On the other hand, he favours the religious sphere in times where spiritual exhibition of such honour would outweigh that which he could provide in terms of material goods, in particular once a person is duty-bound to a

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<sup>796</sup> *Propterea videtur dicendum quod, cum honor patris consistat in pluribus, et omnia intelligantur, cum dicitur 'honora patrem', ut patet ex praedictis, non solvitur obligatio exhibitionis honoris per inroiturum religionis, licet solvatur obligatio quoad debitum sustentationis, quia quoad illam solutionem moritur qui moritur mundo. Sed exhibitio spiritualis in reverendo, in consolando, in orando, non solvitur, immo sub obedientia magis augetur, et ex hoc est perfectio praecepti honoris patris. Non enim perficitur ex exhibitionis corporali, quae non exhibetur patri causa conformitatis ad Deum principium, sed ratione indigentiae; ideo perficitur in exhibitione spirituali maxime, in qua est conformatio ad Deum. Summa Minorum, IVb, p. 516.*

vow. For the Minorite theologian, the strict, hierarchical nature of the familial structure reflects the natural order of the societal, religious, and political spheres. Addressing the query *In quibus teneamur patri carnali obedire*, he asserts in no uncertain terms the supreme duty owed to the head of such structures.<sup>797</sup> In concert with the Pauline verse, the summist proclaims *omnis potestas a Deo est et omnis anima potestatibus sublimioribus subdita debet esse* (Rom 13, 1).<sup>798</sup> Though his position bears a certain likeness to the utter hierarchical scheme subsequently articulated by Bonaventure, it is, however, not excessive or unconditional. As PARISOLI notes, the *Summa*'s model of hierarchical familial relations represents a mean between two extreme views.<sup>799</sup> The summist denies the Gnostic position that the world and all its contents are evil and must be abandoned and likewise negates the notion underlying the clan mentality so prevalent in medieval society, which dictates unqualified faithfulness to one's parents. To that end, a child must denounce his father if he corrupts others by spreading heretical beliefs, but if the father's heresy remains secret (*haeresis occulta est*), the child must not become the judge of his father's soul or abandon him on that account.<sup>800</sup>

As regards the commandment's teaching in the sense of divine positive law, the summist then asks whether and to what extent the Mosaic precept entails the duty to afford necessary provisions to spiritual fathers. Here he introduces a distinguishing factor between the temporal and spiritual realms; namely, the dictates of ecclesiastical law. A subordinate agent must show due reverence to his superior in the form of necessities or at least be available to do so. The superior, in his turn, is not obliged to receive the goods, though he is conceded the right to request them by invoking the need of *bona ecclesiastica dispensari, scilicet pauperes*. The divine positive law application of the Mosaic precept thus enacts a legal provision on the basis of manifest necessity. A citation of Jerome hems in the permissible use of such an invocation and supplements the principle with a distinctly Minorite property. *Res Ecclesiae res pauperum sunt; nec conceditur dispensatoribus bonorum prodigalitas nec superfluitas, sed stricta necessitas*. It gives cause to wonder how dispersed the passage was by 1245 on the occasion of the papal issuance of *Ordinem vestrum* and what those who read its contents must

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<sup>797</sup> IVb, p. II, inq. 3, tr. 2, sec. 1, q. 2, tit. 4, c. 4, a. 3. *Est autem superioritas constituta in spiritualibus et temporalibus; et intemporalibus quantum ad regimen reipublicae et quantum ad reminem propriae familiae. In regimine spiritualium praeest spiritualis praelatus; in reminine temporalium, quantum ad rempublicam, praelatus saecularis, scilicet rex et princeps; in regimine temporalium, quantum ad propriam familiam, pater. (...) tenentur obedire patris in omnibus probabiliter pertinentibus ad necessitatem vel utilitatem rei familiaris.*

<sup>798</sup> IVb, p. 518.

<sup>799</sup> La *Summa fratris Alexandri*, 120.

<sup>800</sup> IVb, p. II, inq. 3, tr. 2, sec. 1, q. 2, tit. 4, c. 4, a. 2.

have thought of the pronouncement in light of their tradition and the dominant ideological currents in the order's ranks.

After traceably avoiding the query regarding a worldly superior in the articles of *perplexitas conscientiae*, the summist confronts the case of a bad prelate in relation to the fourth Mosaic precept.<sup>801</sup> Here the supremely hierarchical rationality with which he approaches the matter begins to show its full consequence. The suspicions awoken in his refusal to handle an instance of perplexity that foresaw legitimate disobedience to a superior receives a rather striking confirmation. In the *Summa*, the fourth Mosaic precept, an organic product of natural law, extends to the realm of religious life by way of divine positive law and exerts influence of moral import regarding obedience to superiors. As so to speak the sovereign rules of religious life, obedience is due all prelates. Even an evil superior, inasmuch as retained a tolerable presence by the Church, is owed reverence. He must have ruled well if he maintains his office, he states (*ut bene praesidens debet haberi*). Thus the obligations of a subordinate agent are no fewer in quantity and lesser in quality, so long as he remains in his post. The divine origin of all power asserted above thus percolates into his stance on bad superiors. It appears that, rather than make a statement based upon the unique conception of the Minorite tradition regarding superiors, the *Summa* submits a reversion to the norms of canon law. Those in higher offices, for instances, bishops, must not be criticised. In theory, the *Summa* thus debars brothers the right to criticise their superiors. The comments offered above supplement the contentions laid out here.

### *De exterioris et interioris hominis compositione*

#### I. Textual Features and *Sitz im Leben*

Brother David of Augsburg's (ca. 1200-72) composite work *De exterioris et interioris hominis compositione* is among the most widely circulated pieces of high medieval literature, both in terms of the sheer quantity of examples and in geographical and order-varied dissemination,<sup>802</sup> and in particular constitutes a precious gem of early Minorite spiritual instruction. Known in its entirety as *De exterioris et interioris hominis compositione secundum triplicem*

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<sup>801</sup> IVb, p. 520.

<sup>802</sup> D. Pezzini, 'David of Augsburg's *Formula Novitiorum* in three English Translations,' in: R. Ellis, R. Tixier, B. Weitemeier (eds.), *The Medieval Translator 6. The Theory and Practice of Translation in the Middle Ages. Proceedings of the Conference held at Göttingen, 1996*. Turnhout: Brepols, 1998, 321-347, here 321. "The work was widely read, copied and translated in the late Middle Ages, as is shown by the fact that about 400 manuscripts of the Latin text are still extant, spread over a territory which practically coincides with the map of Western Christendom, including Spain and England, Italy, Switzerland and France, Belgium and the Low Countries, Germany and Poland, although the majority belong to the area covered by Bavaria, Austria, Slovakia and the Check [*sic*] Republic, of which Augsburg, the birthplace of its author, is in a sense the centre, and from which the fame of David and his book radiated."



*statum incipientium, proficientium et perfectorum, libri tres*, the instructional manual for novices has an extensive manuscript tradition with nearly 400 extant full or partial witnesses that are of predominantly fourteenth and fifteenth century provenance.<sup>803</sup> The manual in its final form and structure divides into three separate books, which are nevertheless thematically interrelated.<sup>804</sup> Those wishing to date the work do so only with considerable difficulty, however, as the matter is complex and scholarly assertions are often uncritical and discrepant. Textual analysis suggests that David completed and assembled the writing in a subsequent period to its commencement. More simply, as BOHL argues, it was a “Nachschlagewerk” written in phases over the span of 20-some-odd years and almost certainly not conceived as that into which it would evolve.<sup>805</sup> David himself confesses in book II that he took to the composition in a simple and disordered manner (*verbis indoctis et materia inordinata*), albeit with no less intent.<sup>806</sup> *DeComp* I, the self-proclaimed *Formula novitiorum*,<sup>807</sup> predates the rest, being composed perhaps as early as 1240/1,<sup>808</sup> and the latter two books, at times known as *De profectu Religiosorum*,<sup>809</sup> succeeded presumably, if perhaps not certainly in separate phases. *DeComp* II was initiated certainly subsequent to book I but likely no earlier than ca. 1250,<sup>810</sup> and book III was completed perhaps as late as the early to mid-1260’s, possibly even “im Alter, gegen Ende seines Lebens.”<sup>811</sup> In any event, given that David accumulated his experience, formulat-

<sup>803</sup> The Quaracchi editors list more than 370 manuscript witnesses in their critical edition. See: *DeComp* XX-XXXIV. Further mss. have since been illuminated. Bloomfield (*et al.*), *Incipits of Latin Works*, 232 (n. 2655), 351f (n. 41ff), 362 (n. 4283), 490 (n. 5676).

<sup>804</sup> J.V. Fleming, *An Introduction to the Franciscan Literature of the Middle Ages*, Chicago 1977, 217: “It is possibly more accurate to describe this work as a trilogy than as a single book. ... The textual history of the *De* composition is complex and to some degree uncertain, but it is clear enough that the tripartite work in its final form ... is a thematically coherent and carefully unified work.”

<sup>805</sup> *Geistlicher Raum*, 98-100.

<sup>806</sup> *DeComp*, p. 65.

<sup>807</sup> *DeComp* 64, 23f: *In priori formula novitiorum, quam quibusdam novitiis scripsi....*; 278, 15f: *... sicut in priori Formula novitiorum tractatum fuit.*

<sup>808</sup> The introductory letter (*Epistola auctoris, DeComp* 1), if read in conjunction with biographical data on the life of Bertold of Regensburg, the letter’s recipient, may indicate such a dating for the work’s first book. Indeed, this was the Quaracchi editors’ precise claim, although they and other scholars absorbed the 1240/1 date and applied it to the entire work. Cf. *Geistlicher Raum*, 98.

<sup>809</sup> Several passages harken to such a notion of the spiritual progress of religious in virtue, most vividly in the prologue of book II: *Collationes meas, quas pro exhortatione. ad novitios nostras, vel ad alios Religiosos aliquando facere solebam, simul pro aliqua parte collegi et in unam continuam materiam quasi profectus spiritualis formulam ordinavi tribus de causis.... DeComp*, 63 & the prologue to book III: *Profectus Religiosi septem processibus distinguitur.... DeComp*, 161.

<sup>810</sup> Bohl argues for the unlikelihood that the book was composed near the beginning of David’s time as novice master, since an explicit reference certifies its nature as a compendium and its derivation from lessons transmitted orally to novices and other brothers, which must have been the result of experience and mature reflection. *DeComp* 63: *Altera causa est, ut ea, quae Religiosis praedicare solebam, simul collecta promptius, si quando indiguerim, sub sompendio invenirem.* He also argues for a later date for book II based upon David’s mention of various tasks entrusted to his charge including preaching (*DeComp* 64) and his admitted longing for a more relaxed atmosphere in which to write (*DeComp* 63-4). Such would implicate the 1250’s in which David undertook preaching journeys. *Geistlicher Raum*, 99.

<sup>811</sup> *Geistlicher Raum*, 98-100.

ed his thoughts and advice, and at least began composition of the work as it appears in its final redaction during the present period, *DeComp* receives consideration in the section that follows.

The 1220 bull *Cum secundum ordinem* saw the compulsory introduction of a one year probationary initiation period into the Minorite institutional complex. It was a hallmark feature of all other canonically sanctioned orders, a norm to which the Minorites had to conform. Development of the institutional mechanism of a noviciate period in the era preceding the generalate of Bonaventure, who also composed noviciate literature, gave rise to a Minorite culture of initiation, a culture of which *DeComp* is a testament. As a consequence, instruments useful both to the master in overseeing and to the novice in learning began to emerge, chief among which is *DeComp*. The novice master himself relates that the work originated as a set of *collationes* delivered to novices and other brothers, which he assembled as a compendium for himself and for his confreres.<sup>812</sup> Here, David couples his erudition, obvious acquaintance with the Scriptures, and personal meditation and conviction with his refined touch in aiding the spiritual oversight of the enthusiastic but inexperienced novices under his charge. David sought to guide young souls through their own spiritual experience and to smoothen their overcoming of obstacles in such a way as to engage them in a richer and fuller way with the journey at hand, namely that of bringing a good beginning to its ultimate completion (perfection) in the context of interiorisation of spiritual principles and interaction with exterior reality.

Thematic emphasis, particular at least to the more substantial and deeply developed latter two books, was undoubtedly that of virtue, on which more below. The work is thus not only a source for the discovery of the everyday life of early Minorites in the period, but also of emerging monastic theologies and their implementation in the order. *DeComp* reflects a Minorite spiritual turn or return to a concerted focus upon interiority and an effort to impart a spiritual message reminiscent at least in interior terms to the early movement's hermitical retreat. Such an emphasis upon interiority marks a distinct difference from their Dominican brothers in the highlighting not only of external logistics of religious life, but also a concern for inward matters of the spirit, not only how to keep to rules and regulations but how to cultivate the inner spiritual realm. David himself although he undertook vast preaching travels also took the opportunity to turn within, evidenced by his years-long reflection which he con-

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<sup>812</sup> *DeComp*, 63.

sulted in the textualisation of the lessons formerly communicated by spoken word alone with his own novices.<sup>813</sup>

If *DeComp* enjoyed a degree of notoriety and a privileged status among high medieval Minorite confreres, strikingly little is known in the way of biographical data vis-à-vis the text's author David of Augsburg. There exist only a pair of loosely established "Eckdaten"<sup>814</sup> on the life of the famous novice master. David was born between 1200 and 1210, entering the order of Minorites most likely ca. 1235. In 1246, David and his companion Berthold made an appearance in the capacity of papal visitors to the imperial abbeys of Northern and Southern Münster in the town of Regensburg, where before long David became a master of novices at the Minorite friary.<sup>815</sup> Though David would take mostly to novice instruction and writing throughout his successful ministerial career, his calling would lead him beyond the walls of the convent and into the world as a preacher in particular during the 1250's. David's thought as revealed in his writings gives reason to pause and reconsider the category of 'Franciscan' and the criteria by which one may or may not deem an author as such.<sup>816</sup> With his vernacular works in particular David made a unique contribution to the Christian mystical tradition.<sup>817</sup> It would be his work *DeComp*, however, that would render him a notorious, although at once also inexplicably clouded figure, thereby granting him a deal of notoriety and posthumous fame. The expertise and finesse with which he composed the work lead to its popularity and reception in both male and female religious communities in a number of various orders, thereby rendering it "pendant plusieurs siècles le manuel classique de l'ascétisme monastique."<sup>818</sup> In his *DeComp*, David employ motifs of classical monastic virtue and discipline, which coupled with its evident wide appeal, give the historian reason to question the 'Francis-

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<sup>813</sup> David relates that it was of great assistance to him personally and spiritually to have undertaken the project. *DeComp*, p. 63-4.

<sup>814</sup> *Geistlicher Raum*, 57-68.

<sup>815</sup> Bohl, 'Einführung,' 15.

<sup>816</sup> B. McGinn, *The Flower of Mysticism: Men and Women in the New Mysticism – 1200-1350*, 113. He writes, "it is ... noteworthy how far his ascetical and mystical teaching is from what we think of as characteristically Franciscan." Desbonnets remarks of David, "*n'a plus grand chose de franciscain*." *De l'intuition*, 67. Bohl evinces a certain affinity both in language and logic with the writings of Francis and the early movement. See: *Geistlicher*, 143-165. Einhorn, "Der Begriff", 363-367.

<sup>817</sup> The bibliography on David's work and mystical teachings is extensive. See in particular: McGinn, *The Flower of Mysticism*, 113-6; K. Ruh, *Geschichte der abendländische Mystik. Band II, Frauenmystik und Franziskanische Mystik der Frühzeit* (Munich: Beck, 1993), esp. pp. 524-37; Idem, 'David von Augsburg und die Entstehung eines franziskanisches Schritfttums in deutscher Sprache,' in *Kleine Schriften: Band II, Scholastik und Mystik im Spätmittelalter* (Berlin: Walter de Gruyter, 1984), pp. 46-67; D. Stöckerl, *Bruder David von Augsburg: Ein deutscher Mystiker aus dem Franziskanerorden* (Munich: Lentner, 1914); A. Rayez, 'David d'Augsbourg,' *DS* 3:42-4; T. Bargiel, 'Davide d'Augusta: Introduzione,' in *Dizionario Francescano*, Vol. 1, *I Mistici: Scritti die Mistici Francescani Secolo XIII*, pp. 177-80; J.V. Fleming, *An Introduction to the Franciscan Literature of the Middle Ages*, pp. 216-25; & J. Heerinckx, 'Theologia mystica in scriptis fratris David ab Augusta,' *Antonianum* 8 (1933): 49-83.

<sup>818</sup> J. de Guibert, *Asce'se, asce'tisme* (le Mozen Age), in: *DSP I*, Paris 1937, 980.

can' character of the work, and undermines all preconceived notions as to what exactly constituted 'Franciscan' already in the 1240's & 50' when David was first compiling his thoughts and experiences and schematising them into lessons.

## II. Thematic-Theological Analysis

In David's instructional manual, the topic of obedience receives both a practical and a theological specificity rarely seen in Minorite literature heretofore. Much in similar manner to his other writings, *DeComp* is decidedly didactic in nature and the concept of obedience that it develops must be treated in view of the context in which the novice master from Augsburg conceived it. Virtue served as a principal concern in the work of service to novice masters in the instruction and guidance of the eager candidates under their charge. In particular the advancement of spiritual virtue in stages suggested by the title regards the progress of a postulant from a beginner stage (*status incipientium*), to that of an intermediary (*status proficientium*), and finally up to the heights of perfection (*status perfectorum*). David's instructions take a narrow scope in approaching the matter of obedience, which inheres to the spiritual inclination of the author and project's pedagogical aims. The contingency of religious instruction to postulants thus frames the entire discourse and conditions both the selection of virtues as well as the conception of obedience in particular. As such, an initial grasp of David's theological conception of the virtuous life and its development is in order.

### *Virtue, the Virtues, and the Primacy of Love*

One may consider David's instructional manual and its treatment of obedience as a virtue as among the most extensive of the thirteenth-century Minorite canon. Though his writing would subsequently find purchase in the period of the externally-focused, performance-oriented inclination of *devotio moderna*, it is not for want of theological and philosophical rigour. Virtue operates as the prime vehicle of his discourse. No explanation of the theological conceptions developed in David's works would be complete without its mention. It must be taken into account if a discussion of his theory of obedience is to occur. In his recent monograph on Franciscan virtue, K. PANSTERS lists the principal virtues given attention in book I of *DeComp*. Among the virtues pertinent to the novice, he observes that the most prominent include *bonitas, pax, quies, caritas, obedientia, humilitas, paupertas, diligentia, puritas, sapientia, timor, verecundia, misericordia, benignitas, discretio, patientia, castitas, devotio, and iustitia*.<sup>819</sup> After but a cursory perusal, one begins to garner an impression concerning the breadth of the intense programme put forth for the consideration and reflection of his postu-

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<sup>819</sup> K. Pansters, *Franciscan Virtue*, 13. *DeComp*, pp. 3–62.

lant brethren inexperienced in the spiritual matters of religious life, which he deems a *schola virtutum*.<sup>820</sup>

Chapter XXVII of book III offers a global characterisation of virtue under the heading *De virtute, de bono et malo, de affectionibus*. We read:

*Virtus est ordinatus secundum veritatis iudicium mentis affectus. Sed iudicium veritatis circa quatuor generaliter versatur: circa bonum et malum, et magis bonum et magis malum.*<sup>821</sup>

David proffers a theological definition of virtue that is highly scholastic in nature, which bears likeness to that advanced by William of St. Thierry.<sup>822</sup> Virtue constitutes a disposition of the soul by a true judgement which leads one to apprehend the good and steers far afield of the wicked. The good can be of corporal or spiritual benefit. Unsurprisingly, he insists, spiritual endeavours are superior to the material. Virtue thus comprises a moral but above all spiritual pursuit driven by the force of an inner disposition which is oriented toward apprehension of the good and avoidance of the wicked.<sup>823</sup> A Johannine verse (III Jn 11) buttresses his remarks.<sup>824</sup> For David as for much of the philosophical tradition influenced by Aristotle, Cicero *et al.*, the virtuous pursuit of spiritual or moral good becomes a habit (*habitus*) and emanates outward from within and precipitates in action as good deeds.<sup>825</sup> It is from the very core of the human person that spiritual progress arises; namely, the heart (*cor*),<sup>826</sup> the well-being of which results from a threefold condition of right will (*voluntatis rectitudo*), holy affection (*affectionis sanctitas*), and purity of thought (*cogitationis stabili puritas*). The heart thus functions as a veritable maw in the soul's search for the good or the wicked, accordingly. In due course, virtues undergo a process of moral exteriorisation by which they generate the performance of good deeds. Of their nature, virtues exert a centrifugal force in the dimension of moral good and evil. David also thought it paramount that in its journey the soul reach understanding through the daily experience of putting virtue into action. In the letter appended to book I (possibly a prologue for the entire work?), David communicates as much to his dear compan-

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<sup>820</sup> David of Augsburg, *De exterioris et interioris hominis compositione secundum triplicem statum incipientium, proficientium et perfectorum libri tres* (hereafter cited as *DeComp*), ed. Collegium S. Bonaventurae, Quaracchi 1899, p. 36.

<sup>821</sup> *DeComp*, p. 215.

<sup>822</sup> *Virtus est ad iudicium rationis usus liberae voluntatis* (*Guillelmi a Sancto Theodorico* 3, 275). Cf. Pansters, 41-2.

<sup>823</sup> *DeComp*, p.

<sup>824</sup> *Noli imitari malum, sed bonum*.

<sup>825</sup> *DeComp*, p. 87. ...*ita virtus per corporalia exercitia addiscitur et in habitum vertitur*.

<sup>826</sup> *DeComp*, p. 198-9. *Exterioribus ordinatis in actione, locutione et moribus, ut ad veram et de caelo allatam quadraturae spiritualis normam serra disciplinae quam vivi lapides in templo veri Salomonis locandi disponi valeamus; de cordis compositione et mentis bonitate aliqua proponamus, quia, teste Salomone omni custodia servandum est cor, sicut ex, quo vita spiritalis quasi a fonte procedit*.

ion.<sup>827</sup> Conversely, by way of spiritual interiorisation therefore exterior practices also influence the inner mechanism of the soul.<sup>828</sup> The principle carries especial importance for the beginner to the spiritual life, as he abides by the many daily strictures and observances proper to religious. In such a manner, David also implicitly validates the day-to-day observances and discipline of religious life, such as praying the office or conforming to norms of proper dress by assigning to them a spiritual significance insofar as they aid the soul in progressing along its journey toward virtuous disposition. By the inspiration of the Holy Spirit they are ordered to the end of the soul's inner spiritual betterment.

More specifically, book III outlines six forms of protection (*tegumenta*) and defence (*custodia*) of virtue, to which the willing religious is subject and which aid the soul in ascent along the sequential phases.<sup>829</sup> Each form of spiritual assistance corresponds to various monastic disciplines and is of both efficacious and symbolic import. Such aids comprise exterior custom (*habitus exterior*) such as tonsure and proper dress, exterior ceremony (*exteriores caerimoniales observantiae*) or all manner of inclination and gesture during office prayers and other liturgical events, arranged behaviour (*mores exteriores compositi*) or mature, humble, and kindly gestures befitting of a religious,<sup>830</sup> corporal deprivation and castigation (*opera poenitentiae*) or fasting, vigils, and flogging, inner pursuit (*studium familiare*) against vice and in favour of virtue, and finally the dispositional core of virtue (*nucleus affectualis virtutis*).<sup>831</sup> Importantly, the logic of the six aids indicates a progression from the exterior realm to that of the interior already suggested in the very language employed. Of particular note in that regard, the Latin substantives *tegumentum* and *nucleus* carry with them specific botanical imagery, skin or shell of a fruit and kernel respectively. The metaphor of the six days of creation provides the journey with an intended teleology. The seventh day then enters into gustatory language such as the sweetness of contemplation (*dulcedo contemplationis*), the taste of wisdom (*sapientiae gustus*), the enjoyment of the fruits of contemplative life (*gustatus fructus vitae contemplativae*), and the taste of celestial sweetness (*sapor supernae dulcedinis*), which

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<sup>827</sup> *DeComp*, p. 1. *Altoria autem, cum ad illa profeceris, Dominus te docebit, et per quotidianam experientiam semper meliora intelliges, quia, quanto plus quis altius profecerit in actione virtutis, tanto clarius videt, quid adhuc sibi desit, et qualiter ad ea, quae restant, debeat pervenire; Psalmus: A mandatis tuis intellexi. Qui autem non studet in virtutibus semper proficere etiam hoc aliquando perdet, quod necdum viam, qua ad virtutes tendatur, intelligat.*

<sup>828</sup> *DeComp*, p. 87. *Sicut artifex per instrumentum artis suae operatur, ita virtus per corporalia exercitia addiscitur et in habitum vertitur.*

<sup>829</sup> *DeComp*, p. 218.

<sup>830</sup> *DeComp*, p. 197-8.

<sup>831</sup> *DeComp*, p. 218-20.

embellish the passage and shore up the interpretation of an inward turn to the spirit.<sup>832</sup> Three pairs of aids are correlative to the work's tripartite sequence proceeding from exterior custom and ceremony (book I), through orchestrated behaviour and penance (book II), and up to the direction of inner pursuit and the core of virtue (book III). Of particular interest for the question of obedience is the fifth aid,<sup>833</sup> in which the master calls his novice to persevere with works of virtue, in particular charity and obedience, which assist in the direction of intention. Such deeds involve the soul in the body's labour and far exceed the empty words prayed by the undevout in transformational efficacy. Evoking the image of a skilled craftsman, he asserts that such deeds in order to be efficacious necessitate right intention and finesse in execution. The language of refinement and extraction brings the metaphor to completion. Here, he speaks of extracting the abundant oil of the kernel (*ex nucleo pinguedo olei exprimitur*), which only a ripened specimen renders feasible. Indeed, elsewhere he expressly references the deeds befitting of a religious as *maturis*.<sup>834</sup> The ultimate exercise of virtue lies of course in the total congruence of inner and outer disposition, which follows in the sixth and final stage.

David's conception of the virtuous life of the religious permits him to hold at once to the unity of all virtue as well as to the primacy of love (*caritas*), in which obedience nevertheless plays a fundamental role. Under the heading *Omni virtutes, licite inter se differunt, quadam ratione una sunt* the manual asserts the unity of all virtue, echoing *SalVirt* 6.<sup>835</sup> A single virtue, he argues, is not only linked with other virtues, it is also contained therein to the extent that he proclaims *qui unam habeat vere omnes habere dicatur in habitu, etsi non actu*. Interchangeable usage of language so often employed by spiritual authors substantiates the notion,<sup>836</sup> for it is already suggestive of the permutability of the inner force and resulting manifestation which they signify.

Tracing David's theological manoeuvres on the soul's ascent to perfection<sup>837</sup> PANSTERS succinctly observes, "It is necessary to proceed from virtue to virtue (*de virtute in virtutem eundo proficere*) in the hierarchy of virtues (*virtutum hierarchia*) to be able to as-

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<sup>832</sup> David discusses the preachers and confessors with the metaphor of a fruit tree, see: *DeComp*, p. 17-8. Other passages contain imagery of the human person as fruit as part of an ascetical motif. See: *DeComp*, p. 163 & p. 372. On spiritual experience in *DeComp*, see: Bohl, *Geistlicher Raum*, 231-254.

<sup>833</sup> *DeComp*, pp. 219-20.

<sup>834</sup> *DeComp*, p. 197.

<sup>835</sup> *DeComp*, pp. 225-6.

<sup>836</sup> *DeComp*, p. 253. *Et quamvis aliqua differentia esse videatur inter patientiam et fortitudinem et constantiam et magnanimitatem et longanimitatem et mititatem et mansuetudinem, sicut etiam ex earum definitionibus colligitur, tamen saepe unum pro altero positum invenitur, et mutuo se inter se defijiniunt et describunt.*

<sup>837</sup> *DeComp*, pp. 227-8.

cend to the highest virtue, the love of God.”<sup>838</sup> However, David prays the aid of Gregory the Great and argues that it is equally valid that the virtues grow out from charity as the branches of a tree from a single root system.<sup>839</sup> In such a way, charity serves as a companion to all the virtues from inception up to the point of perfect consummation. It is here in the latter book of *De Profectu* that the instructor leads to an extended treatment of obedience, declaring after an extended philosophical discussion on the levels, cause, effect, and distinction of charity that above all humility, patience, obedience, poverty, temperance, and chastity pertain to the principle virtues of Christian spiritual progress and perfection.<sup>840</sup> In the letter introducing book II, a similar series of virtues to be exercised by a good religious bears out their theological as well as associative interconnection.<sup>841</sup> Again, the virtues are diverse in their articulation, but integral in that they are profoundly rooted in the self same dynamism of the soul.<sup>842</sup> Yet the stark contrast with the onslaught of virtues in book I reveals an ever increasing prioritisation whereby David, in addition to honing his efforts, began to privilege certain virtues over others and granted them pride of place in his deliberations on bringing the soul to perfection. It is within such a context that treatment of obedience first becomes appropriate.

#### *Obedience as Virtus, Vita, Votum – Incipient Stage*

In his instructional manual, David details the form and function of obedience, both in itself and in relation to the other aspects of the virtuous life. Difference of treatment marks each stage of the soul’s progression in virtue. Entitled *Formula de compositione hominis exterioris ad novitios* (or *Formula novitiorum*), book I introduces the role of surrender to the superior and of the patterns of daily religious life and offers scattered comments on the avoidance of above all idleness, reprehension of others especially superiors, and what he coins as *propria gloratio*. Given as *Formula deo interioris hominis reformatione ad proficientes*, book II then contains an overview of the entire spiritual programme, followed by an exposition of the programme’s philosophical presuppositions, and finally a catalogue of vices and their various remedies. Though sporadically audible in the back-noise of the discourse, obedience finds no topical contribution in the first book of *De Profectu*. The book appointed to take on

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<sup>838</sup> Pansters, 42-3.

<sup>839</sup> *DeComp*, p. 222. *Sed quia, teste beato Gregorio, sicut multi arboris rami ex una radice prodeunt, ita ex caritate Dei ceterae virtutes oriuntur, ideo de ipsa tanquam de omnium matre et nutrice primo dicamus et postea de filiabus. Ante ipsam enim nulla virtus meritoria est. Ipsa enim omnes informat, ut sint virtutes, et vigorem tribuit eis, ut sint magis vel minus meritoriae et Deo acceptae, secundum quod de ipsius nutrimento minus vel amplius acceperunt; sicut ramus arboris a radice nascitur et ex succo ab ea procedente nutritur, ut maior vel magis fructifer efficiatur.*

<sup>840</sup> *DeComp*, pp. 243–282, 286–294.

<sup>841</sup> *DeComp*, p. 60. *Tertius, opera exercitare virtutum, ut obsequia humilitatis, servitia caritatis, assiduitas obediendi, mansuete loquendi, variis exercitiis bonum exemplum dandi....*

<sup>842</sup> *DeComp*, p. 59-60. *Ex usu enim virtuosorum operum ipsae virtutes in mente altius radicant.*



the attainment of spiritual perfection (book III referred to as *De septem processibus Religiosorum*), on the other hand, devotes an entire chapter to the virtue of obedience. Given that the author himself abides by the imperative property of spiritual progress evident in the manual's arrangement, it appears only fitting to approach analysis with an eye to the structure of his discourse, thereby taking the work not only as a whole but also and above all in the ascending order in which the author supplied it.

With the novice master well conscious of the initial disorientation experience by new recruits, book I seeks to ensure the postulant that the soul's journey begins in service of God and in turn wishes also to establish a specific bond with the superior, instilling a sense of trust in his guidance.<sup>843</sup> Pursuit to ease a postulant into full obedience to God in conjunction with a master-disciple relationship comes first to the fore. Here, David grounds the initial phase of religious existence in the foundation of obediential surrender, which is trust in God and superior. The novice master likens entrance into religious profession to a child's gestured surrender of his will in allowing the self to be lead by the hand of a parental guide.<sup>844</sup> Maternal imagery regarding Christ's care of his children thus makes way for an allusion to a child's easy reliance on a parent as the parental hand is extended and offered to the young one as a means of supervision and direction. He goes on elsewhere to develop such imagery.<sup>845</sup> The religious gives in their turn their trusting hand and by virtue of that the will to their guide on the divine path (*in via Dei*). Though the incipient must be the guardian and lord of his own heart, he must also commit it to his superior, who then becomes the owner of the postulant's will.<sup>846</sup> Having established that much and although he argues *caritas* as the interior and sum of all virtue, David considers obedience tantamount to the prerogative virtue to be acquired by the religious trainee. Absent a solid commitment to obsequious submission apropos God and vicar one is liable to veer from the divine path, likely to enter into conflict with superiors who despise vice as God does, and sure to incur general noncompliance and quotidian indiscipline.

The author stresses that obedience is of primary importance for unversed religious. Echoing a Pauline verse, he writes: *His da obedientia praemissis, quae est initium boni in Religione, ad aliud transeamus, et primo ad corporalia exercitia et ad spiritualia consequen-*

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<sup>843</sup> *DeComp*, p. 4. *Ecce, quantum nos tenemur servire Deo prae ceteris creaturis et diligere super omnia eum, qui nos prae omnibus creaturis amavit... ideo commisisti te superiori tuo, ut ipse te regat, et dedisti ei manum tuam in professione, ut ipse te ducat in via Dei.*

<sup>844</sup> *DeComp*, p. 4-5. On the potential link of David's work to *Manus Religiosorum*, see: Bohl, *Geistlicher Raum*, 216-21.

<sup>845</sup> *DeComp*, p. 37.

<sup>846</sup> *DeComp*, pp. 34-5.

ter, quia non prius quod spirituale est, sed quod animale, deinde quod spirituale.<sup>847</sup> The passage reflects a distinct trace of the principle of spiritual interiorisation of external praxis indicated. For the beginner's mind, David deemed it imperative to reinforce the postulant's trust and submission to the divine and integrate them into the rhythms of communal life under rule and superior that in their fledgling state they not lose sight of the right priority, dither, or confuse the essential with the ephemeral. Chief among such priorities are perseverance in the Lord's commands, peace with one's superior, and bending to the contours of classical monastic discipline, such as office prayer, confessional chapter, retreat to one's cell, confession, and Mass.<sup>848</sup> For David, it thus suffices that obedience feature as a window of access to the favour of God and as a disciplinary mechanism in the early days of the novice. Particular emphasis is given to obedience in solitary retreat to the cell.<sup>849</sup>

Postulants must at all times be located in their cells or any other place at their superior's command. They are to obey unquestioningly without a word and without thought to tending to necessities except when in possession of a licence, fully surrendering their will and carrying out all orders given them. The author then bids his novice imitate the virtuous existence of the Desert Mothers and Fathers.<sup>850</sup> It is of utmost consequence for those wishing to achieve their glory. Twice employment of the adverb *libenter* underscores the complete willingness which the novice must display in carrying out his superior's orders. There is not even a hint of the limits of obedience detectable at the earliest stage of a novice's time in the convent. A stark monastic motif thus dominates his exposition of the incipient stage rendering obedience together with discipline the conduit for engaging the mind and especially the body in disciplinary practices and bringing the soul into conformity with the body that it may better align itself with the will of the divine.<sup>851</sup> With the directed interiorisation of spatial confines and communal observances, the beginner's soul can then commence more integral spiritual reflection by which one proceeds to successive stages of the instructor's programme.<sup>852</sup> If it

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<sup>847</sup> *DeComp*, p. 7.

<sup>848</sup> *DeComp*, p. 5-36.

<sup>849</sup> *DeComp*, p. 16.

<sup>850</sup> Possible parallel with *Adm VI*.

<sup>851</sup> The Latin *conformitas* and *conformare* appear with comparative frequency. See e.g. pp. 25, 38, 56, 63, 132, 264, 285, 306 & 338.

<sup>852</sup> *DeComp*, pp. 35-6. ... *esto devotus Deo et cor tuum semper, quantum potes, occupato cum ipso. Esto praelatis humiliter obediens nec rancores contra eos teneas nec spernas eos nec iudices nec murmures de eis. Esto cum Fratribus pacificus, patiens ad verba dura et ad reprehensiones. Noli facile iudicare aliquem nec sis suspiciosus. Esto obsequiosus, maxime infirmis et in humilibus obsequiis. Saepissime ora. Esto in choro disciplinatus et Deo intentus, in victu discrete modestus et in his, quae corporis necessitas requirit. Esto in cella libenter. Fuge verba otiosa. Plane loquere, modeste iucundus, verax valde. Verba tua sint sicut iuramentum. Nulli detrahas nec detrahentem audias. Odium contra nullum teneas. Non sis elatus in verbis vel moribus. Pecuniam odito. Paupertatem amato. In omnibus fuge mulieres. Esto compatiens afflictis, castus in omnibus.*

were the case to do so, one may sum up well the primary endeavour of the incipient stage as cultivating an aversion to *distractio cordis*.<sup>853</sup> With that David inaugurates the second phase of the novice's progression in religious life.

*Obedience as Virtus, Vita, Votum – Stage of Progression*

With the initial book of *De Profectu* (II + III) one notes an immediate shift of emphasis from the outward realm to the inward, from external practices and conduct toward the inner person, from the restrictions of religious life toward the interior composition of the soul. The main objective of the *De Profectu* is the reform of the inner soul, which consists in the struggle against vice and the contracting the habit of virtue so that all interior dispositions and senses may conform to God.<sup>854</sup> Although the novice proclaims with words a solemn promise of obedience and stability at the term of their probationary status, in reality two noviciates exist.<sup>855</sup> The first meets the requirements of institutional regulation, the second regards the interior moral and spiritual transformation of the soul, the duration of which is contingent upon at which point one fully alters their life and tailors it to a condition of right living in customary practice (*statum bene vivendi in consuetudinem*). The implications of his state are multifarious, chief among which are two. Not only does he reinforce that religious postulants must turn within in order to genuinely interiorise their solemn promise, but he also asserts the primary connotation that all religious are spiritual novices and remain such until which point as they achieve perfect inner virtue and complete compartmental integrity. He thus sets out to instil the necessity of such a journey into and through the interior person, be they freshly recruited novice or years-long religious. It is a passage which every religious must traverse in order to restore that primitive charity (*caritas prima*) with which he entered religious life.<sup>856</sup> Offering three other bits of advice in large part redundant with book I, the author encapsulates the crux of his message in a metaphor of the Israelites' exodus from Egypt and abandon of a worldly mentality in order to traverse the desert wasteland of exterior discipline and enter the celestial reign of Jerusalem.

Analogous to the constant faltering of God's chosen people in the desert, those who lose their original fire become tepid and lazy and readily give way to vice allowing themselves to be dominated by it, all the while claiming to serve God in their own way and not according to his will. For those wondering how to live, the novice master lays before them the

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<sup>853</sup> *DeComp*, p. 56.

<sup>854</sup> *DeComp*, p. 63. ... *quae reformatio consistit in vitiorum expugnatione et virtutum assuefactione, ut et mores et omnes affectus et sensus interiores, prout est possibile, Deo conformentur.*

<sup>855</sup> *DeComp*, p. 64-6.

<sup>856</sup> *DeComp*, p. 66-7.

words of Abba Agothus, *Vide, qualis prima die fueris et sic semper vive*.<sup>857</sup> A challenge to consider the original state of one's will follows upon a litany of virtuous traits, chief among which the author enumerates humility, preparedness to obey, disinterest with the ways of the world and the flesh, and contentment in total self-immolation. With particular emphasis upon absolute acquiescence to the superior, David underscores obedience with resounding imagery from the propitiatory sacrifice of first-temple Judaism. In effect, the religious relinquishes every carnal disposition, offering all to God as a living holocaust to such point as nothing sinful may survive, but all may be sacrificed to the Lord with the sword of obedience (*obedientiae ferrum*) by means of the office of the High Priest (*per sacerdotis ministerium*), which is to say the superior. Only such willingness to die to self enables Christ to rise from the ashes and the *sequela Christi* to commence in the religious.

Essential to the second stage of *DeComp*'s programme of spiritual progress are an effort to foster a more intimate understanding of the soul's inner dynamics, *in specie* where it regards the nature of vice and instruction to assist in the struggle against it. Introducing his exposition on vice, David distinguishes three types of religious, *boni*, *meliores*, and *optimi*.<sup>858</sup> Here, the novice master continues with the imagery of the wandering Israelites with the Numbers narrative of the partitioned effort to carry the tabernacle and all its effects through the desert as a supplementary conductive thread for the soul's journey to perfection. The figure of good religious (*boni*), represented by the Gersonites carrying things external to the tabernacle, comprise lax religious indulgent in the bodily comforts (*corporis commoda*) who are content in satisfying the minimum requirements of salvation and exterior observance.<sup>859</sup> Such religious give no thought to virtue but rather are only concerned with avoiding mortal sin. *Meliores* then designates those religious strenuous in corporal discipline and in the external pursuit of virtue, who are in their turn depicted with the figure of Merarites, the carriers of heavy articles of worship.<sup>860</sup> While laudable in their endeavours, they are nevertheless want of finesse in their approach to the soul's interior workings.

The third and final category of religious described by the author is that of the optimal (*optimi*), represented in the figure of the Caathites bearers of the sanctuary and all its inner fixtures.<sup>861</sup> The *optimi*, he explains, engage in attentive study of the interior realm and in so doing seek to build up virtue while at once also tending to the extirpation of vice, a catalogue

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<sup>857</sup> *DeComp*, p. 66-7. *Vitae Patrum*, lib. VII, c. 42.

<sup>858</sup> *DeComp*, p. 77.

<sup>859</sup> *DeComp*, p. 79.

<sup>860</sup> *DeComp*, pp. 80-1.

<sup>861</sup> *DeComp*, p. 81.

of which he then affords. The catalogue comprises the seven vices classically deemed as deadly (*septem capitalia vitia*), that is, wrath (*ira*), envy (*invidia*), avarice (*avaritia*), sloth (*accidia*), pride (*superbia*), greed (*gula*), and extravagance (*luxuria*), as well as their counterpart virtues humility (*humilitas*), charity (*caritas*), clemency (*mansuetudo*), devotion (*devotio*), munificence (*largitas*), staidness (*sobrietas*), and chastity (*castitas*). Oddly, poverty does not make an appearance on the current list, though the other two evangelical counsels appear in some form and while it most assuredly features in book III's treatment of virtue. Obedience appears in a somewhat spiritualised expression in the form of humility and chastity receive express mention. In an effort to express the gravity of his account of the cardinal vices, David appeals to biblical imagery associated with the number seven, including the seven-headed dragon of the apocalypse, the seven demons cast out of Mary Magdalene by Christ, and, so as to make his wandering Israelite metaphor redound, the seven tribes occupying the Promised Land prior to the ultimate victory of God's chosen people.<sup>862</sup>

After laying the theoretical groundwork for his virtue theory, much of which is rehashed above, David then enters into a systematic development of the seven vices, all the while supplying the respective remedy for each. As the author later elaborates, none other than pride (*superbia*) is the root cause of all vicious and sinful tendencies.<sup>863</sup> If David considers *caritas* tantamount to the queen and nurturer of virtues, that is, the aid and culmination of all virtue, then *superbia* must constitute the queen and nurturer of all vices as all sin and fault stems from a prideful state. Consequentially, *superbia* serves as the sinful opposing force of *humilitas*, the spiritual counterpart of obedience. Obedience relates to pride in that the two are inimical. *Superbia* begets self-aggrandisement, an outward-oriented sense of dignity and importance, and inner self-reliance which collectively inhibit any form of humility or obedience, whether it be toward God, superior, or fellow man.<sup>864</sup> On the contrary, at its worst and final stage the integrally prideful soul induces the religious to render others subservient to oneself. Often, he warns, pride masquerades as its rival humility, dawning the mantel of humility while seeking to acquire greater glory.<sup>865</sup>

Interestingly, David then lists seven virtues to which religious are held by the precepts of God or Church or to which a manifest vow obliges them; namely, faith (*fides*), charity

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<sup>862</sup> *DeComp*, p. 102.

<sup>863</sup> *DeComp*, p. 101. *Omnia vero vitia et peccata ex uno fonte oriuntur, id est superbia, et ex duobus rivulis derivantur: malo amore et malo timore, et triplex fomentum ea accendit: concupiscentia carnis, concupiscentia oculorum et superbia vitae. Ita sunt quasi materia et occasio homini ad tentationem, quae mundus proponit nobis: honores, divitias et voluptates.* An echo of David's comments is found in Bonaventure's *Breviloquium*. p. III. m. e. IX. n. f.

<sup>864</sup> *DeComp*, p. 95 & p. 101.

<sup>865</sup> *DeComp*, p. 97.

(*caritas*), justice (*iustitia*), truth (*veritas*), chastity (*castitas*), obedience (*obedientia*), and contempt for worldly things (*contemptus mundanorum*). All such virtues must be shown outward so as to provide a good example to others.<sup>866</sup> Little more is expressed regarding obedience in and of itself until the latter of the two books of *De Profectu*. Again, poverty makes no appearance other than by implication via *contemptus mundanorum*. Both poverty and obedience do however feature in a reference to the virtues of Christ to be imitated by the servant of God and which are shamed by the servant of sin and slave of the devil.<sup>867</sup> It is for the service of God, he claims, that the Creator granted humans the very substances of creation, including honour, power, and time. The true struggle against vice, he synthesises, consists in the re-orientation of natural dispositions and emotions toward the Originator (*Conditor*) and the status prescribed by him.<sup>868</sup>

What is the nature of vice and in what does its remedy consist? The author defines vice inversely by describing it first as a contingency of virtue. Virtue is at once both the perfect remedy for vice and also its absence.<sup>869</sup> A vice thus constitutes a disordered movement of corrupt natural disposition. Conversely, a virtue is its opposite, a disposition or desire ordered according to the design of the Originator (*Conditor*).<sup>870</sup> He clarifies with a tripartite global remedy for vice and support of virtue, divine grace (*gratia Dei*), personal diligence (*propria industria*), and necessity (*necessitas*).<sup>871</sup> Here, the institutional strictures of religious life, in particular the evangelical counsels of poverty, chastity, and obedience enter the theoretical framework in a striking manner. The three forces grace, diligence, and necessity compliment and elicit one another in an oscillating motion. God's grace pours into the virtues, industriousness cooperates with grace, and necessity transforms into virtue, whereby adversity, consensus, merit, and deed interact and coalesce interdependently to lift up the soul from the depths of vice to the heights of virtue by way of the gifts of the Holy Spirit. Necessity is of two types, voluntary and compelled, the former consisting in for instance living by the vows, the latter in things tolerated unwillingly such as illness, temptation, or tribulation.<sup>872</sup> Praying aid to the Lucan verse on forceful invitation to the heavenly banquet (*Compelle intrare*, Lk. 14, 23), the author affirms that such necessity moulds the soul. By way of adversity, the soul

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<sup>866</sup> *DeComp*, p. 97.

<sup>867</sup> *DeComp*, p. 113. *Humilitas, patientia, paupertas, religio, obedientia, despectio, contumelia & confusio.*

<sup>868</sup> *DeComp*, p. 104.

<sup>869</sup> *DeComp*, p. 114-5: *...virtus non aliud sit quam vitiorum perfecta curatio vel carentia vitii, secundum quod istam materiam respicit....*

<sup>870</sup> *DeComp*, p. 115.

<sup>871</sup> *DeComp*, p. 116.

<sup>872</sup> *DeComp*, p. 117.

builds upon necessity, out of which grace begets virtue by engaging the soul in a broader, spiritual progression.

One may compare the necessities of life and of religious life in particular to bumpers employed for children on a bowling lane, which *mutatis mutandis* maintains the soul on its proper path and better guides the soul to its proper end. He then characterises industriousness as a coincidence of three factors; namely, provident introspection, effort of labour, and diligence of perseverance. Curiously, grace comes easily to some and appears to abandon others.<sup>873</sup> However, in a stroke of irony, those who acquire grace with ease are also frequently more prone to let it slip away than are those who undergo great labour to meet its favour. It is perhaps for that very reason that David proclaims the primacy of *superbia* and of prideful self-reliance in the hierarchy of vices. Displayed in the recurring appeal to the biblical metaphor of the exodus, particularly in reference to those toiling in the labours of spiritual advancement and only gradually meriting grace, the author reveals his intent to ensure the spiritual longevity of his novices and not merely to see to their successful integration into the stringencies of religious life.

Book II then enters into its second phase in which the vices and eradication of vice receive particular attention. In order to open the scope of David's overall model of the extirpation of vice, one must distinguish between effective and special remedy to vice. The seven effective remedies, which are in essence reducible to the disciplines of religious life, are equally valuable in the general eradication of all manner of vice.<sup>874</sup> Such effective remedies include poverty and material scarcity (*paupertas*), incurring the disdain of men (*despectio hominum*), strenuous superior (*strenuum magisterium*), withdrawal from the fellowship of the worldly (*elongatio a consortio saecularum*), frequent prayer (*frequens oratio*), affliction (*afflictio*), and meditation on death and the retribution of works (*mortis et operum retributionis meditatio*). With particular regard for central links between David's discourse on virtues, vices, humility, and obedience, the author sets out to instil the vigilant and restrictive commands of a strenuous superior as a remedy to the sinful condition of pride.

As a result, following upon the brief outline of the seven effective tools to root out vice, David comments on the special remedies to cure the spiritual malady of *superbia*, which he encapsulates as *humiliatio*.<sup>875</sup> Here, David firmly establishes a relation of *superbia* and *humilitas* to obedience, whereby pride serves as antithesis to obedience, humility as companion, the former contrary, the latter conducive. As indicated, the soul's regression into a pride-

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<sup>873</sup> *DeComp*, p. 118-9.

<sup>874</sup> *DeComp*, pp. 120-2.

<sup>875</sup> *DeComp*, p. 122.

ful state, the root cause of all sinful conditions, consists in a threefold structure by which an inner attitude builds up and expands to fuel an active outer pursuit.<sup>876</sup> Just as with all vices and virtues, the manifestations of pride are threefold. Likewise are its remedies threefold.<sup>877</sup> With the initial remedy, David urges the prideful to consider their own worthlessness (*propria vilitas*), suggesting that the fragility, limitations, and shortcomings of the human condition, be they spiritual, moral, and corporal, alone attest to one's malformed self-conception in the condition of pride.<sup>878</sup> All that one may acquire in life, including honour, power, and fame, is set to naught by the universal spectre of death. Riches are not one's own but of the earth, he explains, and so shall they remain.

At any rate, he argues, the only claim that humans have to possession applies in the case of sins, of which there are many and by which the soul subjects itself to misery, utters less meritorious desires and deeds, and loses the favour of God. The second remedy revolves around the exercise of lowly, vile, and humble works, comprising the assumption of low posts, the performance of menial labour, the dawning of humble clothing, the recital of humble words and behaviours, and the election of the absolute last place among one's neighbours.<sup>879</sup> As with the initial stage of the soul's progress, David encourages the accumulation of active customs in order to incline the soul to conformity with the body. The final remedy offered by the novice master is a challenge to raise one's standards of comparison such that a novice begins to measure himself relative to those who are superior and better (*superiores et meliores*) than himself, both divine and human examples.<sup>880</sup> In such a fashion, the prideful then gain a new-found perspective as to one's sense of self-importance. Hyperbolic simile provides his lesson with added force. The prideful, if compared to the Christ and the Saints and even the greatest among one's contemporaries, will begin to feel like a locust before a giant, a pebble before a mountain, or a drop of water before the sea. With that forceful imagery, David's comments with regard to vice and obedience conclude for the short remainder of book II.

#### *Obedience as Virtus, Vita, Votum – Stage of Perfection*

Book two of *De profectu* and the final instalment of the entire series treats of temptations and the strategies against them, of general means of spiritual progress, and of virtue, and of prayer and contemplative experience. Virtue and the seven principal virtues of the spiritual

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<sup>876</sup> *DeComp*, pp. 95-7 & p. 115.

<sup>877</sup> *DeComp*, pp. 122-4.

<sup>878</sup> *DeComp*, pp. 122-3.

<sup>879</sup> *DeComp*, p. 123-4.

<sup>880</sup> *DeComp*, p. 124.



life most especially fill out the substance of book III, both in terms of page covered and theological centrality, hence the book's title *De septem processibus Religiosorum*. The hallmark of the third book and the principle means of transcending the proximate goal of eradicating vice subsists in the attainment of virtue. As the Pauline verse indicates (*malum in bono vincere*, Rm 12, 21), it is with the cultivation of a virtuous spirit that one best combats vicious tendencies.<sup>881</sup> Curiously, although David announces the seven virtues contrary to the seven deadly vices,<sup>882</sup> the astute reader notes that something is amiss.

The catalogue of virtues to which he orders his exposition differs slightly from that which he initially affords. David revises his list and rearranges it somewhat in his treatment. he ousts meekness, replaces it with obedience, exchanges contempt of riches for poverty, and supplements patience thus breaking with the mould which he himself set. The focal points of his considerations thus rest ostensibly on eight chief virtues, which one may reduce to seven, love (*caritas, dilectio proximi*), humility (*humilitas*), patience (*patientia*), obedience (*obedientia*), poverty (*paupertas*), staidness (*sobrietas*), and chastity (*castitas*).<sup>883</sup> Therefore, of the seventeen virtues that he mentions in conjunction with charity including the four cardinal virtues, the three evangelical counsels, and the three theological virtues among others,<sup>884</sup> his thematic concentration thus stresses the three evangelical counsels, a single cardinal virtue in temperance or staidness, two other typically Minorite virtues humility and patience, and above all love. The subtext of David's rearrangement is that the virtues of service in the neutralisation of virtue do not of necessity suffice in the pursuit of spiritual perfection. Perhaps the most peculiar choice among the lot is the substitution of obedience for meekness, or rather the original inclusion of meekness, as the two are in now way equivalent, neither in opposing vice (*mititas contra iram*), nor in consequence.

As suggested by the *superbia-humilitas-obedientia* value triangle elicited in book II, the author's conception of humility regards the disposition of obedience with direct significance. The tripartite distinction of humility, *mater et custos virtutum*, begins with a definition taken from Bernard of Clairvaux, which buttresses David's own definition. *Humilitas, est*

<sup>881</sup> *DeComp*, p. 242. Cf. p. 221-3.

<sup>882</sup> *DeComp*, p. 222. *Huic per contrarium oppunitur ordo virtutum, scilicet humilitas contra superbiam, dilectio proximi contra invidiam, mititas contra iram, caritas Dei contra accidiam, contemptus divitiarum contra avaritiam, sobrietas contra gulam, castitas contra luxuriam.*

<sup>883</sup> XXXI. De *caritate* et eius distinctione. XXXVII. De *humilitate* et eius triplici distinctione. XXXIX. De virtute *patientiae* eiusque distinctionibus. XLII. De *obedientia* eiusque distinctionibus. XLIV. De virtute *paupertatis* eiusque distinctionibus. XLVI. De *sobrietate* eiusque distinctionibus. L. De *castitate* eiusque utilitatibus et acquisitione.

<sup>884</sup> *DeComp*, p. 228-9.

*Virtus, qua homo verissima cognitione sui sibimet ipsi vilescit.*<sup>885</sup> Humility also builds in some way on the self-sacrificial dimension of charity. Whereas charity consists in a relationship toward goodness, humility relates principally to truth, the truth of what one is and is not, a truthful acknowledgement of fundamental human vileness and fragility. So as to bring greater clarity to bear on David's notion, charity designates a relationship to the good insofar as it constitutes a proper approach to other in view of the good, while humility relates to truth in that it endows one with proper perspective regarding one's own intrinsic worth as relative to one's self-importance in relationship. The imagery of mud (*lutum*) drives his anthropological point and inverts as the redeeming cure, by which the humble are reminded of their lowly worth by God who illuminates the mind by smearing mud on human eyes and restoring right vision. One thus receives true vision by way of the solicitation of God's humbling intervention.<sup>886</sup>

David then establishes humility in relation to one's self, to other, and to God. With regard to one's self, the author in large part repeats his remedies to *superbia* and calls religious to disdainful regard for self, humble customs and words, and exercise of menial activities.<sup>887</sup> The practice of humility in relation to other takes form in inner disposition, outer reverence, deference, and edification in approach to confreres of equal or lower status, and absolute preparedness and patience to sustain all offence, correction, and misery brought on by interpersonal relations.<sup>888</sup> Though humility toward God reveals no important insight, the exposition on humility and hierarchically disproportionate relations is of interest. Here, David fleshes out the link between the virtues and practices of humbleness and obedience as well as on the attitudes and actions demanded of order officials themselves. Religious must acknowledge their own lowliness in interaction with equals, but an additional rule applies in humble approach to superiors, whose orders must be fulfilled and who deserve all deference due also to God as his vicars. A Pauline verse delivers the force of his assertion (*obedite praepositis vestris et subiacete eis*). As indicated, the inverse case belies preconceived notions connoted in the title of superior as not only one but three extra rules pertain to the humble disposition of a superior toward his subordinates. Pastoral and servile imagery circumscribes the duties of a superior in tending to his flock entrust hierarchical officials to be as a servant and a mother among his brethren.<sup>889</sup> Largely redundant in message, ch. XXXIX's comments on the three stages of

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<sup>885</sup> *DeComp*, p.

<sup>886</sup> *DeComp*, p. 244.

<sup>887</sup> *DeComp*, p. 244-5.

<sup>888</sup> *DeComp*, p. 245-6.

<sup>889</sup> *DeComp*, p. 246 & p. 249.

humility nevertheless propose Mary, Christ, and the angels as models of humility in that their sense of self-importance far outflanking in the negative their actual privileged position.<sup>890</sup>

By way of advancing to obedience, the author propounds that obedience occurs in the coincidence of three other virtues. The state of obediential surrender is born of charity, humility, and patience, the latter of which in its turn is dependant upon the first two, insofar as patience consists in a state of non-agitation, abidance, and love in all adverse circumstances.<sup>891</sup> One begins to take note the order of presentation as well as the progression of virtues, which commence in love and build upward, one upon another, toward their culmination likewise in love. Analogous to Origen's concept of emanation and return, in which all of creation fans out from God and thither also returns, so too do the virtues emanate from love and in due time also terminate in their place of origin, only now in a state of complete perfection. As anticipated by the emerging pattern, obedience also culminates in the expression of complete obediential surrender out of love for God. It serves as a bedrock value of all religious life.<sup>892</sup> David defines obedience thus, *Obedientia est propriae voluntatis subiectio arbitrio superioris ad licita et honesta.*<sup>893</sup> The theoretical conception of obedience thus envisages the abandon of a religious of their free will in all things licit and honest and predicates such abandon on the place of the superior as divine stand-in (*vicis Dei*). The religious thus obeys for the sake of or in view of God and ought to obey only those commands which could likewise have been issued by God. There is, however, thus far no detectable remark as to the limits of obedience with express concern for the soul or the rule as in other prominent instances.

Dissimilar to the relative dearth of material in the exposition of certain other virtues, the section regarding obedience contains a host of distinctions and elaborations. In his comments on the threefold motive to obey, the author commences with an assertion of the hierarchical nature of creation in which all creatures are ordered to God. Some resembling God in greater similitude and thus participatory to an enhanced degree in his fullness are deign of obedience; it also behoves those wishing to advance in spirit to bow to their governance.<sup>894</sup> It is therefore fitting that those whose status renders them less susceptible to God's teachings would be allotted a guide to lead them along their path. The third motive to obey rests on the fallen state of man having rejected God and thus obliged to return to God's favour by obeying man. The principle reflects itself in the many religious, who unprompted in subjecting them-

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<sup>890</sup> *DeComp*, p. 249-51.

<sup>891</sup> *DeComp*, pp. 251-61.

<sup>892</sup> *DeComp*, p. 261. ... *in omni Religione summe utilis est et necessaria...*

<sup>893</sup> *DeComp*, p. 261.

<sup>894</sup> *DeComp*, p. 262.

selves to God, must recuperate in their want of grace by subjection to a human authority. The grace regained is directly proportional to the grandness of the difficulty in works, the purity in the simplicity of intention, and the promptness in alacrity of execution.<sup>895</sup> Furthermore, the levels of perfection regarding the virtue of obedience are threefold, obedience out of necessity (*necessitatis*) or fear of reprisal (*ex timore supplicii*),<sup>896</sup> due to the desire (*cupiditatis*), prospect, or hope of benefit (*ex spe praemii*),<sup>897</sup> be it of a material or spiritual nature, and lastly out of love for God (*caritatis*) and the joy (*gaudium*) of acting in his service.<sup>898</sup> The first level pertains to the incipient religious, the second to the accomplished, and the third to the perfect.

Additionally, the phenomenon of obedience invites two supplementary distinctions. The author insists that consideration of obedience, in addition to being distinguishable on the grounds of an obeying agent's intention and the rank of the obeyed, demands two further distinctions. Obedience has six degrees of quality based upon circumstance and obliged or expected effort in execution. The six distinct qualities include obedience *generalis*, *generalior*, *generalissima* as well as obedience *specialis*, *specialior*, *specialissima*. The three degrees of generality refer to the instrumental means of the act and proceed from standard adjective to superlative, beginning in the obedience of all the faithful to hierarchy by canons and ecclesial law, moving on to the human or celestial creature's submission of his will to the creator by way of reason, and ending with the other creatures that obey, whether by instinct or impulse.<sup>899</sup> The special quality regards the obligatory or exceptional property of the obeyer determined by their state in life. Obedience *specialis* is that by which clerics are obliged proper to their ecclesial office, the comparative degree involves a religious who agrees to a merely selective observance of his basic obligations, and the superlative concerns that by which a religious promises to observe all that which is not against the soul and the rule. The *specialissima* degree enters the realm of acceptable moral parameters. A case of the superlative degree, he specifies, relates to the binding of oneself to regular content *in toto* and to all other content of orders issued by one's prelate within reason and within the bounds of free will insofar as no one can be constricted to obey that which exceeds the limits of the rational, the possible, or the licit.

The phenomenology of David's theory thus rotates on the three axes of subjective quality (intention, status), circumstance of obedience, and objective quality (content of injunc-

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<sup>895</sup> *DeComp*, pp. 262-3.

<sup>896</sup> *DeComp*, p. 263 & pp. 265-6.

<sup>897</sup> *DeComp*, p. 263 & p. 266-7.

<sup>898</sup> *DeComp*, p. 263 & p. 267.

<sup>899</sup> *DeComp*, p. 264

tion or norm, rank of the one obeyed), all of which condition the teleological gain of merit, which enhances in proportion to the given state of affairs. Therefore, again within the bounds of rationality, possible, and licitness, the less a subject may benefit in the act of obeying, the more meritorious the act becomes; the less favourable the circumstance to grand, pure, and prompt obedience, the greater the gain of merit; the lower the standing of the one obeyed, all the more does merit increase.

Interestingly, the virtues mentioned in conjunction with the separate stages of obedience correspond to the theological virtues of faith, hope, and love, or the lack thereof and shed light upon the theological implications of the author's intended message. The first scenario represents a situation of bad faith (*mala fides*), or a duplicitous and confused state, that arises in response to a fearful state in light of potential reprisals for one's actions. It thus connotes a want of faith which spoils the relationship. It is above all such a condition that would motivate a religious to satisfy only the minimum requirements of salvation and to obey merely to injunctions *sub gravi*, which would otherwise incur mortal sin. The difficulty with the meritorious nature of such obedience, he explains, derives from the fallibility of the human conscience, which is restricted to a finite perspective (*angulosa opinio*) and unaware of divine judgement, the true rule of infallible justice.<sup>900</sup> The second stage sets out a context in which a religious obeys out of hope for a benefit. The obedience may be justifiable and also in part good intentioned depending upon the object of one's hope, but it can involve a misguided motive if given no thought for the content of the injunction or perhaps a sinister motive if the prospect of material benefit is in the balance.<sup>901</sup> Such an act of obedience lacks merit in that it gives thought only to the outcome and not to the order itself. If not totally blind, it is too myopic in its considerations. *Caritas*, finally, the supreme conqueror of fear as in the famed Pauline verse, distinguishes the perfect degree of obedience by the total promptness and integral engagement of the subject obeying to execute the orders of his superior. As indicated, charity serves as the queen of all virtues in David's theological hierarchy of values.

The stage of perfection proper to *dilectio proximi* offers telling insight into the inner connection of charity and obedience. The perfection of reciprocal love consists in the unadulterated willingness to self-sacrifice in favour of the other. The perfect servant of God must obey with at least as much joy and elation as that characteristic of secular servants to their masters, even in the case of trying and menial tasks. Without asking a contract for recompense, they tend to their master's every wish with good faith and thing hope and rejoice in

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<sup>900</sup> *DeComp*, pp. 265-6.

<sup>901</sup> *DeComp*, p. 263 & p. 266-7.

their having been among the chosen to receive the charge. To that end, David exalts three examples of obedience for the novice's emulation. The first companions of Francis obeyed with such promptitude that they acted as soon as their master's desire was detectable. Abraham also obeyed to such an extreme that he complied to wander in a strange land and even to sacrifice his own son. Such models of obedience acted on the example of Christ and sacrificed for the sake of him, who himself exemplifies obedience and self-sacrifice out of love even to his subordinates and unto the point of death. A double Gospel citation corroborates Christ's status as both example and commander and at once also feeds into the model of a good superior (*Si quis vult post me venire, abneget semetipsum*, Mt. 16, 24; [Christus] *non venit facere voluntatem suam, sed Patris*, Jn. 5, 30; 4, 34). With this forceful passage, David concludes his comments on obedience.

### *Order Superiors*

The lessons featured in *DeComp* present a triple tendency with regard to their portrayal of official authority within the order. The work displays particular attachments to strict hierarchical structures of obedience and to typically monastic roles and titles as well as incorporating select lessons and motifs evocative of Minorite convention, in particular that of the early movement. The former two wed readily and happily, one with the other, while the latter infuses the manual's instructions with a Minorite spirit. From a lexical point of view, *superior* and *praelatus* are among the most prevalent titles employed in reference to order officials, both of which mark distinction with superiority. Similar to other Minorite literature of the period, David integrates in full titles original to the monastic tradition, although he does so perhaps to an even greater degree than do his contemporaries. Chief among such designations is the classic vicar of Christ or God (*vicis Dei*),<sup>902</sup> the figure of representative presence authorised to perform a function in one's stead. The epithet also appears in a set of other contributions to the Minorite literary canon from the period. Though elaboration is scarce, analysis of pregnant terminology and context allows one to glean pertinent meaning.

Perhaps the most prominent example lies in Thomas of Celano's *Memoriale*. An extreme instance invoking divine vicarage in the order official appears in book I.<sup>903</sup> While the expected terminology is wanting a bit, the message resounds with unfaltering clarity and immediacy. Here, the author calls to mind the willingness of total self-immolation characteristic of the initial fervour of early postulants. With particular emphasis upon absolute acquiescence

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<sup>902</sup> *DeComp*, p. 5. ...*et ideo debemus eis sicut Domino obedire, et non quasi hominibus.... DeComp*, p. 261. ...*vel creaturae rationali vice Dei, Angelo vel homini, in his, quae Deus requirit a nobis, et quae ad Deum conducunt.*

<sup>903</sup> *DeComp*, pp. 66-7.

to the superior, David underscores a submissive attitude by appealing to imagery from the propitiatory sacrifice of first-temple Judaism. In effect, the religious relinquishes every carnal disposition, offering all to God as a living holocaust to such point as nothing sinful may survive, but all may be sacrificed to the Lord with the sword of obedience (*obedientiae ferrum*) by means of the office of the High Priest (*per sacerdotis ministerium*), which is to say the superior. Only utter promptitude to die to self at the hand of High Priest, which is to say by supplanting of one's own will with that of the superior, enables Christ to rise from the ashes and the *sequela Christi* to commence in the person of the religious.

Elsewhere David urges novices to submit to an instructive director or master (*rector et magister*). Following the above designations, *magister* also appears with immodest frequency. The master and director ought to be diligent in compelling them to live the rule of *DeComp* so that they never relinquish one to the freedom of their own will.<sup>904</sup> It is unclear what exactly the referenced office entails aside from teaching, although one may assume from examination of other instances of *rector* that it is an overall designation for all superiors. Likening negligent superiors and the structures that encourage them to imprudent physicians (*imprudens medicus*), he then warns against their inattentive and miscalibrated corrections, even those that are excessively severe in character.

A brief acquaintance with the writings of Francis and the early movement may induce curiosity as to the titles *minister et servus*. As the sources of the current period attest, the days of exclusivity in labelling superiors as *minister et servus* and the prohibition against paternal, superior, magisterial, and even vicar-related titles had long since past. Though it may be the case, *DeComp* contains remnants of the charismatic notion regarding superiors and their roles as servants and female parental figures in their relations with the other brothers. In deliberations on the threefold distinction of the virtue of humility, the exposition on humble attitudes and methods and hierarchically disproportionate relations is of interest. Here, David fleshes out the link between the virtues and practices of humbleness and obedience as well as on the attitudes and actions demanded of order officials themselves. Religious must acknowledge their own lowliness in interaction with equals, but an additional rule applies in humble approach to superiors, whose orders must be fulfilled and who deserve all deference due also to God as his vicars. In the inverse case, not only one but three extra rules pertain to the humble disposition of a superior toward his subordinates.<sup>905</sup> Superiors must live among the other brothers and in the same manner (*unus ex illis, communis in victu, vestitu et labore*), must

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<sup>904</sup> *DeComp*, p. 37.

<sup>905</sup> *DeComp*, p. 246.

approach their brethren in a lowly manner (*parvulus in medio eorum*), and must serve them (*ministrans in medio eorum*).<sup>906</sup> The author specifies the type of service provided with the figure of a physician, which carries over into the superior's oversight of his brothers' spiritual well-being (*infirmis eorum portando et curando*). Three scriptural citations legitimise and improve the impact of his assertion of hierarchical ministerial duties.<sup>907</sup> In particular, the Lucan verse elicits overtones of a maternal nurturing character. As such, a holistic view of David's pericope confers the conception of superior as a non-condescending, nurturing, and servile presence among his fellow brethren.

The virtues to be attained by superiors thus far outnumber those proper to the subordinate and thus belie all preconceived notions connoted in the very title. Where it pertains to the humble disposition of a superior toward his subordinates, pastoral and servile imagery circumscribes the duties demanded of him in tending to his flock and entrusts hierarchical officials to be as a servant and a mother among his brethren.<sup>908</sup> Among the virtues dealt with in *DeComp*, patience is another virtuous value that leaders must cultivate in order to enter into the proper spirit of their charge as masters, servants, and mothers. Officials are to exhibit patience in enduring their responsibilities to the other brothers. The imagery of child and mother employed as motifs of hierarchically disproportional relationships permits conceptual consonance with the early movement to ring true. In order to supply an abiding and transcendent frame of reference for the comportment and attitude becoming of a Minorite superior, the manual elicits the Christological dimension of hierarchical servitude. The author solidifies the parental and servile function of higher-ups by formulating similitude with the care and tenor of Christ toward his subordinates. As exemplified by Christ himself, they are called to handle those entrusted to their charge with the self-sacrificial love and constant tenderness fitting of a mother.<sup>909</sup> To that one may add the stark contrast between the inattentive and miscalibrated corrections of the imprudent physician (*imprudens medicus*) and the model confessor outlined by another passage. Whereas the imprudent physician administers through his ignorance and negligence maltreatment, the model confessor issues the medicine of compassion (*remedium miserationis*), which provides an alternative view of a Christ-like leader.

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<sup>906</sup> *DeComp*, p. 246.

<sup>907</sup> Eccl. 32, 1. *Rectorem te posuerunt? Esto inter illos quasi unus ex eis.* Thess. 2, 7. *Facti sumus parvuli in medio vestrum tanquam si nutrix foveat filios suos.* Lk. 22, 27. *Ego autem in medio vestrum sum, sicut qui ministrat.*

<sup>908</sup> *DeComp*, p. 246 & p. 249.

<sup>909</sup> *DeComp*, p. 4. ...*curam eius habet sicut mater parvuli filii sui...*



An illuminating passage bears out the Christological motif of servitude in a manner that is apt for the emulation of all, in particular of those in possession of higher charges.<sup>910</sup> In addition, the manual provides two further specific lessons regarding superiors. With a hint of encouragement to persevere to the benefit of others, the author first acknowledges the extra burden carried by those who hold high offices due to their manifold duties,<sup>911</sup> which demand much in the way of self-abasing effort and additional strain. David thus echoes Francis' *Ep-Min* in reiterating that a minister must learn to overcome the difficulties presented by the burdensome task of communal oversight. The greater corporate cause of administrative organisation and the individual cause of spiritual advancement render it a necessity. Their aid and service assist in the spiritual progress of others. A further passage links the eradication of the root sin, *superbia*, to a strenuous superior by putting forth his vigilant and restrictive commands as a remedy to such a sinful condition.<sup>912</sup> Nonetheless, the principle operates as a sort of double-edged sword, for he also warns of the dangers encountered when officials who masquerade as humble servants act in reality the interests of their subordinates and administer undue corrections to those whom they may disfavour on the pretence of extirpating vice.

#### *Gospel-Rule-Testament*

In his exposition on the uprightness of the will (*voluntatis plenitudo*) and what constitutes the good and good works, David enters into a familiar distinction on necessary and perfect obedience to normative content in the life of a religious.<sup>913</sup> The fullness of a rightly-oriented will, he contends, is twofold. The fullness of necessity demarcates the observance of precepts or that for which one executes the minimum in order to remain within the prescriptions of the law. The fullness of perfection, on the other hand, consists in the complete satisfaction of the evangelical counsels to which he adds the Matthean verse on the young man sent by Jesus to sell his possession in order to be perfect and

In addition, David shows that his concept is thoroughly Christo-centric and Gospel-centric. Following a litany of Christ's virtues which one must imitate and to which one must conform, David stresses that in Christ, the *clarissimum speculum et totius sanctitatis perfectissimum exemplar*, must be considered in conjunction with one's form of life and manner

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<sup>910</sup> *DeComp*, p. 25. *Describe igitur tibi in corde tuo mores et actus suos: quam humiliter se habuit inter homines ... quam misericors super pauperes, quibus se similem facerat per omnia, et qui de eius specialiter familia videbantur; quomodo nullum sprexit vel horruit, easmi erat leprosus; ... quam patiens laboris et penuriae, quam compatiens afflictis, quomodo condescendit infirmorum imperfectioni ..., quomodo peccatores non sprexit, ... quam promptus in ministrando.*

<sup>911</sup> *DeComp*, p. 56.

<sup>912</sup> *DeComp*, p. 120.

<sup>913</sup> *DeComp*, pp. 199-200.

(*forma vitae et conversationis*),<sup>914</sup> thereby conceiving the two in a synergistic relationship, Christ with religious law, Gospel with rule, nearly to the point of suggesting an inseparable bond.

As indicated, David distinguishes three types of religious, *boni*, *meliores*, and *optimi*.<sup>915</sup> In his treatment of so-called *boni*, the novice master produces a double effect with particular relevance to Minorite regular observance. He outlines the progress of religious to the final stage of perfection and at once also levied a veiled critique of complacency among religious and in particular the laxity encouraged by recent papal legislation. The figure of good religious constitute lax religious indulgent in the bodily comforts (*corporis commoda*) who are content in satisfying the minimum requirements of salvation and exterior observance.<sup>916</sup> Such religious give no thought to virtue but rather are only concerned with avoiding mortal sin. David's analysis not only represents an astute diagnosis of matters regarding the rule and religious life prevalent in the period, but also and above all thanks to the *corporis commoda* phrase advances a pejorative reference of the regular mitigation and legal marginalisation of the rule enacted in *Ordinem vestrum*, which legitimised the permissibility of commodious items in addition to those necessary and useful.

Though the primary emphasis of *DeComp*'s lessons subsists in the cultivation of the spiritual realm, in particular, *Formula novitiorum* solicits and expands upon obedience to regular norms such that it constitutes a practical companion to the rule. Such passages detail the pragmatic strictures entailed in regular norms and establish a link between the performance called for by the rule and the soul's initial stage of development. It is replete with chapters that bolster obedience to the rule and provide it with renewed specificity and applicability with particular emphasis upon ch. III. *RegB* III: divine office (7-8), *RegB* III: going through the world (30), extends wandering outside of obedience to the spatial confines of the conventual abode (28-31), *RegB* III: fasting, diet, and Gospel injunction to eat what placed before one (281), *RegB* V: labour (13-4) and avoiding idleness and not extinguishing spirit of devotion (23, 24, 31), *RegB* VII: penance and confession (15-6), *RegB* IX: preaching (16-18), *RegB* X: admonition against idle words (21-3), and *RegB* XI cavorting with female religious and other women (32-4).

Relatively less explicit is David's mention of the parameters within which an order may be judged illicit or wrongful and in case of which one may legitimately opt not to obey. A passage concerning the special quality of obedience discusses the obligatory or exceptional

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<sup>914</sup> *DeComp*, pp. 25-7.

<sup>915</sup> *DeComp*, p. 77.

<sup>916</sup> *DeComp*, p. 79.

property of the act determined by their particular state in life. The superlative degree (*obedientia specialissima*) concerns that by which a religious promises to observe all that which is not against the soul and the rule. David references the *RegB X* clauses of legitimate dissent to a mandate and illegitimate order. By now the reference is surely familiar. David thus enters the realm of acceptable moral parameters in the act of obeying and qualifies an act or attitude of obedience in light of the criterion of the injunction's content as it relates to the soul and the rule. A case of the superlative degree, he specifies, relates to the binding of oneself to regular content *in toto* and to all other content of orders issued by one's prelate within reason and within the bounds of free will insofar as no one can be constricted to obey that which exceeds the limits of the rational, the possible, or the licit. He elaborates no further, rendering his rife with moral ambiguity and at best limited applicability. Case in point, he neglects to clearly define what constitutes licitness of an injunction.

Here, the author refers not only to a rule, but also to *ordinationes, constitutions, statuta*. In the case of a fresh novice (book I), he equivocates the superior's will, the constitutions, the rule, and divine commands. All require obedience without question. God reigns supreme, and his subordinates (all) must submit to his will, of which the superior's will and regular and constitutional norms are a natural extension. The passage thus constitutes an indication as to the legitimacy and normative character of the Minorite statutes.<sup>917</sup> Do so, however, in such a fashion as to not even intimate a normative equivalency between rule and constitutions.

### *Conscience and Individual Responsibility*

As the text is geared toward the instruction of novices, it is of little surprise that there is no reference to the limits of obedience in book I. For David, the conscience must first be formed in order to be suited for discernment. Only later does he introduce the moral limits of command. But even in the incipient phase of the novice's journey, David urges them to listen attentively to the heart and its incitement to the pursuit of virtue and that even more so (*libentius*) as speak with God.<sup>918</sup> The inner lexicon of book I allows one to draw together compelling links. In conjunction with the current passage, one may recall usage of the twice employed adverb *libenter* in the chapter on obedience and retreat to the cell, which required postulants to be in their cells or any other place at their superior's command unquestioningly without a word and without thought to personal needs save attainment of a special permission. The chapter holds novices to the full surrender of their will and carry out all orders issued

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<sup>917</sup> On the parallels and potential connection between *DeComp* and the Narbonne Constitutions, see: Bohl, *Geistlicher Raum*, 177-81.

<sup>918</sup> *DeComp*, p. 50. *De Deo libenter loquere et libentius audi quod incitat cor ad studium virtutis.*

them. The example put forth for imitation is that of the Desert Mothers and Fathers, hermits living in community, who were bound to a spiritual *abba* or *ama* only for the initial stage, after which they were left alone to the beckoning of the divine spirit as it communicated with their own soul. Once granted nearly absolute autonomy, the saintly hermits in their turn withdrew to the space of their cell in a physical sense and to their own inner conscience spiritually. Thus in the germinal stage of their initiation, new recruits are to mimic the example of their forbearers. Allusion to the hermits of the deserts in conjunction with the topic of obedience suggests that as soon as they become well acquainted with the disciplined cadence of the saints and thereby better equipped to hear the undistorted voice of God, the grip on them from above may be loosened at which point they may begin to gain a degree of independence and progress in the sequence of spiritual advancement.

Under the subtheme *De libertate et custodia cordis servanda et de subiectione erga praelatum*,<sup>919</sup> David urges the novice to be the guard and lord of his own heart (*custos et dominus*) and not to offer it to anyone else, save to God and to one's superior for God's sake. The glimmer of freedom sparked by the opening remark soon defuses with what follows. The novice is to commit himself to the free will (*libere arbitrio*) of the superior. Otherwise the postulant has little hope of possessing the merit of obedience which he vowed to God in the hands of his vicar.<sup>920</sup> In order to enter the door of salvation, one must pass through Christ and on his example surrender his will *in toto* to his father. The will of the novice is thus no longer his own, but that of his superior. If a postulant attempts to exercise it without permission, he is nothing other than a thief (*fur*). Even so, while the allowance for inner discovery of the spirit's beckoning is ample, the restriction on the novice appear to remain more or less the same at each stage. A slight change in tone arrives when David urges novices to submit to an instructive director or master (*rector et magister*) who is diligent in compelling them to live the rule of this manual and to never relinquish themselves to the freedom of their own will.<sup>921</sup> If there be no master placed before them, he adds, the novice ought to be his own master. Likening negligent superiors and the structures that encourage them to imprudent physicians (*imprudens medicus*), he warns against their inattentive and miscalibrated corrections, particularly those that are excessively severe in character.

The second phase demands the full involvement of the will (*DeComp*, p. 65-6); full involvement, which necessitates full surrender. The text calls to mind the willingness of total self-immolation characteristic of the initial fervour of early postulants. With particular em-

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<sup>919</sup> *DeComp*, p. 34.

<sup>920</sup> *DeComp*, p. 35

<sup>921</sup> *DeComp*, p. 37.

phasis upon absolute acquiescence to the superior, David underscores obedience with resounding imagery from the propitiatory sacrifice of second-temple Judaism. In effect, the religious relinquishes every carnal disposition, offering all to God as a living holocaust to such point as nothing sinful may survive, but all may be sacrificed to the Lord with the sword of obedience (*obedientiae ferrum*) by means of the office of the High Priest (*per sacerdotis ministerium*), which is to say the superior. Only such willingness to die to self enables Christ to rise from the ashes and the *sequela Christi* to commence in the religious.

In a passage that bears strikingly psychoanalytic undertones, David challenges his novices to consider their intentions in joining religious life. We read, *Primo semper debes considerare, ad quid veneris ad Religionem, et propter quid veneris.*<sup>922</sup> He also evokes the *spiritualiter-carnaliter* dichotomy so foundational to the writings of Francis and the early movement,<sup>923</sup> which gives a biblical backing to his focus on interiority. To a degree, the author leaves the responsibility of inner discovery and transformation in the hands of the religious and grants them relative freedom of discernment insofar as it was possible within the observance of the rule and the path of God to achieve the perfection of their status.<sup>924</sup>

Consciences are corruptible, he confirms. In his deliberations on the religious who is content to satisfy only the minimum requirements of salvation and thus obey only to avoid incurring mortal sin, David considers the difficulty with the potentially meritorious nature of such acts. Obedience of the sort described proves problematic in that its presuppositions are subject to the fallibility of the human conscience, which is restricted to a finite perspective (*angulosa opinio*) and unaware of divine judgement, the true rule of infallible justice.<sup>925</sup>

The virtues of the third stage involve both superior and subordinate in reciprocal responsibility and draws them into a circumflex, symbiotic relationality, whereby one sacrifices self in favour of other in accordance with the demands of his charge, and vice-versa. Subordinates live out their responsibility in integral fulfilment of their solemn promise and in prompt and eager submission to the prelate who oversees them, and in the meanwhile, superiors have the cultivation of patient, humble, and loving qualities and the dutiful tasks of merciful servitude and careful vigilance over the other brothers. Yet each position of hierarchically dispro-

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<sup>922</sup> *DeComp*, p. 3

<sup>923</sup> *DeComp*, p. 83.

<sup>924</sup> *Ibid.* *Vide igitur, de qua familia esse velis vel cuius spiritus sis, et secundum hoc suscipe onus tibi deputatum, id est, serva regulas et viam, qua ad perfectionem illius status valeas pervenire. Impossibile namque est, quemquam aliquam artem plene addiscere, qui regulas eius non vult attendere vel tenere; nec spiritualis fieri poterit qui non vult spiritu ambulare.*

<sup>925</sup> *DeComp*, pp. 265-6.

portionate relations has as its model the life and lessons of Christ, himself a living symbol of a loving servitude from above and of obediencial surrender from below.

### *Charism*

Abundantly evident throughout David's work are the strict, monastic contours taken on by the order and the contrast with the simple, precarious existence of the early movement. Indeed, much had changed in the intervening years, and the texts of the period offer glimpses of the change's degree and forms. As FLEMING remarks, the scenario envisaged by *DeComp* resembles to a greater extent the "closed conventualism," the life behind closed doors of traditional monastic contexts than that of the vagrant, pilgrim-like early movement.<sup>926</sup> In a striking passage, David compares the monastic cell to a grave, propounding that in such a way religious can better die to the world,<sup>927</sup> such that they now obtain the solemn designation, indeed, a new identity as *claustrales*.<sup>928</sup> Rather than conceive the order as *ordo*, *religio*, or *fraternitas*, it now subsists in institutional fixedness as a *Religio* whose members are no longer identified as *fratri* but as *religiosi*. Monastic formulations give rise to an idea of what the novitiate promise entailed (*promittit obedientiam et stabilitatem*).<sup>929</sup> Far removed from the rules' somewhat more dynamic notion of *recipiantur ad obedientiam*, *DeComp* conceives the entrance of religious into communal life as a self-imposed incarceration penance for the sake of God (*se tradere carceri poenitentiae propter Deum*).<sup>930</sup>

Such observations beg the question of the potential for charismatic guiding principles afforded in such texts. How consistent was the novice master from Augsburg in his composition where it regards characteristically 'Franciscan' content? Dissimilar to the canonistic exposition in Anthony of Padua's *Sermones*, David's writing contains at least occasional reference to the order's charismatic founder. As BOHL notes,<sup>931</sup> however, David produces an image of Christ as *clarissimum speculum et totius sanctitatis perfectissimum exemplar*,<sup>932</sup> whereas another document of the period, Thomas of Celano's *Memoriale*, applies a similar

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<sup>926</sup> J.V. Fleming, *An Introduction to the Franciscan Literature of the Middle Ages*, Chicago, 1977, 224. *DeComp*, p. 22 *Non sis libenter in turba, nisi tractetur de Deo et devotione et animae aedificatione* & p. 29 *In domo enim consistere et a turbis et hominibus absconditum latere semper est utile Religioso, qui sibi desiderat et Deo vacare*.

<sup>927</sup> *DeComp*, p. 158. *Sic boni Religiosi recludant se in cellis et Monasteriis quasi in sepulcris, ne vel ipsi concupiscant mundum, vel concupiscantur*.

<sup>928</sup> *DeComp*, p. 137, p. 205 & p. 218.

<sup>929</sup> *DeComp*, p. 65.

<sup>930</sup> *DeComp*, p. 39.

<sup>931</sup> Bohl, *Geistlicher Raum*, 173.

<sup>932</sup> *DeComp*, p. 25.

epithet not to Christ but to Francis (*perfectorum speculum et exemplar*).<sup>933</sup> Even for all of their many parallels, David's conception therefore results decidedly more Christo-centric when compared to that of Thomas, whose Francisco-centric approach fills the second book of his legend. In his manual David makes relatively little of Francis himself and elected to shy away from references to his extraordinary saintly qualities, preferring instead to propose a Christo-centric conception of religious life.<sup>934</sup> Not a single mention of Francis' poverty, humility, obedience, or even his stigmata emerges from *DeComp*. A passage on emulating the Gospel provides the exception that proves the rule in that its exaltation of Francis is accompanied with that of Dominic and other holy followers of Christ, emulators (N.B. not achievers) of evangelical perfection.<sup>935</sup> The phenomenon distinguishes the work from that of his contemporaries and also from the writings of Bonaventure, where such exceptional properties loom large and take on theological significance to no end. In stark contrast, *DeComp* displays an even-minded and detached line of approach that allows the reader to focus on self, immediate surrounding, and God rather than allowing himself to get caught up in the ever increasing cult of Francis or to contemplate abstract, legitimating references to the order's founder and saint, which can at times prove a distraction from the soul's intimate inner dynamism. Even so, a distinct affinity to the writings of Francis and the early movement in both lexicon and concept has already been demonstrated.<sup>936</sup>

As far as lowly labour is concerned, the term refers in a primary sense to the labours of the interior spiritual life.<sup>937</sup> However, hints of manual labour and its importance for spiritual advancement do on occasion arise. David upholds the early movement's attachment to work as a means of keeping idleness at bay (*otium inimicum animae*, 23-4 & 40). Of particular interest for the question of the labours of obedience is the fifth general aid against vice,<sup>938</sup> in which the master calls his novice to persevere with works of virtue, in particular charity and obedience, which assist in the direction of intention. Such deeds involve the soul in the body's labour and far exceed the empty words prayed by the undevout in inner transformational efficacy. Evoking the image of a skilled craftsman, he asserts that such deeds in order to be efficacious necessitate right intention and finesse in execution. The ultimate exercise of virtue

<sup>933</sup> *Mem*, 221. See also 26. *Existimo autem beatum Franciscum speculum quoddam sanctissimum dominicae sanctitatis et imaginem perfectionis illius.*

<sup>934</sup> On this point, see the thought-provoking comments of K. Ruh: *Zur Grundlegung einer Geschichte der franziskanischen Mystik*, 240-274.

<sup>935</sup> *DeComp*, p. 269. *...sicut Sancti fecerunt in mendicitate et inopia rerum viventes, ut sanctus Pater Franciscus et sanctus Dominicus et alii Christi sectatores, evangelicae perfectionis aemulatores...*

<sup>936</sup> Cf. Bohl, *Gestlicher Raum*.

<sup>937</sup> *DeComp*, pp. 13-4 & pp. 161-3. *De processu fervoris et laboris*

<sup>938</sup> *DeComp*, pp. 219-20.

lies of course in the total congruence of inner and outer disposition. However, the external medium of charitable service with an accent on obedience serves the soul well in its spiritual advancement as well as being of assistance to others and of edifying value. In another passage, David expounds upon *lectio divina* and meditation on Sacred Scripture complimented with the sedulous compunction of prayer and the humble exercise of good action, where charity and obedience play a special role.<sup>939</sup> David then employs highly biblical language in his comments. Forming an unbreakable cord of three strands in synergistic collaboration the three combine to supply the mind with a seed of good meditation and irrigates the soul, providing it with moral strength, which enables the heart to beset the intelligence with illumination and the disposition with holy sensation. Good action in its turn restores the virtues, above all charity and obedience, enriches the conscience, and grants trust to hope in God.

The second remedy to the vice of *superbia* revolves around the exercise of menial, vile, and humble works, comprising the assumption of low posts, the performance of lowly labour, the dawning of humble clothing, the recital of humble words and behaviours, and the election of the absolute last place among one's neighbours.<sup>940</sup> As with the initial stage of the soul's progress, David encourages the accumulation of active customs in order to incline the soul to conformity with the body.

Viewed through such an optic, it appears that David relegates all remnants of the charismatic commitment to obedience and the realm of mutual obedience elicited by the writings of early movement to the exercise of humility, the ultimate goal of which is the spiritual betterment of the individual by means of humiliation. There appears, however, to be an egoistic motive intrinsic to such humility, as the master calls his novice to performance not only out of love but out of a desire for self-advancement. Nevertheless, partial remnants of the charismatic notion appear to carry over in such passages as those calling for humble and lowly comportment outside of the abode<sup>941</sup> and for fraternal service among fellow brothers.<sup>942</sup>

Regarding the universal dimension of obedience, David's treatise exhibits a fair assimilation of concepts and components from the writings of the early movement. In a striking passage we read, *Obediendum autem est soli Deo propter se, cuius servi sumus proprie, vel creaturae rationalae vice Dei, Angelo et homini, in his, quae Deus requirit a nobis, et quae ad Deum conducant.*<sup>943</sup> The verse bears marked resemblance to *SalVirt* 16 and the Petrine verse

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<sup>939</sup> *DeComp*, pp. 41-2.

<sup>940</sup> *DeComp*, p. 123-4.

<sup>941</sup> *DeComp*, pp. 28-31

<sup>942</sup> *DeComp*, pp. 19-21

<sup>943</sup> *DeComp*, p. 261.



(I Pet. 2, 13, *subiecti ... omni humanae creaturae*, etc.) for which Francis and the early movement had such an affinity (*EpFid* II, 47; *RegNB* XVI, 6). At once, however, David also affirms that God bestowed dominion over the world to humanity,<sup>944</sup> thereby casting doubts upon the cosmic dimension of his concept and his attention to the writings in that regard.

Several passages echo concepts that undergirded the early movement's conception of obedience. Such conceptions comprise the notion of returning all things to God in humble service,<sup>945</sup> self-sacrifice for others,<sup>946</sup> and the Pauline language of *spiritualiter* and *carnaliter*.<sup>947</sup> The latter passage evokes the *spiritualiter-carnaliter* distinction so prevalent in the early movement and, allots the novice a limited self-determination in their pursuit of spiritual progress and perfection. As a consequence, the early movement's stress upon inner congruency and David's focus upon interiority find a specific meeting-point in the Pauline logic of the flesh and the soul. He at once also employs a rhetorical device wherein he compares the manner of those who are content to secure salvation and satisfy outer observance with those who wish to achieve true virtue and walk along the path of God in the spirit.<sup>948</sup> In treatment on the vice of pride (*superbia*), the novice master evokes both the universal dominion over all creation and the *maior-minor* dynamic. We read, *maiolem autem dat gratiam propter quod dicit Deus superbis resistit humilibus autem dat gratiam*.<sup>949</sup>

Decidedly uncharacteristic of a Minorite author is his twofold mention of the obedience of Abraham.<sup>950</sup> Prior aversion to paternalist structures and to father-son relations as well as a keen sense of the dangers incurred in the issuance of illegitimate commands likely

<sup>944</sup> *DeComp*, pp. 3-4. *Venisti enim ad servitutem Dei, cui servire debet omnis creatura ipsius, quia nihil habet nisi ab ipso; et ideo debes ei dare totum, quod es et quod scis et potes. Et si omnia serviunt Creatori suo pro omni posse suo, multo magis homo tenetur ei servire, quem non solum creavit sicut cetera, sed insuper intellectu decoravit, libero arbitrio nobilitavit, mundi dominum constituit, sibi similem fecit, naturam eius assumpsit, verbo et exemplo proprio eum instruxit, proprio sanguine suo de morte aeterna redemit, Spiritum sanctum ei infudit, carnem suam ei in cibum tradidit, curam eius habet sicut mater parvuli filii sui et aeternam hereditatem ei dare disposuit. Ecce, quantum nos tenemur servire Deo prae ceteris creaturis et diligere super omnia eum, qui nos prae omnibus creaturis amavit.*

<sup>945</sup> *DeComp*, p. 249.

<sup>946</sup> *DeComp*, p. 281

<sup>947</sup> *DeComp*, p. 83.

<sup>948</sup> *DeComp*, p. 83: *Vide igitur, de qua familia esse velis vel cuius spiritus sis, et secundum hoc suscipe onus tibi deputatum, id est, serva regulas et viam, qua ad perfectionem illius status valeas pervenire. Impossibile namque est, quemquam aliquam artem plene addiscere, qui regulas eius non vult attendere vel tenere; nec spiritualis fieri poterit qui non vult spiritu ambulare.*

<sup>949</sup> *DeComp*, pp. 95-7.

<sup>950</sup> *DeComp*, pp. 267-8. *Et licet servorum Dei obedientia quantum ad affectum ex maiori fervore prodeat; tamen quoad actum ille perfectus videretur, qui ita promptus et constans esset ad omnia iussa implenda, sicut in servis saecularibus invenitur; sicut de sanctissimo Patre nostro Francisco legimus et primis eius sociis, qui non solum ea, quae beatus Pater eis verbo expressit, prompte adimplebant, sed etiam si aliquo indicio beneplacitum eius poterant coniecere, studiosissime perfecerunt, sicut ab ipso didicerant sancto Patre. Hac virtute Abraham obedivit exire de terra sua et peregrinus esse in aliena, sed et unicum filium Isaac voluit immolare. DeComp, p. 75. ...ut ostenderetur magna devotio obedientiae Abraham et fidei ad Deum....*

heightened Minorite interest in expounding upon the topic of obedience in light of the story of Abraham and Isaac, which is shocking as it pertains to the most striking passages regarding obedience in the entire Bible but is also historically explicable.

### Chapter Conclusion

The hermeneutic lens of LEFEVERE on translation as rewriting has allowed the study to trace conceptual developments occurring in the period of Minorite institutional rewrites. Minorite authors of all stripes set forth creative additions to the literary corpus and translated their proposal and its conceptual underpinnings into a new language. With the weighty obligation of the *Test* out of the way, the early constitutions outlined the brothers' vow of obedience. Primary among literary interpretations of the rule, the *Expositio* of 1241/2 proffered a juridical-canonical take on the rule and delineated its contents in terms of the three vows. Hugh of Digne's commentary dedicated space both for official rulings on the order's founding document and for opinions of the companions and the early movement by way of the *RegNB*. His proposal amounted to a reserved re-charismatisation of the Minorite institution. Where narrative sources are concerned, a great deal of nuance is to be had. Offering both reproaches and recalls to the charism in varied measure, *DeInc*, *3Soc*, and *CAss* appear alongside the official legend *Memoriale* drawn up at the behest of the 1244 chapter. The two groups channelled into streams, the former, which rendered Francis a living reproach of the institution and recalled standards of an earlier age, the latter, which rendered Francis a living rule as it was to be lived in accordance with the prevailing organisational arrangement. The *Summa Minorum* came about at the hand of elite Minorites, trained with the highest pedigree of the day. Their literary contribution and the process that generated it viewed theology as an abstract exercise and fostered a legal approach to obedience, which offered a gold standard for Minorite conceptions of law, authority, and moral conscience. A treatment of moments of discrepancy (*perplexitas conscientiae*) proved to be none other than a lesson that no conscience when rightly ordered should be in conflict when faced with intersecting normative spheres, for ecclesiastical law derives from divine and eternal law. In contrast, David of Augsburg's direct, hands-on experience guiding Minorite novices through their initial stages of religious life produced a series of cogent thoughts, which he jotted down in his composite work *De compositione*. Fostering right action and exterior propriety in addition to interiority and spiritual integrity, his instructional manual would put forth a classical conception of virtue and in particular monastic obedience.

## Obedience in the Period of Institutional Revision and Layering: The Writings and Tenure of Bonaventure of Bagnoregio

Tal' è quar è, tal' è: Non c'è religione.

*Mal vedemmo Parisi, Che n'ha destrutto Assisi:*  
Con la lor lettorìa, Messolo en mala via....

Adunansi a capitoli, A far li molti articoli:  
E 'l primo dicitore, È 'l primo rompitore.

Vedete el grand' amore, Che l'un a l'altro à 'n core!  
Se non gli dai la voce, Porratte ne la croce!<sup>1</sup>

In his oft-quoted late thirteenth-century verse, Jacopone da Todi advances a critical stance toward the Minorite order's evolution under the influence of theologians and regent masters of Paris typical of side-taking historians of today, who frequently strive to implicate Bonaventure of Bagnoregio as the culprit of the supposed decline or betrayal of Francis' charisma.<sup>2</sup> Brought to its logical consequence,<sup>3</sup> the verse connotes that Bonaventure, perhaps with the aid of his fellow confreres of Parisian pedigree, demolished the charisma of Francis and the early movement and erected the ensuing institutional edifice that would stand in its place. The current chapter and in particular the introductory section seeks to dispute the ill-conceived, yet widespread mentality. In his compelling 2011 volume entitled *Politics in Time: History, Institutions, and Social Analysis*,<sup>4</sup> Paul PIERSON explores the potential explanatory force of

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<sup>1</sup> Jacopone de Todi, 'Le poesie spirituali del B. Jacopone de Todi con le scolie e annotatione di Fra Francesco Tesatti da Lugnano', I. 1, satira 10, Venetiis 1617, 43.

<sup>2</sup> The usual suspects in this camp include H. Feld, *Franziskus von Assisi und seine Bewegung*, Darmstadt 1994; G. G. Merlo, *Nel nome di san Francesco: storia dei frati Minori e del francescanesimo sino agli inizi del XVI secolo*, Padova 2003; G. Miccoli, *Francesco d'Assisi. Realtà e memoria di un'esperienza Cristiana*, Torino 1991; Sabatier, *Vie de saint François d'Assise*, Paris 1894; & A. Vauchez, *Francis of Assisi: The Life and Afterlife of a Medieval Saint*, trans. M. F. Cusato, New Haven 2012.

<sup>3</sup> Other authors interpret the verse to be an indictment of learning and the pursuit of *scientia* with its epitome in the prestigious Minorite *studium* in Paris. For instance, Blasucci writes, «Per questo [that is what he expresses in *Trib. qu.*] S. Bonaventura, contrariamente a quanto si espresse il B. Egidio ["Parigi, Parigi, tu distruggi Assisi!"], cfr. § 2.2, p. 21], e a quanto più tardi dirà Jacopone da Todi, vedrà nello studio francescano di Parigi come una fonte di ricchezza intellettuale, da cui si sarebbero partiti per tutto il mondo rivoli ristoratori....». A. Blasucci, *La spiritualità di San Bonaventura*, Città di Vita, Firenze 1974, 24.

<sup>4</sup> P. Pierson, *Politics in Time: History, Institutions, and Social Analysis*, Princeton 2011. The path to his larger study had been paved by prior smaller studies. See in particular: P. Pierson, 'Big, Slow-Moving... and Invisible: Macrosocial Processes in the Study of Comparative Politics,' in: J. Mahoney & D. Rueschemeyer (eds.), *Comparative Historical Analysis in the Social Sciences*, Cambridge 2003, 177-208; Idem., 'Increasing Returns, Path Dependence, and the Study of Politics,' *American Political Science Review* 94 (2000): 251-67; & Idem., 'Not just What, but *When*: Timing and Sequence in Political Processes,' *Studies in American Political Development* 14 (2000): 72-92. For a study on monastic reform in terms of process utilising the theories of Pierson, see: S. Vanderputten, *Monastic Reform as Process: Realities and Representations in Medieval Flanders, 900-1100*, Ithaca & London, 2013.

three phenomena particularly significant in the determination of political processes in a temporal context, which is to say positive feedback (or self-reinforcement), path dependence, and institutional development. In particular, the dynamics of self-reinforcing trajectory in institutional design, ever enhancing irreversibility, and patterns of change in institutional development yield special insight into the regency and writings of Bonaventure. PIERSON's methodological framework combines neatly with the preferred assessment in the present study of processes and broader historical movements over and against personal agentic contribution. Undoubtedly, Bonaventure acceded to the post of minister general at a pivotal, not to say perhaps critical,<sup>5</sup> juncture in the order's history. Yet, despite the centuries-long, focussed study of his life and thought and the sporadic insistence of authors to the contrary, an evident overemphasis with regard to Bonaventure's personal influence and originality continues to mark the prevalent approaches in the relevant literature. The oft-quoted, yet rarely critically addressed title of Second Founder epitomises such a tendency. The introductory section shall argue that a process-centred Piersonian methodology weds well with the preference for a contextualised approach to the institutional and political field of Bonaventure's time with particular regard for the claim regarding institutional layering with a versatile and competent leader at the helm. The overt attribution of personal influence upon institutions and the political processes that generate their outcome could thus benefit from an investigation grounded in the theories of P. PIERSON.

Over the centuries the faithful have adorned the name Bonaventure of Bagnoregio with a slew of appellatives, among which Catholic saint, Seraphic Doctor of the Church, Devout Doctor, and even patron saint of digestive distress. Yet arguably none has found such purchase among scholars as that of Second Founder. Likely originated by A. MATANIC,<sup>6</sup> reiterated by G. ODOARDI,<sup>7</sup> and popularised by H. ROGGEN,<sup>8</sup> the term is, however, ambiguous to the unacquainted, and perhaps even to the acquainted. The title is not meant to signify a sort of Second Coming of the Minorite charism in the person of Bonaventure; rather, it implies that when Bonaventure took the stage the order was as yet ill-defined in nature and he

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<sup>5</sup> By the definition operative in Pierson's study, critical junctures are "moments in which opportunities for major institutional reforms appear, followed by long stretches of institutional stability. Junctures are "critical" because they place institutional arrangements on paths or trajectories, which are then very difficult to alter." 135. However, Pierson challenges the presupposition that such junctures are periodic, isolated incidents sharply distinct from static periods in between.

<sup>6</sup> A. Matanic, 'San Bonaventura "secondo fondatore" dell'Ordine dei Frati Minori,' *StudiFranc* 55 (1958): 306-17.

<sup>7</sup> G. Odoardi, 'Nel settimo centenario delle Costituzioni Narbonesi redatte da San Bonaventura,' *DoSer* 8 (1961), 25.

<sup>8</sup> H. Roggen, 'Saint Bonaventure, "second fondateur" de l'ordre des freres mineurs?,' *Etudes franciscaines* 17 (1967): 67-79.

provided it with much-needed structure and definition. In short, it tends to correspond to institutional foundation, or the claim that Bonaventure established the Minorites as a clericalised order whose primary goal was pastoral care with particular regard for preaching. Nonetheless, the title appears to take on slightly different meanings in each case, some taking into account his extensive literary output, others preferring to focus on the political dimension of his tenure.

The term has, however, not been spared the gaze of critical eyes. As Lazaro Iriarte writes, “It is an exaggeration to call St. Bonaventure ‘the second founder.’ (...) The evolutionary phase was over. Bonaventure did not amend or reform anything. Conservative by temperament, he accepted things as he found them.”<sup>9</sup> But the label ‘conservative’ brings little to bear on the issue. A pressing question invariably comes to the fore: did the minister general have a seismic effect on the order or was his tenure but an aftershock of the reforms that had transpired in years past? D. MONTI roundly rejects the title in a recent article,<sup>10</sup> claiming that Bonaventure was a product and not the producer of the so-called second foundation. In my judgment, the epithet of second founder rests substantially on the soundness of three premises: first that Bonaventure’s rule was influential enough to have had a lasting and formative effect; second that his contribution was in some way original; and third and most crucial for the proposition that there was no other candidate to fill the job. As a three-legged table, if even one of the legs is found wanting, the table falls and so too does the validity of the term. The latter of the three is the weakest link; namely, the misconception that there existed no other prior candidate for such a title. One may consider for instance the determining involvement of Haymo of Faversham, leading figure in the 1230’s, instrumental in the coup of 1239, cohort of Gregory IX, and minister general during a period of sweeping reform. Perhaps Pope Gregory IX himself is a candidate, as he was author of formative documents such as *Quo elongati*, one of the three cords binding the order together as John Peckam asserts in his rule commentary,<sup>11</sup> and an abiding presence for the order from his time as erstwhile Cardinal Protector Hugo of Ostia onward until the point of his passing in 1241.

As MONTI has pointed out, the institution was largely already on the trajectory that it would take during the course of Bonaventure’s regency. Here, the categories outlined above regarding institutional design and development are most helpful. The order had already formulated a learned-priest-orientated recruitment model, and since the period of the late 1230’s had been growing in alignment with the institutional model of the Order of Preachers with

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<sup>9</sup> L. Iriarte, *Franciscan History*, trans. Patricia Ross (Chicago: Franciscan Herald Press, 1982), 41.

<sup>10</sup> D. Monti, ‘Bonaventure as Minister General,’ *A companion to Bonaventure*, 543-78.

<sup>11</sup> *Opera omnia* (VIII, 401)

their legally-attuned, efficiency-management-gearred system of constitutions and hierarchised, yet conciliar form of governance. Preaching and study had become prime goals for the brothers. A gradual “Dominicanisation” of the Minorite order had occurred and would continue to do so. Liturgical reform initiated under Haymo of Faversham would abide and progress somewhat under Bonaventure. The juncture called for normative and hagiographical reform, as well, to which Bonaventure responded in kind. Thus, the contention regarding Bonaventure’s original contribution and influence take on nuanced significance when viewed within the framework of a path dependence based upon the self-reinforcing, ever more irreversible, and process-centred development of the institution of which he became the leader. From a broad institutional perspective, it would appear that the Second Founder epithet is wholly unwarranted. Bonaventure could not have designed the Minorite institution, genius though he was, as it had already developed due to the multifarious factors of path-dependent and self-reinforcing processes. Institutional development had already reached critical mass, and had taken on well-established and irrevocable contours.

The aim in raising the issue of the second founder title is not to lie the term to rest. Rather, one could use it as a means to hone in on the most crucial details concerning the issue of Bonaventure’s influence in and contribution to the order. Though the not infrequent overestimation of Bonaventure’s contribution in modern scholarship arises in part from a problem of sources most markedly given the only recent unearthing of the early constitutions, the term’s appeal lies fundamentally in its designation of two contingencies listed above; that is, those regarding influence and originality. Setting aside the issue of prior candidates for the position, the premise regarding the minister general’s influence and enduring legacy also appears to rely on the contention that his contribution was original. His contribution could be said to be original only to the extent that is truly his. Bonaventure was indeed brilliant, resourceful, and new, but what is to be said of his originality whether in form or substance? A fundamental question in the field of Bonaventure studies regards the Seraphic Doctor’s influence upon the order. Did he define Minorite identity or simply aid in systematising and defending it? Although a comprehensive study of Bonaventure’s entire tenure, indeed, of his life remains unwritten, such research would surely merit the attention of scholars far and wide. Numerous questions remain open in the field of Bonaventurian studies. However, within the chosen framework a discreet conclusion may be reached. One may conclude that if the Second Founder title refers solely to institutional foundation, as its usage in the literature appears to indicate, the term is wholly unwarranted, although perhaps it could benefit from further clarification. Nonetheless, it appears that given the current state of research and the nature of the

study at hand, it would be most salutary to conduct a terse and salient examination of the evidence gleaned from Bonaventure's works with occasional reference to his tenure as regards his contribution and influence in Piersonian perspective.

Path dependence serves as the foundation of PIERSON's theoretical construct, which favours process over individual actions in the determination of institutional politics and identity. In an initial effort to lay the groundwork for path dependence, PIERSON draws upon the work of scholars in the areas of mathematics, economics, and sociology. Following on the intuition of mathematician B. ARTHUR, the theorist undertakes an examination of positive feedback processes as an insightful line of reasoning with regard for path dependence in emerging political systems. The point of departure for his analysis is the 'Poly urn process' conceptualised in the discipline of mathematics. The principle is illustrated by a thought experiment in which one is presented with a sizeable urn containing two balls, one red in colour, the other black. The experiment requires that one remove a single ball and subsequently return the ball to the urn together with another ball identical in colour to the one drawn and so on until the urn fills to the brim. The Poly urn process characterises the phenomenon by which a given final distribution in the outcome of a given sequence, whose constituents are drawn successively from two potential options, is determined both by factors of 'chance' and 'decision rule.' A specific process determines the distribution of balls in the urn, whereby early draws greatly condition the distribution, and as the ratio reaches an equilibrium, each draw exerts an exponentially less significant effect upon the overall ratio. As a consequence, timing and sequence are of chief import when considering the development of social entities as vast as institutions. PIERSON therefore connotes that the features of the process emerge from positive feedback.

By the principle of nonergodicity, numerical poly-urn and similar systems based upon self-reinforcement are not only 'unpredictable,' insofar as the early occurrences of a given sequence are equally as spontaneous as they are foundational, and 'inflexible,' in that, they become gradually more 'locked in' to a particular path; they are also nonergodic, meaning that "[a]ccidental events early in a sequence do not cancel out. They cannot be treated (which is to say, ignored) as "noise," because they feed back into future choices. Small events are remembered."<sup>12</sup> The nonergodic components of institutional development inform the analysis of Bonaventure's use of charismatic principles with regard to the thematic concept of obedience.

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<sup>12</sup> *Politics in Time*, 18.

It is PIERSON's express argument that positive feedback phenomena in poly urn sequencing are applicable by analogy to political processes. Transferal of the mathematical principle to social and political processes requires the utmost finesse, but the intuitive notion exhibits a certain exquisite explanatory potential. A particularly striking analogy in the social and political realms exists in the form of path-dependent processes.<sup>13</sup> The marked phenomenon of positive feedback in processes of a political character emphasises two correlatives crucial to institutional development over time, in particular when applied to path dependence. The tendency in the humanities and social sciences to assign exceeding influence to large individual players derives from what PIERSON deems the "actor-centred functionalism"<sup>14</sup> of such approaches. Conversely, PIERSON's approach is process-orientated. In contrast to historical and social theoretical accounts that seek to explain momentous political movements on the basis of big political actors, such an interpretive lens illuminates both the degree to which shifting from an established institutional paradigm to an alternative paradigm bears ever mounting costs as time progresses as well as the distinction between individual determining instances and the general period that gives rise to and fortifies paths of divergence.<sup>15</sup> If what G. G. MERLO iterates as the "*poligensi diacronica del francescanesimo*" proves of value,<sup>16</sup> perhaps PIERSON's work is not so far astride from the topic at hand and creative borrowing from his theoretical framework can bring forth insight into early Minorite history by means of a process-centred, time-sensitive approach.

Chief among PIERSON's insights into political processes is the idea that positive feedback or self-reinforcement tends to characterise four processes of central importance to a given political milieu; namely, collective action, institutional development, power dynamics and the exercise of authority, and social interpretation. In support of his argument, PIERSON initially outlines reasons that political influence demands collective action. By way of contrast, PIERSON contradistinguishes the fluid, atomised nature of decision-making in the economic sphere with the relatively more complex character of actions in the political realm.<sup>17</sup>

The actions of the individual in a political process are at all times and everywhere accompanied by the actions of other agents. Even in the most dictatorial state, as his words connote, the implications of a single ruler's course of action are predicated on the compliance or

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<sup>13</sup> Ibid.

<sup>14</sup> *Politics in Time*, 104.

<sup>15</sup> *Politics in Time*, 19.

<sup>16</sup> Merlo, *Nel nome di san Francesco*, 159-60.

<sup>17</sup> *Politics in Time*, 32. "...[P]olitical "markets" are generally far from flexible and fluid. In politics, the consequences of my actions are highly dependent upon the actions of others. What I get depends not just on what I do, but (mostly) on what others do."



non-compliance of others as well as a host of other contributing environmental and historical factors. PIERSON goes on to state, “[m]any of the goals that political actors pursue have a “lumpy” or “winner-take-all” quality to them (politicians seeking re-election, coup plotters, and lobbyists either win or lose; legislation either passes or is rejected).”<sup>18</sup> As such, a prerequisite for process in the governing sphere is the self-reinforcing commitment of agents to act in a collective manner, be their contribution conscious or unwitting. “Thus, a crucial feature of most collective action in politics is the absence of a linear relationship between effort and effect. Instead, collective action frequently involves many of the qualities conducive to positive feedback.”<sup>19</sup> The exceeding complexity of political processes coupled with the plethora of interested actors virtually guarantees that action at some level is and must be collective and that such a necessity entails the intrinsic self-reinforcement of institutions. Proper function of the political process necessitates the self-reinforcing factor of collective action.

Bonaventure himself acknowledges such a dynamic in his *First Encyclical Letter* in which he asserts the following. He laments the finite nature of his own role and the necessity for the cooperation of others.<sup>20</sup> As Bonaventure confesses, just as the job of placing the entire weight of responsibility for the order upon one’s own shoulders during a single span of tenure would be horribly undesirable, it would also be virtually impossible. In writing to rouse the order’s ministers, Bonaventure evinces the group-centred dynamic necessarily at work in a vast social reality such as the Minorite order. If assigning full credit (or blame) for institutional outcome within a leader’s own reign presents its difficulties, the potential for problematic analysis increases tenfold when it comes to calibrating an agent-centred approach to spans of multiple regencies and respective their influence over time.

Pierson then discusses institutional development and the organisational persistence that results from positive feedback. He states, “...despite massive social, economic, and political changes over time, self-reinforcing dynamics associated with collective action processes ... mean that organisations will have a strong tendency to persist once they are institutionalized.”<sup>21</sup> Ruling political entities, he asserts, emanate “ubiquitous” institutional constraints

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<sup>18</sup> *Politics in Time*, 33.

<sup>19</sup> *Ibid.*

<sup>20</sup> *EpOff* I, ns. 1 and 3 (VIII, 468a-b and 469a). *Nam etsi sit impossibile homini quantumcumque forti, industrio et experto totam tanti oneris sarcinam suis humeris baiulare, si tamen, divisa in partes et humeris imposita diversorum, viriliter a quohbet comportetur, non est quantumcumque debili capiti horrore quodam rei insohtae desperandum. (...) Licet autem plurimi reperiantur, qui non sunt culpabiles in aliquo praedictorura, tamen oranes involvit haec maledictio, nisi a non facientibus his qui faciunt, resistalur; cum luce clarius omnia supradicta in maximum et nullo modo dissimulandum vergant nostri Ordinis detriraentura, licet tepidis et indevotis et secundum carnem sapientibus, considerantibus consuetudinem et allegantibus multitudinem quasi facilia et excusabilia ac irremediabilia videanlur.*

<sup>21</sup> *Politics in Time*, 34.

applicable to all and imposed by authority, which frequently bars the option to influence change to those whose disapproval at the current ‘political arrangements’ is strong but their authority is wanting. For PIERSON, “Politics involves struggles over the authority to establish, enforce, and change rules governing social action in a particular territory.”<sup>22</sup> Such constraints exists in the guise of ‘formal institutions,’ that is constitutive rules, and ‘public policies,’ “grounded in law and backed by the coercive power of the state,”<sup>23</sup> the latter being more fungible and subject to change than the former. The policies of a given political entity indicate courses of action, both proper and forbidden, and lay down the incentives and disincentives incurred by each case. Pierson suggests that such policies reinforce and condition the behaviour of individual agents. As such, the ever-present tendency of organisations to institutionalise and pattern the identity and behaviour of individuals undergirds the positive feedback dimension of political processes. In economic terms, scholars often refer to self-reinforcing phenomena of an institution as producing increasing returns or gradually higher gains. Whereas the support of current institutional schemes generates increasing returns, the reversal of the ruling order has diminishing returns. In order to avoid unnecessary connotations regarding mechanical efficiency, positive feedback or self-reinforcement are more adequate to analyse the two potential sources of path dependence, that is, ‘power dynamics’ and ‘patterns of social understanding.’<sup>24</sup>

At once, implies PIERSON, any account of political processes must also contend with the dynamic of power in addition to accounting for the circumstances from which self-reinforcing processes arise. Invariably, power structures allocate political authority to certain agents, who may in turn manipulate their power in order to alter the ‘rules of the game’ by way of both formal institutions and public policies and thereby undermine rivals and attain a hand up on them. Indeed, in such a manner power relations operate as an undeniable source of a particular trajectory in an institution’s path dependence. A disparate power differential can induce conditions of contention between various parties. For PIERSON, “Disparities in political resources among contending groups may widen dramatically over time as positive feedback sets in.”<sup>25</sup> Furthermore, appealing to the ‘inherent ambiguity’ of politics due to the difficulty in isolating and identifying measurable goals, problems, solutions, actions, and specific links between actors,<sup>26</sup> PIERSON highlights the patterns of social understanding that feed into

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<sup>22</sup> Ibid.

<sup>23</sup> *Politics in Time*, 35.

<sup>24</sup> *Politics in Time*, 36.

<sup>25</sup> Ibid.

<sup>26</sup> *Politics in Time*, 38.

the political sphere. A consequence of the complex and opaque qualities of processes in the political realm is the difficulty to learn and attune oneself to subtleties operational in the whole. Thus comprehension is also subject to path dependence. Garnering insights from the fields of cognitive psychology and organisational theory, he argues, “actors who operate in a social context of high complexity and opacity are heavily biased in the way they filter information into existing ‘mental maps.’”<sup>27</sup> What is more, the manifest human propensity to simplify by adopting pre-existing mental maps generates a system of positive feedback. By subscription to such pre-set mental maps, the individual agent tends to incorporate data that confirms an approach to political process and screen out disconfirming data.<sup>28</sup> As exemplified in the social norm of the handshake, each occurrence of a pre-set form of social interaction enhances the strength of the norm. If expanded to the group level, the social conditioning of collective understanding likewise, and perhaps more importantly, gives rise to self-reinforcement. “Collective ideational constructs ranging from policy paradigms to full-fledged ideologies” emerge from such processes operational at the group level, and if such constructs attain ‘critical mass,’ they are capable of generating “a set of culture-producing institutions, organizations, and specialized actors that greatly facilitate the spread and reproduction of that ideology.”<sup>29</sup> PIERSON cites the spread of radical Islamist ideologies as a means of illustration regarding the coagulation of power dynamics and patterns of social understanding, by which “extremists have used their control over key institutions of cultural production to foment a revolutionary transformation in citizens’ worldviews....”<sup>30</sup> In such a manner, both on an individual and collective level outlooks are path dependent as they become ‘locked in’ to pre-demarcated patterns of thought and grow in social inertia on the trajectory determined by the particular culture of which they are a part and which helps to sustain them.<sup>31</sup>

In his deliberations on institutional development, the author underscores the coordinated disciplining of behavioural expectations imposed by collective choice in political settings and in particular the want of emphasis upon the manner in which such characteristics “render processes of institutional development path-dependent”<sup>32</sup> and increasingly difficult to undo. Backed by the theories of NORTH, PIERSON expounds upon the notion of path dependence and asserts that “institutions induce self-reinforcing processes that make reversals increasing-

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<sup>27</sup> *Politics in Time*, 38.

<sup>28</sup> *Politics in Time*, 39.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Politics in Time*, 40.

<sup>32</sup> *Politics in Time*, 35.

ly unattractive over time.”<sup>33</sup> Therefore, with PIERSON, one may contrast the increasing returns of carrying on with a given institutional trajectory with the diminishing returns of enacting a shift toward an alternative institutional paradigm.

The notion of institutional design, affirms the theorist, is not without its limits. Consideration of the formal political institution, or the “codified rules of political contestation,”<sup>34</sup> as a commodity prone to design and modification in an actor-centred functionalist lens bears forth a specific (and restrictive) presuppositional framework apropos the phenomena of institutional inception and change. In other words, if one proceeds as if individual political actors (and only they) single-handedly originate and modify institutional arrangements, one runs the risk of costly oversight regarding “the processes through which formal institutions take shape.”<sup>35</sup> Excessive focus upon political actors as catalysts for institutional change, that is the “rational design choice of political actors” and the concomitant assignment of the *raison d’être* of institutions as mere instruments of their makers, can lead one astray from the central focal point of institutional development.<sup>36</sup> Such theories, he explains, often operate on the explanatory basis of a logical framework redolent of a Williamsonian view of economics and transaction costs, whereby “outcome X (an institution, policy, or organization...) exists because those who design it expect it to serve the function Y.”<sup>37</sup> To a certain extent, rational design studies have brought much to light on the matter. Formal institutions can certainly work in favour of those at their helm and to the disfavour of decentralised actors, empowering one group and enhancing their prospects, while restricting and further conditioning the other. Yet due to the highly selective emphasis of such studies upon purposive, instrumental actors and their intentional and farsighted choices, exceptions to such a framework are manifest and numerous. Analytical reliance upon fulfilment of all four of the descriptors listed above necessitates a sort of political perfect storm, wherein actors may not in any way be multiple-minded in purpose,<sup>38</sup> non-instrumental in their action or stature,<sup>39</sup> myopic in their political vision,<sup>40</sup> or vulnerable to unintended and unanticipated change,<sup>41</sup> and this over an extended

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<sup>33</sup> *Politics in Time*, 35. In a perspicuous passage, he writes, “Institutions and policies may encourage individuals and organizations to invest in specialized skills, deepen relationships with other individuals and organizations, and develop particular political and social identities. These activities increase the attractiveness of existing institutional arrangements relative to hypothetical alternatives. In institutionally dense environments, initial actions push individual behavior onto paths that are hard to reverse.”

<sup>34</sup> *Politics in Time*, 104.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Politics in Time*, 105.

<sup>37</sup> *Politics in Time*, 107.

<sup>38</sup> *Politics in Time*, 109-10.

<sup>39</sup> *Politics in Time*, 110-2.

<sup>40</sup> *Politics in Time*, 112-5.

<sup>41</sup> *Politics in Time*, 115-9.

period of time potentially involving multiple actors whose separate reigns exude a quality of discontinuity.<sup>42</sup>

A major point of Pierson, the chief feature of formal institutions that renders them persistent and resilient to the potential pressure of constant social flux and the changing of hands is, indeed, the inclination toward path-dependent processes based upon self-reinforcement, even in the face of institutional change or revision. Yet another demerit of actor-centred theories, quite often historians attempt to reverse-engineer the effects of an institution and attribute said effects to the design of influential leaders in power during the unfolding of events under their term. Manifold studies on Bonaventure subscribe to such an inductive train of thought, which works back from the supposed effects of his reign and attributes full agency of those effects to the Seraphic Doctor. Contrariwise, Pierson proposes a shift in emphasis from an effect-attuned interpretive lens to one that is cause-attuned.<sup>43</sup>

Somewhat analogous to Charles Darwin's theory of survival of the fittest by natural selection, societal or process-centred functionalism endeavours to analyse the environmental factors that show preference for components supportive of institutional effectiveness over the course of time.<sup>44</sup> In particular, the theorist's approach unfolds in an active pursuit to lend systematic attention to the ways in which institutions in place for a more or less prolonged period can "structure the conditions for their own revision."<sup>45</sup> If, as PIERSON asserts, institutions tend to become honed in and ever more set in stone, it is also clear that they do not remain frozen in time and are thus also susceptible to alteration. The author in turn explores phenomena of revision and change from a path-dependent institutional development perspective. From such a standpoint, together with fresh perspectives in the secondary literature, a much more complex depiction of the Minorite organisation, in particular during the period of Bonaventure's regency, begins to emerge. The parameters of revisional processes in the self-reinforcing development of formal institutions appear to lend themselves to explanation in the following manner. Here, the concepts of isomorphism, critical junctures, and deep equilibrium are most helpful in narrowing the scope of the present study vis-à-vis potential approaches to the particularities of Bonaventure's tenure.

Two sociological categories that underlie the approach to institutional change taken in major studies apropos the Minorite order deserve brief consideration. Such accounts regard isomorphism and critical junctures. A key insight into the environmental field of an institu-

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<sup>42</sup> *Politics in Time*, 119-22.

<sup>43</sup> *Politics in Time*, 108.

<sup>44</sup> *Politics in Time*, 106.

<sup>45</sup> *Politics in Time*, 134.

tion's development, which has been frequently overlooked in the literature of Franciscan studies, is the phenomenon of isomorphism.<sup>46</sup> Isomorphic analyses seek to resolve the "thorny problem of agency and structure"<sup>47</sup> by offering an account of institutional change. In relation to institutional innovation the term refers to the similarity of processes or structures between two organisations. Such change can be either the result of hegemonic scheme, imitation, or independent development based upon comparable constraints. The processes and means of isomorphic development thus comprise mimetic, normative, and coercive varieties. As the *Institutional Logics Perspective* editors highlight, "... only the last [coercive] implies some theory of agency other than conformity and habitual behavior—for example through powerful regulatory actors."<sup>48</sup> Coercive isomorphic accounts dominate the field of Franciscan studies, as numerous authors show themselves keen to pin the responsibility for widespread change upon single actors – as indicated below in the case of Bonaventure – or small groups of actors. They continue, "The other two forms of isomorphism align with the structuralist view that social relations are patterned and constrained to free initiative of individuals and organizations."<sup>49</sup> Isomorphic accounts regarding the institutions of the Minorites and the Order of Preachers have revealed similarities in the development of the two organisations. Approaching the end of Elias of Cortona's generalate, the Minorite order had come to resemble that of the Preachers to a great degree. With the post-conciliar ecclesial atmosphere and Gregory IX having a vested interest in actively promoting them according to a definite model, the two orders were under comparable constraints from the ecclesiastical institution.

It appears, however, that the Dominicans were the first to successfully conform to ecclesiastical constraints, while the Minorites in turn gradually followed suit, instilling change in what scholars have referred to as a process of 'Dominicanisation.' A close study of the early Minorite constitutions and those of the Preachers as well as the liturgical and hagiographical reforms of Bonaventure's early tenure discloses that the institutional emulation only increased after the time of Elias' deposition. A verifiably close dependence of certain Minorite constitutional stipulations upon those of the Preachers combined with parallel and contemporaneous trends of liturgical and hagiographical revision indicate a horizontal isomorphic rela-

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<sup>46</sup> Among the staple studies on isomorphism, see: J. Meyer and B. Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," *American Journal of Sociology* 83 (1977): 340-63 and P. DiMaggio, and W. Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," *American Sociological Review* 48 (1983): 147-60. The studies differ in their propositions. For a salient comparison of their major propositions, see: *The Institutional Logics Perspective*, 20-49, esp. 48-9.

<sup>47</sup> *The Institutional Logics Perspective*, 7.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

tionship of mimesis. The great degree of collaboration between the mendicant orders in the decades leading up to and including Bonaventure's generalate buttresses the notion of their institutional alignment, which quite often appears to have taken the form of a Dominican-initiated and one-sided influence, although Minorite influence may not be found wanting, as seen for instance in the phenomenon of saintly stigmatisation.

As suggested, the chapter of 1257 elected Bonaventure to the post of minister general at an important juncture. Discussion of critical junctures is of course problematic to a certain extent, as it tends to rely on an agent-centred framework. Coupling a coercive isomorphic model with the concept of a critical juncture, scholars often assume the presence and possibility of Bonaventure's design capabilities, singular influence, and malicious intent in the execution of his tenure. A path-dependent perspective brings new light to the subject and affords it an increased potential for nuance. The occasion for revision of the institution was ripe in the sense that the order was being put to the test by exogenous and endogenous pressures. More specifically, Bonaventure's tenure and the time immediately preceding it witnessed two periods of Mendicant controversy, also deemed the "literarische Armuts- und Exemptionsstreit" by M. BIERBAUM,<sup>50</sup> with its critique-driven attacks by the secular University masters, especially William of Saint-Amour and Gerard of Abbeville, and internal strife over millennial interpretations of the Francis event and the institutional implications brought about by such a vision with regard to both Church and order.

The two phenomena, ecclesial conflict and millennial theology, converged when in 1255 Rome condemned the work of Gerardo of Borgo san Donnino, in particular his commentary *Super Hieramiam* and *Introductio in Evangelium Eternum*, which envisioned an *ecclesia spiritualis* and foresaw the providential overthrow of the ecclesiastical order and the genesis of a new age governed by the spirit. The official condemnation of Gerardo's writing had a cascade effect, serving as the final straw that broke the camel's back. Chief among the resulting effects, papal decree revoked a series of privileges from the order, and subsequently, the then minister general of the Minorite order, though revered and beloved he was by his brethren, underwent a forced demission as a preventative measure due to his reputation as a *magnus Joachita*, evincing how marginal groups within an institution can operate as a catalyst for change, even if only indirectly. From the interrelated events emerged both a harsh reminder that the Minorite order was an institution within an institution caught up in the overlapping

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<sup>50</sup> Max Bierbaum, *Bettelorden und Weltgeistlichkeit an der Universitat Paris: Texte und Untersuchungen zum literarischen Armuts- und Exemptionsstreit des 13. Jahrhunderts* (1255-1272). Franziskanische Studien 2 (Münster in Westf. Aschendorffsche Verlagsbuchhandlung, 1920).

processes of multiple organisational entities<sup>51</sup> and subject above all to the watchful eye of the ever vigilant Church as well as the chance for the institution to defend and further solidify its identity. To the defence of the Mendicants against the initial attacks of the secular clergy came Bonaventure with his *De perfectione evangelica*. A second round of polemic broke out in the later years of Bonaventure's tenure, to which he responded in kind with *Apologia pauperum*. This time the minister general responded to the attacks of Gerard of Abbeville. Indeed, his accession immediately subsequent to John of Parma's forced demission came at a seemingly pivotal juncture when the institution was under fire, and its stability had been challenged. While some maintain that Alexander IV forced John's demission,<sup>52</sup> it is manifestly evident that the order had to sever any ties with actors who were even potentially associated with heterodox claims. That the ripple-effects from conflicts with secular masters and the reactionary measures of the institutional Church did not exert a greater effect upon the order's stability suggests that Bonaventure had at least an equilibrating presence in the order, which had already reached a fair equilibrium. In relation to the institutional changes, which shall be discussed as institutional layering, that took place under Bonaventure, LAMBERTINI correctly refers to the *Apologia e crescita dell'Identità Francescana*,<sup>53</sup> thereby implicitly refusing to assent to the notion of a conversion, a reform, or (even less the case) of a second foundation.

Though it may offer insight into the singular moments of the institution, an account based solely upon isomorphism and/or critical junctures risks missing the finer points of the specific expression of a particular case. As an organisation, the order had thus far proven itself resilient and able to withstand potential crises, a fact to which the subsequent periods even through the splintering off of groups such as the Spirituals attests. The institution's historical momentum afforded it mounting strength and adaptability. Around the period of Bonaventure's accession and early regency, the Minorite institution had reached a critical mass, what PIERSON refers to as a deep equilibrium, whereby the configured arrangement of the organisation was becoming profoundly entrenched in the system of social and cultural production and the likelihood that any sort of institutional reversal could take place was approaching null. Due to the path dependence and intrinsic resilience of formal institutions, he argues, not only does revocation of the established order become less likely due to difficulty. Perhaps more importantly, however, such revocation begins to appear less and less advantageous or desirable as a result of "individual and organizational adaptations to existing arrangements."<sup>54</sup> A

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<sup>51</sup> On overlapping processes, see: *Politics in Time*, 136.

<sup>52</sup> See: de Gratien, 244-5 and Monti, 'Introduction,' *Writings*, 26-8.

<sup>53</sup> R. Lambertini, *Apologia e crescita dell'Identità Francescana (1255-1279)*, Roma, 1990.

<sup>54</sup> *Politics in Time*, 147.



path-dependent organisational arrangement can develop to the point that its sociodynamic inertia is such that it is so persistent and readily self-reinforcing and it begins to reach a sort of institutional terminal velocity. It does not appear entirely fatuous to suggest that the institution was approaching such a stage during the accession and early rule of Bonaventure.

Furthermore, a more in-depth analysis of Bonaventure's tenure and writings could profit from a systematic examination of institutional development with particular regard for the phenomenon of non-replacement institutional change. In what is perhaps the apex of the volume, PIERSON details processes typical of institutional change that have drawn the attention of theorists. Here, he tersely discusses three distinct mechanisms of institutional change, which he categorises according to their general characterisation of the "conditions influencing paths of institutional change";<sup>55</sup> namely, layering, functional conversion, and diffusion.

The processes of institutional diffusion, as discussed by analysts of vast sociological phenomena, function by virtue of dispersion of models of proper comportment and that generally from a central source or set of sources. Institutional diffusion often concerns wholesale replacement of institutions by the development and dissemination of clear norms of legitimate behaviour, an 'organizational field of activity' that succeeds in gathering a strong consensus on the "appropriate institutional technology to be employed for a specific purpose."<sup>56</sup> Specific environments in particular can give rise to diffusion such as highly centralised and disparate social contexts that entail marked dependence upon central actors. Diffusion can also arise in 'highly rationalised' institutions with groups of well-networked and resource-rich professionals whose interests are in alignment with the dissemination of such models. The newly diffused institution then becomes self-reinforcing by way of the waning legitimacy of alternatives and the increasing internal pressure to conform.

Whereas diffusion often refers to the wholesale replacement of a given institution,<sup>57</sup> what THELEN considers under the rubrics 'layering' and 'functional conversion' constitute two possible alternatives to such a radical solution in a particular institutional arrangement when change is called for but all-out substitution is out of the question for reasons concerning either practicality or non-conducive social climate.<sup>58</sup> The concept of institutional layering attempts to describe the phenomena by which the contextual pressures influential in changing an institution "involves the partial renegotiation of some elements of a given set of institutions

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<sup>55</sup> *Politics in Time*, 137.

<sup>56</sup> *Politics in Time*, 138.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Politics in Time*, 137-8

while leaving others in place.”<sup>59</sup> He goes on to specify that in times of layering certain components of an institution may remain fully integral, while other novel components become appended, thus altering to a greater or lesser degree those already in place. Though it must not of necessity be the case, extreme instances of layer-based change may entail the generation of parallel or subversive institutional tracks. The occurrence of such a phenomenon can be observed in the case of the Minorites with the late-thirteenth, early-fourteenth century emergence of groups known as the ‘Spirituals.’<sup>60</sup> Those desirous of change may opt to erect innovative institutions based in part on a semblance of the institution from which they broke away. While the layering of institutions underscores the manner of change by institutional appendage and consequential alteration or the rise of splinter organisations, functional conversion focusses attention on the shaping or molding of extant institutions to new ends.<sup>61</sup> Such redirection of existing institutions to newfound purposes activates change insofar as it assigns institutions a role or function other than that for which they were intended. Change may come about in such a fashion that what appears to maintain formal continuity vis-à-vis a certain organisational arrangement may in reality serve inconspicuous novel aims. Similar to the layering phenomenon, actors both old and new may spearhead such change, but as PIERSON notes, the conversion of institutions frequently develops as a corollary of the reintegration of previously marginalised groups whose grievances at their political exclusion fuels a desire for change and may coagulate for instance in the form of imposition of a rival interpretation of rules, even absent formal revision.

With the avenue prepared for the current exploration, one may begin to examine the various phases of the order’s history in terms of path-dependent development. The early phases of the Minorite order are complex phenomena, which perhaps, in part explains the tendency of sociologically-informed analysts to shy away from concentrated study of them. As the institution began to take shape and set into concrete form, manifold factors both endogenous and exogenous pressed upon the group during the process of the institution’s emergence. As indicated, chief moments related to modified organisational arrangement and of significance for the present analysis are in essence four, which correspond to the four chapters demarcated in the present study. They comprise the redaction and approval of the canonical rule in 1223, the solicitation and subsequent issue of the bull *Quo elongati* in 1230, the institutional re-

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<sup>59</sup> *Politics in Time*, 137. For more on institutional layering, see: K. Thelen, ‘How Institutions Evolve: Insights from Comparative Historical Analysis,’ in: J. Mahoney & D. Rueschemeyer (eds.), *Comparative Historical Analysis in the Social Sciences*, Cambridge 2003, 208-40, esp. 226-8.

<sup>60</sup> D. Burr, *The Spiritual Franciscans. From Protest to Persecution in the Century After Saint Francis*, University Park 2001.

<sup>61</sup> *Politics in Time*, 138.

writes of 1239-1245 (largely those hagiographical and normative in character), and then the changes enacted under Bonaventure.

Although change unequivocally occurred at the four indicated junctures, the conditions in which and (arguably) due to which such change occurred were decidedly different. Whereas the former two (*RegB* and *Quo elongati*) represent instances of intervention by a higher institution with varying degrees of consensus from within the order, the latter two arose from largely internal pressures. Primary among the contributing factors in 1223 and 1230 was imposition by the Church institution, whereby institutional alignment became necessary. However, in each case institutional imposition appears to have exerted a functional-conversion effect, such that the norms imposed were craftily formulated to attain a certain formal standard, but ultimately represented a specific modified interpretation of that which preceded it. The rule of 1223 rendered the early movement a proper canonical entity, and *Quo elongati* ruled in a highly qualified and differentiated normative framework, which in turn rendered the rule of 1223 a separate entity from that which preceded it in time and also subjected to further changes. In brief, the 1230 bull placed *RegB* in a normative vacuum and altered it according to distinctions that, while foreign to the movement itself and arguably in violation of its prior standards, maintained formal continuity in juridical terms. The institutional alterations enacted in 1239-45, on the other hand, share commonalities with what PIERSON describes as diffusion. The normative and hagiographical changes in particular occurred by means of the institutional diffusion of an organisational field, devised by authors on official commission from the institution, as laid out in the introduction to the previous chapter. Building in part upon the possibilities opened up by the bull of 1230, the constitutional arrangement of the institution coupled with the call for a new official hagiography that would put forth a normative image of Francis to form a two-pronged scheme of institutional support by virtue of self-reinforcement.

Nevertheless, of the four instances, one distinguishes itself from the others as a unique type of change, as identified in PIERSON's analysis. When Bonaventure found himself at the head of the order, the institution was well-established and self-sustaining. It had no need of a radical reform, a new founder, or a saviour. Not even from the perspective of an effect-attuned, rational design model could one claim that in his literary compositions Bonaventure personally issued a completely original organisational field of activity. Given that the moment did not call for wholesale institutional replacement via diffusion, nor could it have due to the order's organisational momentum and practical institutional irrevocability as a canonically-bound order in the Church, a solution must be sought in the alternatives that remain. That a variety of change, however modest, came about during the minister general's tenure is mani-

festly evident. Additionally, though one may detect a certain pastoral turn that occurs during the regency of Bonaventure, it is perhaps overstating his importance to assert the proposition that he in some way enacted a functional conversion of the institution. While the changes put in place during his tenure may have exerted an altering effect on the formal institutional arrangement, such changes did not create a wholly new interpretation of the institution based upon a discreet attitude of subversion. Rather, the fourth period under consideration appears to exhibit traits largely correspondent to the pattern of institutional layering. Whereas functional conversion tends to follow the pattern of function-altering internal adaptations to the existing institution, layering superimposes an institution upon the existing one without eliminating what previously stood.<sup>62</sup> The concept of layering connotes the addition of something, but strangely evades the topic of exclusion. Due to the ordered destruction of all prior laws and legends, though Bonaventure would also incorporate and build upon them in his own legends, it is possible to claim that a good deal was excluded. To what avail? The present study contends that the era of Bonaventure thus perhaps did not constitute a reform in the classical sense. Instead, one may consider the era tantamount to a structured revision of the institution, which, as well as increasing functional unity of the organisational arrangement, amplified focus upon spiritual praxis and pastoral care, wherein totally new aims were not sought out, but a shift in emphasis occurs.

At least with regard for the literary output during Bonaventure's tenure, an analytical consideration of institutional change may be undertaken in light of the fourfold categorisation of sources in order to substantiate the contention. Processes of institutional layering are marked vis-à-vis normative texts. The existing Minorite legislative complex underwent minor amendments and policy alteration under the pen of the minister general. Just as each redaction of the general constitutions successive to the initial draft had done, Bonaventure supplemented prior legislation with amendments and additional norms. Chief additions to the constitutions of 1260 were the spiritually-charged, praxis-oriented prologue and a host of punishments for incomppliance and allowances for cases of manifest necessity. Two key mechanisms of an institution's self-reinforcement are incentive and disincentive. It is PIERSON's claim that positive feedback sets an institution's social inertia into motion by means of increased social acceptance. Positive feedback is generated when actors receive enhanced incentives to coordinate.<sup>63</sup>

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<sup>62</sup> *Politics in Time*, 156.

<sup>63</sup> *Politics in Time*, 149.

In addition, running afoul of the law was met with penalty. As a consequence of the Narbonne constitutions, deviation from the model became more de-incentivised. Whereas punishments fall into the category of disincentive, allowances too bolstered institution's self-sustaining core. They encouraged a sense of recognition regarding the legitimacy of the order's ideal, while at once also allotting for a social buffer in times of urgent need. Indeed, Bonaventure himself intimates that unnecessary violation of the law begets further violation. In such a way, they assisted in conditioning the adaptive expectations of the social agents involved with the institution. Adoption of institutional models thus also became gradually more incentivised with the institution's self-sustaining trajectory and the measures allotted for easement. Another level of institutional layering took place in the addition of the prologue to the constitutions. One may suggest that, provided that the piece is original to Bonaventure's time, the redaction of the Narbonne constitutions also displays features concerning the pattern of layering in the form of a complementary pastoral accent in the prologue. The prefatory comments introduce the regulations from a programmatic angle. They thus couple outer constraints and stipulations with institutional identity and spiritual pursuits.

Next, the institution under Bonaventure experienced the layering of hagiographical source material. In his revision of the order's model of holiness, he drew upon manifold prior legends as his sources and incorporated their topoi, episodes, motifs, and lessons. Though a qualitative differentiation distinguishes them from legislation in a formal institution, hagiographies put forth models of human behaviour with identity-forming components. Thus, even if such legends do represent a prearranged series of "informal rules and procedures that structure conduct,"<sup>64</sup> they nevertheless pertain in a real and present way to the institution as an official issuance of normative import. Bonaventure then structured the new legend thematically according to teachings rather than chronologically according to episodes in Francis' life as the vast majority of previous hagiographers had done. Thomas had already accomplished such a feat in part in his *Memoriale*. Thus the layout was not completely original to the *LegMai*. Bonaventure merely pushed the principle to a new extent.

Relevant to the phenomenon of institutional layering in a Piersonian perspective and to the question as to whether Bonaventure defined or merely defended the order is the potential contribution of the minister general himself to the institution. If by such definition, institutional definition is meant in the sense indicated above, it would appear that Bonaventure's contribution lie in systematisation and reinforcement with regard to normative and hagio-

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<sup>64</sup> Thelen and Steinmo, 'Historical institutionalism in comparative politics,' in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, 1-32, here 2.

graphical texts. As far as legislation is concerned, he compiled existing norms into a composite document, adding relatively little of his own aside from the prologue, supplemented it with punishments for incompliance and special allowances, and presumably placed it before the chapter of Narbonne for their consideration. The assembly then solemnly approved it as official Minorite law, immediately proliferated the newly instated legal code, and ordered the destruction of all prior redactions. Similarly, having drafted an official legend from the material at his disposal for the purpose of refectory readings in convents across the order, Bonaventure presented his work at chapter to approve it for official use.

Despite the ordered elimination of ulterior legends, attention to process-centred considerations mitigate responsibility and evade implication of Bonaventure's presumed exclusive control. In particular, even assuming Bonaventure's role in issuing such an order, the veto power of the chapter would balance it out. In addition studies have revealed the range and scope of Bonaventure's invocation of his literary resources. Notwithstanding the reframing of the legend according to thematic arrangement, the minister general's extensive consultation and outright inclusion of entire swaths of his sources on numerous occasions attest to the lasting influence of the well-established tradition of Minorite hagiography that had set in by then. Various components of the legend appear to be original to his work, however, and the section below on narrative sources highlights such components. An underappreciated historical phenomenon, perhaps even prior to the Narbonne chapter, Bonaventure was (if not already complete) well on his way to completing a legend for the choir, which put forth the official image of a prayed Francis. Also often overlooked, the pronouncement of the 1266 chapter encompassed all previous liturgical legends in addition to readings for the refectory.

Dissimilar to the literary output assessed in the previous chapter, the constituents of which were the outcome of either a particular commission or group effort or in reaction to such a commission, the writings examined in the present chapter are the work of a single man's hand. That man just happened also to be the head of the order. The personal touch of Bonaventure in the revisions of the late-1250's and 1260's continues to arise. Focus on the literary contribution of Bonaventure coalesces well with the phenomenon of entrepreneurs in institutional change as sketched out in PIERSON's analysis. As indicated, PIERSON's analysis downplays the role of individual human agents in the creation of institutional change in favour of vast social processes. Nevertheless, entrepreneurs or skilled social actors may devise

their own innovative designs without having access to the means with which to actuate such designs.<sup>65</sup> Perhaps Roger Bacon may be considered just such an individual.<sup>66</sup>

Bonaventure was certainly versatile and competent and was at the right place at the right time so to speak. He was also surely not without his rivals and adversaries, although his good reputation is supported with the nearly universal consensus of those who knew his acquaintance.<sup>67</sup> By all appearances, the only interest that the then regent master pursued in ruling, if indeed there was one at all, was that of a spiritually-orientated, unified organisational configuration.

As evinced in the present study, for what directly regards the concept of obedience Bonaventure reassumed several components of the charism, but he did so in such a manner that he relegated numerous of those aspects to institutionally-appropriate categories. For instance, Bonaventure relegates the loving, universal component of obedience to the virtue of piety (*LegMai*). A foremost addition into the constitutions, he also reinstated the strict prohibition of ministers general to appeal to the Apostolic See for letters of privilege that would in any way weaken the standards of the rule. His writings exhibit a fair degree of reincorporation regarding the charismatic principles. Bonaventure insisted upon a re-charismatisation of the Minorite institution, whereby he reincorporated specific charismatic principles into – and indeed layered them onto – the organisational arrangement. More specifically, within the institutional confines that he found himself minister general of the Minorites, Bonaventure envisioned, and showed himself able to be an accomplice to, the layering of the existing institution with a degree of the charismatic principles proposed by Francis and the early movement. Whither Bonaventure came to such knowledge remains unclear. Likewise unclear is the extent to which Bonaventure would have been able to attain acquaintance with the writings of Francis and the early movement. He claims to have consulted the living companions of Francis, that is, Leo and Giles, in the composition of his legends.

The central contention of the current chapter is the following. Obedience functions as an enforcing and self-reinforcing mechanism of an institution, of behavioural norms, and of institutional identity. The institution's momentum was such that it was approaching terminal velocity and would only suffer from a reversal of any sort. In that regard, obedience had become the hierarchically-gearred, highly-attuned, effective means that could be observed in

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<sup>65</sup> *Politics in Time*, 136.

<sup>66</sup> Thanks are due to Timothy Johnson, on whose suggestion I included Roger Bacon as a counter-example. On Bacon, see: A. Power, *Roger Bacon and the Defence of Christendom*, Cambridge 2013.

<sup>67</sup> Umbertino of Casale and Angelo of Clarenò are the exceptions. They depict Bonaventure with a stern and depreciative tone. However, even the extreme vinctiveness of Angelo did not lead him to count Bonaventure's rule among the seven tribulations of the order.

other religious contexts under the Latin Church. Therefore, the infusion of the institution with charismatic principles had to take place in large part on an inner, spiritual level. Due to irreversible institutional changes, the resurgence under Bonaventure vis-à-vis charismatic principles had to be curtailed and neatly economised, that is, restricted to the subjective, spiritual realm. In other words, the charism had to be immersed in and calibrated to the normative sphere of the institution, as the contrary case was a logical impossibility. Let it not be implied, however, that Bonaventure's proposal was absent performative components, as is apparent in such works as *ConstNarb*, *LegMin*, *RegNov*, and *ApPaup* with particular accent upon a pastoral paradigm. The section that follows shall flesh out the finer details of the claim.

For the purposes of the present study, it shall suffice to examine a solid base of undisputed Bonaventurian sources. In an approach akin to that taken by many scholars of the Pauline epistolary literature in New Testament studies, the investigation opts not only to exclude the spurious and doubtful, but also the disputed and uncertain sources. An avenue of inquiry ripe for exploration, the particular expression of obedience begins to transmute into Bonaventure's innovative synthesis, the finer details of which the following chapter delineates. Omission of uncertain, doubtful, and spurious writings<sup>68</sup> falsely ascribed to Bonaventure enables one to draw from a solid basis of undisputed sources. One profits from the efforts of previous studies.<sup>69</sup> Quizzical at best for such a meaningful historical figure for the order and the Church, though quite a lot indeed is available in the way of information on the man known from birth as Giovanni Fidanza, there exists to date no comprehensive biography on his life.<sup>70</sup> Such a study is overdue and, while perhaps a daunting task, would be met with great interest.

## **Thematic-Theological Analysis of Normative Texts**

### *Constitutiones Narbonenses*

#### I. Textual Features and *Sitz im Leben*

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<sup>68</sup> For an up-to-date status quaestionis on each of the authentic works of Bonaventure, see: F. Chavero Blanco, 'El catálogo de las obras de San Buenaventura. Estado actual de la cuestión,' *Carthaginensia* 14 (1998): 43-100. Such works include *Determinationes quaestionum super regulam*, *Quare Fratres Minores praedicent et confessionem audient*, *De sandalis Apostolorum*, *Expositio super regulam*, *Sermo super regulam*, *Epistola continens viginti quinque memorialia*, *Epistola de imitatione Christi*, *Epistola de sandalis Apostolorum*.

<sup>69</sup> F. Bruno Marcucci, *De virtute et voto obedientiae secundum doctrinam S. Bonaventurae: Cum Particulari Respectu ad Perfectionem*, Dissertatio ad Lauream, Antonianum, Romae 1950; Idem., 'La virtù dell'obbedienza nella perfezione secondo la dottrina di San Bonaventura,' *StudiFran* 25 (1953): 3-30; & B. Madriaga OFM, 'La obediencia según San Buenaventura,' *Verdad y vida* 91 (1965): 373-436.

<sup>70</sup> For a brief biographical sketch, see: G. Abate, 'Per la storia e la cronologia di S. Bonaventura,' *MF* 49 (1949): 534-68, 50 (1950): 97-130.



The *Constitutiones Narbonenses* survive in but a single manuscript witness<sup>71</sup> of rather late origin, having the year 1517 as its *terminus post quem*.<sup>72</sup> First put to parchment either for a curial official or a brother of regular observance, a certain brother Fidele da Fanna took note of the manuscript in the 19<sup>th</sup> century and bid a transcription of Pietro Paulo Uccelli.<sup>73</sup> Three editions of the document would emerge in the following half-century, first by Franz EHRLE, then by the Quaracchi editors, and finally by BIHL. The standard critical text for the constitutions was long that of BIHL.<sup>74</sup> As indicated, the study of early Minorite legislative texts was supplemented by CENCI's unearthing and publication of prior constitutions, designated as *Praenarbonenses*, in three separate instalments. Subsequently, CENCI with the assistance of MAILLEUX edited and compiled into two volumes the extant documents in the order's legislative corpus redacted in the course of the 13<sup>th</sup> and 14<sup>th</sup> centuries.

After Bonaventure took office in 1257, he immediately began to put his acumen and good sense to work for the institution. The inner fire with which he approached his task is adamantly on display in his first encyclical letter written only months after his accession. At the outset of his generalate, he had likely already received the commission to update the order's official hagiography and perhaps completed the *LegMin* soon thereafter. By 1260 the chapter of Narbonne approved a new set of Minorite constitutions and at once also ordered the complete destruction of all other redactions past and present. It is thus only in a highly qualified and thus partial sense that one may consider Bonaventure the document's author. While the legislative endeavour is frequently considered the work of Bonaventure, the vast majority of its content was not original to him. The chronicler Salimbene relates how Bonaventure gathered existing constitutional legislation in a composite document and supplemented them with punishments.<sup>75</sup> Thanks to the unearthing of the early constitutions, it is possible to verify Salimbene's account regarding the novelty of materials inserted into the redaction with relative certainty.

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<sup>71</sup> Cod. Vat. Lat. 7339 (A), ff. 93r – 114r.

<sup>72</sup> Cenci, *Constitutiones Generales*, 67.

<sup>73</sup> Quaderno 17, p. 86s, in Archivio Collegii S. Bonaventurae Criptaeferratae, busta 222; Quaderno 18, p. 57, busta 222. Cenci remarks that Fanna knew of another manuscript (cod. 15.3.22 Bibliothecae Publicae Cremonensis), a copy of the Vatican codex; Quaderno 21, p. 26, *ibid*.

<sup>74</sup> "Statuta generalia Ordinis edita in capitulis generalibus celebratis Narbonae an 1260, Assisii an. 1279, atque Parisiis an. 1292," *AFH* 34 (1941): 13-94, 284-358.

<sup>75</sup> Mentioning at first the drafting of the early constitutions, he writes: *Et in illo capitulo facta est maxima multitudo constitutionum generalium, sed non erant ordinate; quas processu temporis ordinavit frater Bonaventura generalis minister, et parum addidit de suo, sed penitentis taxavit in aliquibus locis*. Cronica I, ed. G. Scalia (CC, *Continuatio Mediaevalis CXXV*), Turnholti 1998, 245.

Indeed, as BROOKE presciently suspected,<sup>76</sup> an astonishing feat considering the state of research available to her, the Narbonne version of order legislation contains little in the way of completely new insertions. An early reference in the early fourteenth-century *Catalogus XV Generalium* (c. 1304), describes Bonaventure's endeavour as a labour that supplied the already extant constitutions order and form (*ordinem et formam dedit*).<sup>77</sup> The catalogue annotation appears by all accounts to be spot-on, as the law codes' 255 prescriptions were organised and arranged into twelve rubrics, the same number of the chapters in the *RegB*. The twelve topics addressed regarded acceptance of postulants (*De religionis ingressu*), proper dress (*De qualitate habitus*), poverty norms (*De observantia paupertatis*), proper comportment within a convent (*De forma interius conversandi*), proper comportment when residing outside of a convent (*De modo exterius exeundi*), activities and engagements (*De occupationibus fratrum*), correction of transgressors (*De correctionibus delinquentium*), visitation (*De visitationibus provinciarum*), election of the ministers (*De electionibus ministrorum*), procedure at provincial and general chapter (*De capitulo provinciali, De capitulo generali*), and ceremonial prayer for the dead (*De suffragiis defunctorum*).

Excluding the first and last, each rubric begins with a regular citation as a prelude corresponding more or less thematically to the section's content. But the assignment of material to twelve chapters appears to have been largely a matter of symbolic importance.<sup>78</sup> As Bonaventure himself explains, his aim in doing so was one of practicality, insofar as he sought to assuage misapprehension (*confusio*) and augment user comprehension (*intelligentia*) and retention (*memoria*).<sup>79</sup> In some ways similar to the *RegB*, each chapter contains select prescriptions, between 8 and 29 per chapter with the average being 22, which pertain to varying degrees to the given rubric's title.

Perhaps the most conspicuous component of the 1260 legal code are the introductory remarks in the prologue, a piece unanimously ascribed to Bonaventure. The opening words provide the legal code with a personal touch, which gives a glimpse of the decision and fervour with which he had first taken office. The unique thematic focus of the prologue underscores Bonaventure's resolute aim to instil a spiritually-orientated view of the legal code and

<sup>76</sup> Brooke, *Early Franciscan Government*, 276. "Apart from these definitions and the Prologue St Bonaventure probably inserted little that was new."

<sup>77</sup> *AF* 3 (1897): 700: *Hic in primo capitulo, quod tenuit Narbonae, Constitutionibus ordinem et formam dedit. Hic postquam vitam beati Francisci conscripsit.*

<sup>78</sup> Röhrkasten renders evident that twelve is also a significant number in the rule commentary contained in Bonaventure's *Opera Omnia*, but he does so on the assumption that Bonaventure is the author and not John Pecham, as is now the consensus among scholars of Bonaventure's work. *Franciscan Legislation*, 485.

<sup>79</sup> *Narb Prol: Quia vero confusio est enim intelligentiae quam memoriae inimica, expedit ut Constitutionum varietas ad certos titulos reducatur.*

infuse his labour in favour of their communal life with a pastoral hue. As such, it is of great perspicuity that JOHNSON notes of the prologue that it is “the only extant attempt to provide a theoretical foundation for the Minorite legislative efforts.”<sup>80</sup> Additionally, the prologue expresses acknowledgment that the many regulations may find perception as a heavy burden (*gravem sarcinam*) among some of the order’s members. Bonaventure’s sensibility for members of the order is palpable here, such as those in specific stages of life, be they novices or younger members, as well as idealistic members dedicated to the primitive ideal and perhaps averse to such a weighty code of conduct. In its prologue as in other ways BITTERLICH underscores, the redaction of Narbonne bears resemblances to the monumental legal document *Liber extra*.<sup>81</sup>

Though his legislative efforts would begin quite early on in his time as minister general, they would certainly not terminate with the 1260 assembly. It appears that the constitutions became a sort of life project for Bonaventure, as time and again he would go to great lengths to ensure the wide dispersion, local enactment, and personal assimilation of the constitutions. Wrote a sort of commentary on them, referenced them in Second Encyclical letter addressed to the provincials. It is thus not without reason that BITTERLICH states, “Während Bonaventuras Amtszeit war es für die Ordensleitung und den Generalminister persönlich ein primäres Ziel, die geschlossene Durchsetzung und Vereinheitlichung der Ordensgesetze sicherzustellen.”<sup>82</sup> A prime example of just such a continual effort arrived in the form of the *Explanationes Constitutionum*, which only receive interspersed attention when passages relative to the current topic of study intersect thematically in a notable and significant fashion. Taking after his counterpart from the Order of Preachers in Humber of Romans, Bonaventure too composed a commentary of considerable length and detail in treatment, which addressed passages perceived to be problematic or unclear in their application by certain of his brethren. One recognises here both a classic instance of the tension brought about by the implementation of transpersonal and perpetually valid norms in a specific regional and micro-cultural context and also the casuist mastery of the classically trained mind.

As to the application of PIERSON’s analysis, *ConstNarb* remains a classic instance of overestimation with regard for Bonaventure’s influence. The depiction put forth by numerous scholars portrays a leader with a forceful right hand who sought to subject brothers to system

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<sup>80</sup> Johnson, ‘Dispensations, Permissions, and the «Narbonne Enclosure»: The Spatial Parameters of Power in Bonaventure’s «Constitutions of Narbonne»,’ in: S. Barret & Gert Melville (eds.), *Oboedientia. Zu Formen und Grenzen von Macht und Unterordnung im mittelalterlichen Religiosentum*, Münster 2005, Vita regularis 27, 363-82.

<sup>81</sup> *Statuten*, 441-2.

<sup>82</sup> *Statuten*, 447.

of monastic discipline and subsume the rule within the perpetual and wide-reaching normative framework of the novel legislation, which he himself redacted and compelled the chapter virtually at gunpoint to accept. A detailed comparative analysis of the 1260 constitutional redaction with the laws promulgated in the previous decades reveals a different picture. The normative textual sources of the period thus represent a further case, not of originality or reform, but of institutional layering under Bonaventure with particular regard for the renegotiating components of the pastorally-oriented prologue, the noviciate, punishments, and allowances.

When considering the matter of seemingly coercive institutional designs such as the deletion of ulterior legislation and the introduction of fixed punishments, it is helpful to take into account PIERSON's thoughts on veto power in relation to the brothers' collegial form of governance. In theory and by all appearances, the general chapter upped the collegial approach to governance by way of added veto power. The manner in which the governing process functioned in actual reality is in part a matter of conjecture. However, procedure presumably took place based upon the model and paradigm established and specified in the constitutions. Enabled by their position to implement their particular vision, the ministers general certainly had a given propensity for singular rule, as do all heads of organisations. However, the general chapter served as a counterbalance, not only of a theoretical but also of a practical nature, and formed the foundation of the order's ruling authority with particular regard for legislative authority. He is sure to admit as much in the work's prologue. Therefore any initiative would have had to be approved by those gathered. One must be ever mindful of the dynamic of veto power in the order when approaching the matter of policy enactment.

As for the constitution's set, unconditional punishments, it is manifest that they operated as a reinforcing sign both of a certain inapplication with regard for the specific norm and of the well-established validity of a norm or set of norms, which were appropriate for the period. They functioned as a manner of bolstering observance. The reality of veto power may also inform one's analysis in that regard. It is most unlikely that penalties would have been attached to new norms or to inappropriate norms or that the assembly would have sanctioned the imposition of excessively harsh penances. Rather, it is fitting that either already customary norms or norms upholding entrenched facets of an organisation's normative structure and identity and that, as BITTERLICH found in his study,<sup>83</sup> Minorite punishments were comparatively harmless with regard for those of other religious orders of the period.

## II. Theological-Thematic Analysis

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<sup>83</sup> *Statuten*, 473-85

The constitutions of Narbonne<sup>84</sup> stem from a specific, hierarchical and legally-oriented conceptual understanding of obedience. Of the foremost significance for the Minorite programme of religious life, the multifaceted notion of obedience received immediate mention with the formula for the right of profession, where the postulant vows and promises to serve the rule confirmed by papal authority *vivendo in obedientia, sine proprio et in castitate* (Narb. I, 11).<sup>85</sup> In such a fashion, the constitutions highlight the regular, hierarchical, and ecclesial dimensions of obedience simply within the rite of profession alone. Analytically, the promotion of institutional governability was of paramount significance. To be sure, the constitutions proliferated during Bonaventure's generalate placed a concerted focus upon discipline, subordination, and enforcement by punishment. Constitutional stipulations held the brothers to a strict monastic system of discipline with spatial restrictions and punishments against those who run afoul of the law. Grave offenses incurred stringent, non-negotiable consequences, and a gradation of penalties helped to identify and prioritise the exact normative force of a prescription with some of the most extreme being issued *per obedientiam*.<sup>86</sup> Necessity-based easements were also provided for as a temporary relief in the form of permissions and dispensations. A continual reminder of pastoral control within the order, the order-wide legal code obliged guardians to read aloud each month to the entire community of their Minorite convents. The material for their monthly lecture was, however, not the rule or the Testament, as was Francis' wish, but the constitutions. Broad as well as profound analysis of Bonaventure's writings permits one to draw parallels and establish insightful links. Relevant passages in particular from *LegMai*, *PerfEv*, *RegNov*, and *ApPaup* shall ensue where appropriate.

#### *Novitiate and Development of the Rite of Profession*

The code of laws confirmed and released in 1260 contain the first rite of profession in its complete form as recited by postulants entering religious life in the Minorite order. Following the issue of *Cum secundum* (1220), the rules had outlined the basic tasks required of postulants and their overseers. Subsequent reissue of the bull in the 1230's and early 1240's by separate popes is evidence that the brothers had difficulties in carrying out the charge of implementing a fully institutionalised novitiate. The continual reissue of a norm is no less than a sure sign of the norm's non-application. Notwithstanding David of Augsburg's rich novice

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<sup>84</sup> Indisputable for a study of the Narbonne constitutions are J. Dalarun, 'La Règle et les constitutions jusqu'à Bonaventure,' in: *La Regola dei Frati Minori*, 213-268; P. Maranesi, 'Regola e le costituzioni del primo secolo francescano: due testi giuridici per una identità in cammino,' *Op. cit.*, 269-318; & T. Johnson, 'Ground to Dust for the Purity of the Order: Pastoral Power, Punishment, and Minorite Identity in the Narbonne Enclosure,' *FranStud* 64 (2006): 293-318.

<sup>85</sup> *Constitutiones*, p. 71

<sup>86</sup> *Narb.* V 2; VII 12; VIII 11, 21; X 26 (*Constitutiones*, pp. 79, 87, 90, 91 & 98)

literature, which appears to have been the exception rather than the rule, the dearth of norms located in the extant corpus of pre-1260 legislation and intended to regulate the postulant's entry and transition into the order corroborates the notion.

It thus appears that Bonaventure's redaction would constitute somewhat of a watershed moment in that regard. Furthermore, the constitutions began to make manifest the ritual that inaugurated their canonical acceptance into the profession and common bond of the order, a chief component of which was the actual formula recited by professing recruits. By all appearances the recited form of the rite of profession as it appears in fragmentary form in *Vest.* transformed from a more organically-formulated articulation, represented in the Latin *promitto*, into a legal vow (*voveo*) suitable for a proper canonical formality. Despite the position of De ASPURZ that the form of profession featured in the constitutions of Narbonne had been in use since the time of Francis and the redaction of the *RegB*, the early constitutions give reason to suspect an incremental development.<sup>87</sup> The express inclusion of the Latin verb *voveo* and its concomitant emphasis upon the canonistic *obligatio votiva* in the redaction of 1260 may have come about at the influence of Bonaventure.

As indicated, aside from general stipulations regarding recruitment profile, vetting, and explaining the hardships of the rule to the postulant,<sup>88</sup> rubric I, ns. 7 and 8<sup>89</sup> represent the first legislative attempt to address the novitiate since *RegB* II, 9-13. The pre-1260 constitutions have no such prescriptions. The repeated reissue of *Cum secundum* is evidence that the order had found it difficult to fully implement a canonical novitiate. Bonaventure's first circular epistle addressed to the ministers bewails the acceptance of unfit and unqualified recruits into the order and attests that major issues with Minorite initiation had not yet ceased. As it appears, the content of the norms approved in 1260 are likely new under Bonaventure. The Narbonne model would prove a particularly adept one, as it would stand until the Council of Vienne (1311-2) where it would receive only slight terminological amendment.<sup>90</sup> The constitutions, SCHMUCKI indicates, exhibit a "notable increase in monastic elements."<sup>91</sup> The norms arranged for consolidation of novices into one or two houses per custody and supervision under a novice master, who would be ever watchful and ensure their proper integration into the community and the assimilation of their life, including poverty, discipline, and confession.

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<sup>87</sup> L. De Aspurz, 'Il rito della professione nell'ordine francescano,' *StudiFranc* 2 (1969): 245-67, here 253-6.

<sup>88</sup> *PreNarb.* 30 & 31 (*Constitutiones*, pp. 22-3); *Narb.* I, 3 & 6 (*Constitutiones*, p. 70)

<sup>89</sup> *Constitutiones*, p. 71

<sup>90</sup> O. Schmucki, 'Initiation into the Franciscan Life in Light of the Rule and Early Sources,' *Greyfriars Review* 2, 2 (1988): 25.

<sup>91</sup> Schmucki, 'Initiation into the Franciscan Life,' 24.

In particular, the constitutions place chief emphasis upon the importance of prayer in the institutionalised novitiate year, whereby the master is to instruct the novice how to pray and in particular how to chant the psalms. The regulations then required the novice to in turn learn to pray the Divine Office, which should largely be set to memory.<sup>92</sup> The novice master, assigned by the provincial, was to be a priest qualified by piety and sound judgment. In addition to the sensitive undertaking of spiritual cultivation in the novices, the master also governed those entrusted to his charge, observing their conduct, correcting, and punishing them. Though specific norms delineated the function of the role of novice master, a degree of plasticity to their role, as BERTINATO notes, may allow for personalist or authoritarian approaches.<sup>93</sup> In the context of Bonaventure's *Regula novitiorum* and the concerted effort to explain and enhance the early experiences of new recruits to the order, such prescriptions signal an initiative taken up by Bonaventure during the early years of his generalate to establish fitting conditions for a novitiate year including designation of specific living quarters in a custody wherein the new recruits could be gathered for effective training and instruction. Summating the trajectory of the brothers' introduction into the community, number 8 affords an apt synopsis of the itinerary taken in *Regula novitiorum* where he outlines and details the goals, methods, and means of the Minorite probationary year. Worthy of mention, humble obedience features as a prominent virtue among those listed,<sup>94</sup> which reflects the centrality of the concept and the specific emphasis upon humility displayed in his corpus as a complex whole. Interestingly, the constitutions lack the rare accent upon manual labour put forth in *Regular novitiorum*.

#### *Minister General*

The enhanced specificity of the 1260 constitutions brought renewed clarity to Minorite governance with particular regard for governing officials. The legal code addressed all manner of affairs from the election or appointment of officials to their function and its limits as well as potential deposition and replacement. In the prologue of the constitutions, Bonaventure delivers a seemingly passing statement, which at least from the perspective of the modern reader constitutes a stark issuance. Tucked away in a subordinate clause and perhaps trivial at first glance, Bonaventure's proclamation, unlikely to be unwitting, evinces an astonishing

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<sup>92</sup> O. Schmucki, 'La "forma di vita secondo il Vangelo" gradatamente scoperta da S. Francesco d'Assisi,' *ItFran* 59 (1984): 341-405, here 345ff.

<sup>93</sup> P.D. Bertinato, 'Il Maestro dei novizi,' *Vita Minorum*, 25 (1954): 108.

<sup>94</sup> *Narb.* I, 8 (*Constitutiones*, p. 71): *Ad quos informandos assignetur frater religiosus et circumspectus, qui eos doceat pure et frequenter confiteri, ardentem orare, honeste conversari, humiliter obedire, servare cordis et corporis puritatem, zelare sacratissimam paupertatem et ad omnis perfectionis apicem anhelare.*

development with regard to the relationship of the minister general to the general chapter. The author asserted that the highest governing authority of the order resides in the general chapter (...*a generali capitulo...*, *apud quod praecipua residet auctoritas ordinis gubernandi*).<sup>95</sup> The assertion amounted to a declaration of the general chapter's supreme governing authority over the entire order, even with respect to the minister general. Rubric VII, n. 25,<sup>96</sup> quite possibly a new insertion at the chapter of 1260, solidifies the notion and implements its concrete outcome in the unequivocal refusal of the minister general's capacity to issue new order norms (*generale statutum*) without the assent of the general chapter and the definitors, nor is he able to eliminate or weaken existing norms except if he grants a dispensation in the event of necessity.

Of particular note with regard to the rule, the prescription also bars the minister general from faculty to request papal privileges that would in any way modify the rule. The author prefaced the general constitutions, personally redacted by himself and sanctioned by the chapter assembly, with such a statement, which proved an unparalleled assertion in any form of official Minorite text to date. The *expositio* of 1241/2 had argued for the position that in the event of a discrepancy between the head minister's will and that of the general chapter, the chapter's decision would override that of the minister, though notwithstanding its confirmatory reputation among contemporaries and further generations the text was lacking any sort of official status. In any case, the position taken by *expositio*, while unprecedented for its time, was want of unequivocal articulation. Although it may have intimated as much as the Narbonne prologue stated, the two statements are not identical in either force or consequence. As DALARUN has pointed out, Bonaventure's statement finalises and reaffirms an emerging trend in Minorite governance, which is to say the legislative authority (*auctoritas*) of the general chapter over and against the executive authority (*potestas*) of the head minister.<sup>97</sup> The entire constitutional endeavour and the pursuit of governance in a more collegial spirit since the time of Elias' deposition in 1239 had been building up to the standard achieved at Narbonne in 1260.

Bonaventure's reference to the general chapter was of course also a show of due deference to those present at the assembly, which would ultimately review and adjudicate his redaction of the document, even if its contribution would not exceed that capacity. However, although his desire for charismatic renewal is palpable as early as his first encyclical, his style of leadership would suggest that, while he at times strategically employed the use of forceful

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<sup>95</sup> *Narb. Prol 3 (Constitutiones, p. 69)*

<sup>96</sup> *Constitutiones, p. 88*

<sup>97</sup> *Francis and Power, 152-60.*



words, he was in no way a tyrannical or even overbearing minister. Otherwise he would not have enjoyed such intense success and all-around good relations both during his lifetime and for years to come. It is, therefore, presumable that the phrase concerning the governing authority of the general chapter was not a mere gesture expressed in reverence, nor was it but an attempt to give the impression that the constitutions were the work of the chapter. Rather, the phrase aimed to articulate a fundamental proposition regarding the governing status of the general chapter and of the relationship between chapter and minister. As a result, though it had perhaps already been so for certain of Bonaventure's predecessors, it was now officially and institutionally the case that the chapter – and precisely not the head minister – reigned supreme in the order of Minorites, which to a great extent underscores the temporal and decentralised process noted by PIERSON and intrinsic to the approach to institutional development fostered in the present study.

As a supplementary component to the statement on order governance at the highest levels, the institution of visitations and visitational officials underscored the supremacy of the chapter's authority over that of the minister general. Whereas during the earliest period of visitations, the visitors were officials who answered to the minister, following the validation of the early constitutions, the legal code assigned visitors their proper function and role as agents of the general chapter. As such, the legislative promulgation ordered the institution of visitations in a centralised manner, in the sense that such officials acted as servants of the order's general chapter assembly, its aims, and highly regulated procedures, but it did so in such a fashion that the head minister had less sway over their purpose and activities. The policy as yet valid was thereby reinforced by the draft of 1260. As MONTI well notes, nearly the entire rubric on visitations is a copy of the early constitutions. At times, however, the furtherance of a previous policy is equally as significant as its alteration.

In terms of the general minister's election, rubric IX, ns. 2-7<sup>98</sup> of Narbonne constitutions do not appear in any extant legislative redaction promulgated by the Minorites. MONTI maintains that the procedure for election of the minister general already existed in this form pre-1260.<sup>99</sup> Given that the Narbonne regulations often mimic, at times directly adopt, passages of the 1241 constitutions of the Order of Preachers, an earlier date for the regulations is

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<sup>98</sup> *Constitutiones*, p. 92

<sup>99</sup> Monti states, "The greater part of this election procedure for the minister (nos. 2-9) was introduced as part of the 'reformation' of the Order after the deposition of Elias in 1239. It appears, however, that this section was probably not promulgated immediately, but under Haymo in the chapter of 1242, as the wording more closely follows the 1241 redaction of the Preachers' constitutions (*EFG*, p. 294). No. 8 is *Pre-Narb*, occurring in the manuscript discovered by Cenci; since this is mutilated and presently begins with the last phrases of no. 8, it is reasonable to assume that this edition of the constitutions contained the earlier parts of the election procedure as well." *Writings*, 117, n. 178

impossible. Fragmentary representation of n. 8 in *Part.*,<sup>100</sup> an integral part of the electoral process, *PreNarb* strengthens MONTI's thesis. It is thus almost certain that the policy regarding the minister general's election was in existence prior to the chapter at Narbonne and its resulting legislative promulgation.

As indicated, the constitutions also bestow power to grant license and dispensation to various levels of order hierarchy relative to the decided weight of the norm being dispensed. While the majority of allowances were dispensable at the local level, there were exceptional cases that only the highest authority in the order could allow. Among such extraordinary dispensations were the reception of lay postulants in times of necessity,<sup>101</sup> seeking contact with curial officials and the solicitation of letters from the pope,<sup>102</sup> the acceptance of an archbishopric or bishopric unless under direct obedience to the Pope,<sup>103</sup> and permitting a lay member to undergo ordination to the priesthood.<sup>104</sup> T. JOHNSON has astutely suggested that the introduction of allowances fosters an approach to power that is decidedly pastoral in nature.<sup>105</sup> Aligned with the notion of Bonaventure's charismatic renewal of a pastoral paradigm, he himself appears to have employed a pastoral – or transformative in the system of WARTENBERG – form of power. One may further suggest that the institution of legal allowances is tantamount to a sort of return to the *RegB*'s 'recourse to ministers clause.'

#### *Ministers Provincial*

With the wish to render certain that the order's liturgical reforms trickle down to the local level, Bonaventure made the other ministers responsible for the conformity and distribution of liturgical books such as breviaries and missals.<sup>106</sup> This was a duty entrusted and delegated to the ministers provincial by Bonaventure himself at the 1260 chapter meeting in Narbonne.<sup>107</sup>

A marked feature of the constitutions is the institutional mechanism of permissions and dispensations. Bonaventure's legal code bestows the power to grant license and dispensation upon various levels of hierarchy, depending upon the indicated norm and associated circumstance. Most allowances were dispensed by guardians at the local level. However, certain

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<sup>100</sup> *Constitutiones*, p. 17

<sup>101</sup> *Narb.* I, 4 (*Constitutiones*, pp. 69-70)

<sup>102</sup> *Narb.* V, 13 & 15 (*Constitutiones*, p. 80)

<sup>103</sup> *Narb.* VI, 8 (*Constitutiones*, p. 82)

<sup>104</sup> *Narb.* VI, 11 (*Constitutiones*, p. 83). Cf. VI, 17, 23; VII, 17 (*Constitutiones*, pp. 83, 84 & 87, respectively).

<sup>105</sup> Timothy J. Johnson, "Permissions, Dispensation, and the 'Narbonne Enclosure': Spatial Parameters of Power in Bonaventure's 'Constitutions of Narbonne,'" in: *Obedientia. Zu Formen und Grenzen von Macht und Unterordnung im mittelalterlichen Religiosentum*, S. Barret / G. Melville (eds.), Vita regularis 27, Münster 2005, pp. 363-382.

<sup>106</sup> The statutes of the general Chapter of Pisa (1263), ed. Van Dijk, *AFH* 45 (1952): 299-322.

<sup>107</sup> *Statuten*, 444-5.

exceptions required the consent of the minister provincial.<sup>108</sup> Rubric III, n. 14,<sup>109</sup> for instance, is occupied with restriction on entering contract or loan for the purpose of constructing edifices, enlarging a convent, or updating or obtaining new books. The minister provincial was permitted to issue a dispensation if he saw fit, but buildings should not exceed the limits of poverty.

Indeed, the authority granted such ministers was considerable, as illustrated by rubric VII, n. 18, which declared that ministers provincial possessed the jurisdiction granted by the minister general to excommunicate, capture, imprison, or otherwise punish apostate brothers with their province. Nevertheless, new constitutional legislation placed certain constraints on the exercise of their power in governing, such as for instance VII, 25,<sup>110</sup> which holds that the regional ministers should refrain from the excessive production of novel regulations so as not to create confusion or increase the opportunity for transgression.

By all appearances probably a prescription original to the Narbonne redaction, IX, 10<sup>111</sup> has ministers provincial elected by their subjects at provincial chapter rather than being appointed by the general minister as was the policy in *RegB*. The chapter's decision had to then be confirmed by the minister general. In addition, with the aid and assent of the definitors, the provincial minister is to appoint a representative for each custody.<sup>112</sup>

Yet another set of prescriptions likely original to the code of 1260, rubric X, ns. 5 and 6 regard the public discussion and examination of ministers.<sup>113</sup> Whereas *PreNarb* had reintroduced and prioritised the forum to utter critique against the minister general and either correct or oust him depending upon the evaluation of their overall performance, in preparation for the provincial chapter, the new policy also sought to formalise a forum for critique at the local level. The norms ordered each guardian to hold a chapter in the convent, which gave brothers the occasion to investigate the faults and failings of their superiors.

#### *Custodians and Guardians*

Perhaps new to the Narbonne redaction, rubric IX, ns. 18-23<sup>114</sup> discussed the procedure regarding the appointment of custodian and guardian. The democratically elected provincials were to appoint them with the council and approval of the definitors. Having received their appointment, rubrics VII and VIII outline the role played by custodians in the surveil-

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<sup>108</sup> VI, 3, 9 & 23 (*Constitutiones*, pp. 82, 83 & 84, respectively)

<sup>109</sup> *Constitutiones*, p. 75

<sup>110</sup> *Constitutiones*, p. 88

<sup>111</sup> *Constitutiones*, p. 93

<sup>112</sup> *Constitutiones*, p. 94

<sup>113</sup> *Constitutiones*, p. 95

<sup>114</sup> *Constitutiones*, p. 94

lance and insurance of constitutional observance.<sup>115</sup> Custodial officials collaborated with officers of visitation in order to shore up misconduct in the order's manifold regions by means of imposition of penalties and reporting more serious offenses to the general and provincial chapters.

Guardians in turn operated as the local guarantors and enforcers of the constitutions at the level of the convent. Chapter X, 5 & 6 regard the local, public discussion and examination of ministers in anticipation of the provincial chapter.<sup>116</sup> He was to frequent the provincial chapter and advise members of the house for which he was responsible regarding new normative proclamations. He also conducted the public monthly reading aloud of the constitutions. The time and place lay at his discretion. Not obligated to undertake a public reading of chs. VIII-XII, which pertained largely to the order's political process than to daily customs and behavioural norms. Rather, only a reading of the first seven chapters was truly obligatory, as they regarded the entirety of the order from the minister general to the greenest of novices.<sup>117</sup>

The constitutions left much in the hands of local superiors in terms of discretion largely regarding matters of a non-pressing nature. The vast majority of permissions had been delegated to the custodians or alternatively to the guardians. As such, necessity-based exceptional allowance often had to be obtained from lesser superiors.<sup>118</sup> At the same time, however, local superiors were also responsible for oversight<sup>119</sup> and enforcement<sup>120</sup> of punishment as well as occasionally also decision regarding the appropriate punishment for the violators of constitutional norms.<sup>121</sup> In select instances, provincial ministers could delegate more important tasks such as granting permission to a brother that he might obtain holy orders.<sup>122</sup> Rubric VII, n. 14 presents a particular instance involving all of the above to some extent.<sup>123</sup> Here, the provincials may delegate the duty to examine incorrigible brothers having committed wrongful acts and incurring the punishment of anathema for causing dissension in the order. It was then his duty both to report to the chapter as to the progress of the recalcitrant brother and to attempt to reincorporate the brother with merciful treatment.

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<sup>115</sup> *Constitutiones*, pp. 85-91

<sup>116</sup> *Constitutiones*, p. 95

<sup>117</sup> *Statuten*, 443-4.

<sup>118</sup> I, 2; V, 9; VI, 3 (*Constitutiones*, pp. 70, 80 & 82, respectively)

<sup>119</sup> V, 2; VII, 20 & 21 (*Constitutiones*, pp. 79, 88 & *Ibid.*, respectively)

<sup>120</sup> V, 10 (*Constitutiones*, p. 80)

<sup>121</sup> V, 12 (*Ibid.*)

<sup>122</sup> VI, 9; VII, 18 (*Constitutiones*, pp. 83 & 88)

<sup>123</sup> *Constitutiones*, p. 87

Rubric III. n. 8 reiterates the place of discreet brothers (*discreti*), discussing their general status and role in the order.<sup>124</sup> Worthy of note, if there was no basis in rule for guardians whatever, it was much less the case for *discreti*. In any event, the constitutions here define them as the advisors of the guardians, the prudent and upstanding members of the local communities whose learning and insight were of value in the decision-making process demanded by the maintenance of order and conducive conditions in Minorite convents. Rubric VII, n. 7<sup>125</sup> provides an instance in which the discreet brothers could also be appointed vicar of the guardian or custodian and receive the jurisdiction to restrain and imprison brothers who merit such severe punishment until which point as the proper authority decides what is to be done with him.

#### *General Chapter, Provincial chapters, and Definitors*

The constitutions of Narbonne achieved much in the way of rendering systematic and efficient the procedure demanded by Minorite governance. Its prescriptions addressed each step of the political process that regarded governing officials, the drafting of norms, the control and enforcement of constitutional observance, and, most relevant to the present subsection, the chapter assemblies. With regard for the general assembly, Bonaventure introduced the claim in the prologue regarding the supreme legislative authority of the general chapter. As suggested, the collegial political process increasingly at work in Minorite governance underscores the application of PIERSON's group-centred perspective, as never before had such an unequivocal and official statement been uttered regarding the authority of the chapter in particular with regard for the minister general. The prologue's bold declaration became a redundancy upon examination of the norm precluding ministers general from the production of new regulations and the elimination or modification of existing regulations, which renders the message undeniable. The general chapter was tantamount to the supreme governing body of the order. If perhaps not composed with a collegial spirit in mind, the prologue was constructed with the attempt to at least put such an idea across. Additionally, as a supplementary component to governance in a collegial wise, the constitutions introduced a novel measure whereby the brothers had to alternate between cisalpine and transmontane provinces for the site of their general chapter, still occurring at least at triennial intervals as before.<sup>126</sup>

Procedure at provincial chapters was also undoubtedly enhanced, even as their tasks and responsibilities continued to increase ever more in proportion to the order's growth. As

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<sup>124</sup> *Constitutiones*, p. 74

<sup>125</sup> *Constitutiones*, p. 86

<sup>126</sup> Narb, XI.1-2, (*Constitutiones*, p. 98)

well as being the locus for the utterance of grievances concerning their leaders, provincial chapters were a place of determining and distributing normative and liturgical texts. As BITTERLICH asserts, this was the first recorded instance of local level dissemination of order-wide texts, which then followed on to the level of each convent, where the guardian was entrusted with the task of integration of the text into the books and manuals of the particular convent.<sup>127</sup> Mimicking the procedure undertaken at general chapter assemblies, provincial chapters became the forum for the brothers to utter their grievances with regard for their superiors. Each level of the order's hierarchy came under increasing scrutiny.

As a means of explication concerning policy at chapter meetings, the constitutions clarified the position of the definitors, the officials on the provincial executive committees, with particular regard for their electoral procedure and the criteria of eligibility. By rubric X, n. 13,<sup>128</sup> election of the chapter's four definitors took place by way of a threefold scrutiny. The candidates must pass the examination of the provincial, the custodian, and the guardian of the place. Rubric X, n. 18<sup>129</sup> outlines an additional criterion of eligibility for definitors. Here, the prescription explains that those who had served in office at a previous chapter assembly are ineligible for official activity at the next one.

#### *Correctional Structures and Visitation*

As suggested with the oft-cited quote from Salimbene, Bonaventure supplemented select regulations with disciplinary measures. Under *RegB*, the standards enacted by *Quo elongati*, and the early constitutions,<sup>130</sup> ministers could and should impose penance upon recalcitrant brothers for offences of a grave nature, but there were no fixed punishments and no canonical method of calculating the gravity of a wrongful act. Rather, the decision as to type and severity of the penance imposed was left to the brothers, and much depended upon the discretion of the imposer. The constitutions changed the previous system. Certain and specific correctional measures applied to each sort of offence. Manifold punishments for a wrongful act possessed the quality of perpetual validity and obligatory measures (*poenae taxatae*) were thus inalterable by the ministers.<sup>131</sup> In exceptional cases involving doubt of conscience (*haesitatio in conscientia*), danger of forgetfulness (*oblivio in memoria*), or physical inability to carry out a penance (*in corpore imptentia faciendi*) a fixed penalty could be commuted either to another equivalent or to an arbitrary penalty under the guidance and permission of a

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<sup>127</sup> *Statuten*, 445.

<sup>128</sup> *Constitutiones*, p. 96

<sup>129</sup> *Constitutiones*, pp. 96-7

<sup>130</sup> Cf. *RegB* VII 1

<sup>131</sup> VII, 21 (*Constitutiones*, p. 88)

superior or discreet priest.<sup>132</sup> A common correctional measure, for the violation by either subject or superior of the prohibition to interfere with the temporal goods of a postulant entering religious life incurred the penalty of a three-day fast on bread and water.<sup>133</sup> Other punishments of a fixed nature include prostration or dining on the refectory floor,<sup>134</sup> wearing the hood of probation (*probationis caputio*) for a time,<sup>135</sup> deprivation of one's hood and materials,<sup>136</sup> Slightly more serious offences such as divulcation of the reason underlying a superior's dismissal or of any other private affair discussed at chapter assembly incurred the deprivation of one's public functions and offices.<sup>137</sup> Instances of added control bolster Bonaventure's stress upon a pastoral paradigm. Such examples include the penalty of suspension from office of confessor<sup>138</sup> or from any other office<sup>139</sup> for offenses such as unrepentant and repetitive cavorting with women in a manner forbidden by the rule. The offices (*officia ordinis*) stripped of transgressors concern not only the prelacy (*prelacionis*), but also preacher (*praedicationis*), confessor (*confessionis*), lector (*lectionis*), visitor (*visitationis*), definator (*diffinitionis*), and eligibility for an advisory or delegatory position (*electionis ad capitulum pro discretis*).<sup>140</sup>

The severest of transgressions likewise incurred a penalty of the utmost severity. As was perhaps already present at least in part in *Vestigia*,<sup>141</sup> offenses of a grave character include committing sins related to fornication, contumacious disobedience, and handling coin as well as theft and violence against another.<sup>142</sup> Dissimilar to the pre-1260 legislations, other norms with the force of obedience, marked with the formula *tenantur* or *inhibemus per obedientiam*, held brothers to strict external observance of procedure that proved of particular significance. As with other wrongful acts involving disobedience, in compliance with such set norms constituted a mortal sin.<sup>143</sup> Such cases required the intervention of the minister provincial. In other words, the commitment of a grave sin comprised a brother's outright contravention of the rule by violation of his religious vows of chastity (*pro lapsu carnis*), obedience

<sup>132</sup> VII, 23 (*Ibid.*)

<sup>133</sup> *Narb.* I, 5 (*Constitutiones*, p. 70). Many penalties involved bread and water fasting for a time ranging from a single day up to three days. Cf. *Narb.* II 4; III 6, 7, 8, 22; IV 3, 4; V 4, 6, 7, 8, 11, 18; VI 6, 15, 16, 21; VIII 13, X 4; XI, 10, 11.

<sup>134</sup> *Narb.* II 8; V 18 (*Constitutiones*, pp. 72 & 81)

<sup>135</sup> *Narb.* V 12; VII 4, 5, 6, 12; XI 10, 11 (*Constitutiones*, pp. 80, 86, *Ibid.*, *Ibid.*, 87, 99 & *Ibid.*, respectively)

<sup>136</sup> *Narb.* V 10, 11 (*Constitutiones*, p. 80)

<sup>137</sup> *Narb.* VII 10, 11, 12; VI 17, 22 (*Constitutiones*, p. 86, *Ibid.*, 87, 83 & 84)

<sup>138</sup> *Narb.* III 7 (*Constitutiones*, p. 74)

<sup>139</sup> *Narb.* VII 8 (*Constitutiones*, p. 86)

<sup>140</sup> *Narb.* VII 9 (*Ibid.*)

<sup>141</sup> *Constitutiones*, p. 56

<sup>142</sup> *Narb.* VII 1 (*Constitutiones*, p. 85)

<sup>143</sup> *Narb.* V 2; VII 12; VIII 11, 21; X 26 (*Constitutiones*, pp. 79, 87, 90, 91 & 98, respectively). X 4 (*Constitutiones*, p. 95) is an exception, as the norm pertains to a less pressing matter of local procedure, which nevertheless incurs a penalty of bread and water fasting.

(*pro inobedientia contumaci*), and poverty (*pro receptione pecuniae*) or the commitment of a serious crime involving the victimisation of another (*pro enormi furto, pro iniiectione manuum violenta in alium*).<sup>144</sup> The constitutions thus expound upon the purposefully vague *RegB* prescription<sup>145</sup> to have recourse to ministers provincial in the case of grave sins and the *Quo elongati* comment<sup>146</sup> that attempts to specify which sins should be addressed in said manner. Whereas the former prescribed that brothers should have recourse to ministers provincial but permitted the brothers to determine which sins count, the latter decrees that such sins should be of a manifestly public nature.

Manifest and especially grave sins (*pro manifesto et enormi excessu*) were met with either imprisonment, expulsion from the order, excommunication, perpetual anathema, or deprivation of ecclesiastical burial.<sup>147</sup> The quality of especial gravity (*enormem excessum*) depended upon four criteria.<sup>148</sup> When considering the extreme gravity of an offense, one must take into account the kind of the sin (*ratione generis peccati*), such as fornication or heresy, aggravating circumstances (*ratione circumstantiae*), as in the exceedingly high value of an object stolen, the public notoriety of an offense (*notorie factum*), and the frequency with which it was committed (*frequentius iteratum*). The Latin conjunction *vel* in between each of the four criteria implies that given the severity of even one criterion may suffice to constitute an extremely grave sin. The majority of offences judged severe enough to incur the above punishments are of either a violent or heretical nature and are met with expulsion either from the order or from the Church community with the possibility of secular imprisonment for particularly injurious crimes.

Notably, a brother incurs denial of ecclesiastical burial if found to be a proprietor, that is in possession of coined money, at death. Of particular interest for the question of obedience are the prescriptions VII ns. 10 and 13.<sup>149</sup> The former foresees that any member caught rising up against a brother of a higher rank, either by plotting, conspiracy, or malicious intrigue, is to be stripped of all offices and functions until such point as he has attained proper satisfaction from a minister. The latter prescribes the punishment of perpetual anathema for any brother who either by word or by deed would foster dissension in the order. Until such point that he makes satisfaction for his faults he ought to be considered an excommunicate, a schismatic, and a destroyer of the order (*excommunicatus et scismaticus ac destructor nostri ordinis*).

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<sup>144</sup> *Narb.* VII 2 (*Constitutiones*, p. 85)

<sup>145</sup> *RegB* VII 1

<sup>146</sup> *Quo elongati*, 23

<sup>147</sup> *Narb.* VII 3, 4, 6 & 7 (*Constitutiones*, pp. 85, 86, *Ibid.* & *Ibid.*)

<sup>148</sup> *Narb.* VII 3 (*Constitutiones*, p. 85)

<sup>149</sup> *Constitutiones*, pp. 86 & 87



Importantly, therefore, any action even remotely related to disobedience to a ruling authority, which includes consummate disobedience, insubordination, active plotting against a higher-ranking official, or rising up against an authority, incurs a penalty of considerable severity. Approaching the issue analytically, sins of disobedience receive among the most severe of punishments outlined in the constitutions, they being exceeded only by crimes of manifest victimisation such violence and theft.

Interestingly, the constitutions allotted discretion to ministers in the assignment of penalties incurred on particular occasions where grave punishment would suit the offense committed. Rubric III n. 16<sup>150</sup> explains that violation of the prescription regarding the curiosity and superfluity in architectural ornamentation and excess in dimension incurred severe punishment (*graviter puniantur*) as well as permanent eviction from buildings (*irrevocabiliter expellantur*) found to be in such condition.<sup>151</sup> Yet, while the punishment bore the quality of severity, the constitutions offer no precise penalty. Such allotments evince a seeming potential for ambiguity, but one which is not without precedent regarding other transgressions of a similar. As indicated, rubric VII regards the correction of delinquents and outlines a series of punishments according to the gravity of the wrongful act committed. A clue as to the manner of procedure in the assignment of penalty proportional to offense lies here. Ministers were instructed to employ the canonical method for the calculation of an offence adopted from the confessional such as determining the type, number of occasions, extraordinary circumstances, continuousness or discontinuousness of offenses, and the transgressor's internal state. Such transgressors were to be assigned a penalty by the judgment of the minister, whose task it became to determine the seriousness of the offense (*arbitrio ministrorum secundum qualitatem delicti*).<sup>152</sup> Thus the logic of punishment operational in the constitutions ran on a parallel to that of assigning penance in the confessional, though the parallel was not without its limits as clearly not all transgressions of constitutional prescriptions amounted to a sinful act.

In the rich prologue to the constitutions, Bonaventure introduces the legal code by bidding the assistance of spatial metaphor; namely, that of a barrier. What JOHNSON has neatly coined as the 'Narbonne Enclosure' bore a distinctly different sort of enclosure than that

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<sup>150</sup> *Constitutiones*, p. 75

<sup>151</sup> Other instances calling for grave punishment include the cases of sowing discord between Minorites and Preachers (IV 19; *Constitutiones*, p. 78), superiors going about in carts rather than by foot (V 19; *Constitutiones*, p. 81), and veering from procedure regarding the examination of delegates (X 7; *Constitutiones*, p. 95).

<sup>152</sup> V 12 (*Constitutiones*, p. 80)

instituted in the early constitutions.<sup>153</sup> In addition to spatial restriction as was previously the case, Bonaventure called the Minorites to incorporate and interiorise a fence of discipline (*saepem disciplinae*). The fenced-in area represented their avowed life, which directly related to nearly every aspect of their daily goings-on. In addition to spatial restriction as was previously the case, Bonaventure called the Minorites to incorporate and interiorise a fence of discipline into nearly every aspect of their daily goings-on. As indicated, spatial restrictions brought about in the early constitutions were in stark contrast to the relative freedom and flexibility prescribed in the *RegNB* and the *RegB* even under the revisionary legislation *Quo elongati*. In his legislative opus, Bonaventure would afford the brothers' confinement to demarcated spaces an innovative metaphorical dimension, charging their now conventual manner of life with fresh theological insight and focus. Here, Bonaventure describes the discipline of the brothers in terms of a spatial metaphor. The Narbonne constitutions not only bound to spatial parameters as they were previously but called them to remain within a sort of illusory space of discipline, whose barriers were demarcated by constitutional norms. Barrier represented the physical space of convent walls and at once also the discipline that safeguarded the proper manner of conducting their life and the interior and spiritual dimension, which that entailed.

As a consequence, Bonaventure employs discipline as a Leitmotif in the form of a 'disciplinary enclosure' both to enhance understanding of restrictions on the manner of going about and punishments for disobedient brothers as well as to engage the inner realm of the conscience within each brother in such a fashion as to awaken their spirit and invoke the affirmative integration of their common avowed life.<sup>154</sup> Thus, while the dynamic of discipline as a measure of reinforcement regarding the life that they vowed was essential to Bonaventure's project, as he writes elsewhere *dum disciplina negligitur, insolentiae crescunt*,<sup>155</sup> he also seeks to ignite the inner spiritual mechanism of his brothers and to enmesh their vow and their life into a single dynamic movement. Therefore aims to combine the regulations that pertain to the observance of their way of life (*morum observantiae regulares*), the substance of the perfection and purity of the promised rule (*perfectionis et puritatis regulae promissae substantiam*), and the wellbeing of souls (*pro salute animarum*) in a unified vision.

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<sup>153</sup> Johnson, *Dispensations*, 369. He writes, "What is intended with this expression is the conscious literary effort on the part of the Minister General to interpret the identity of the Minorite Order at the institutional level in terms of enclosed, albeit permeable space."

<sup>154</sup> On punishments and discipline in the constitutions of Narbonne, see: T. Johnson, "Ground to Dust for the Purity of the Order: Pastoral Power, Punishment, and Minorite Identity in the Narbonne Enclosure," *FranStud* 64 (2006): 293-318.

<sup>155</sup> *Second Encyclical*, n. 3 (VIII 470b)

Perhaps as a means to allay the harsh discipline enforced by the constitutions, Bonaventure enacted a system of permissions and dispensations to be employed in times of extenuating circumstance. Based upon the oft-returned-to standard of the *RegB*, whereby certain goods were allotted the brothers in the event of necessity, the Narbonne constitutions reiterate the rule's escape clause and grounds it in the local authority of conventual ministers by initiating a policy of granting permission and dispensation. If the fence of discipline was harsh and ever-present, insofar as it affected all aspects of their life and was reinforced by penalty, it was also suspendable, as Bonaventure introduced an element of permeability in the component of exceptional allowance. Granting certain brothers an additional tunic under inclement weather conditions, rubric II n. 6 evinces the furtherance of the rule's policy of exception based upon necessity.<sup>156</sup> Whereas the *PreNarb* redactions display negligible focus upon local easement of regulations, the constitutions brought to fruition under Bonaventure have as a hallmark the allowance of certain courses of action usually in violation of constitutional norms, the former containing the Latin *licentia* four times (*dispensare* not at all),<sup>157</sup> the latter with *licentia* on twenty-nine occasions and variations of *dispensare* on seven.<sup>158</sup> Even the constitutions drawn up by the Order of Preachers pale in comparison when it comes to the quantity of allowances in the 1260 Minorite code of laws.<sup>159</sup> Thus, although Bonaventure's principal regulatory document certainly displayed the willingness to punish wrongdoers, it also continued on the tradition of the rule in relaxing the constitution's restrictive disciplinary barriers, an authority that became based in the most local level of authority. As a result, Salimbene's assertion that Bonaventure merely gathered prior laws and supplemented them with penalties ought to be revised to account for the multiplicity of dispensations and permissions that pervade the document.

As far as visitations are concerned, ch. VIII details the procedure to be followed during the stay of visitors in the provinces as did the *Praenarbonenses* before them. Nearly the entire rubric demonstrably predates the promulgation at the chapter of 1260. The correction of brothers and the regular occurrence of provincial visitations are intimately linked. Indeed the rubric (VIII) outlining functions and services of visitational officials appears immediately following that on the correction of transgressors (VII). Such events were the appropriate set-

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<sup>156</sup> *Narb. II 6 (Constitutiones, p. 72): Si quis autem pluribus indiguerit, non habeat nisi de licentia eorum, qui secundum regulam de fratribus induendis sollicitam curam debent gerere secundum loca et tempora et frigiditas regiones.*

<sup>157</sup> Johnson, *Dispensations*, 372, n. 32

<sup>158</sup> Johnson, *Dispensations*, 371.

<sup>159</sup> Raymond of Peñafort's constitutions sport 14 instances of *licentia* and 8 of the verbal form *dispensare*. Johnson, *Dispensations*, 371.

ting for the discussion and correction of any transgression, be they self-professed or alleged by others, in particular if the offense in question was a crime or grave offense.

As it stands in the current state of research, rather few of the prescriptions here contained can be attributed to the redaction overseen by Bonaventure. Nevertheless, while only sporadic, additions are notable. If nothing else, they relay the development of policy due to the experience of negative results under the procedure foreseen by the legal code and the preclusion of further such experiences. Rubric VIII n. 3<sup>160</sup> on providing a visitor with access to a companion upon his arrival appears an insertion almost certainly original to Bonaventure. While n. 2 already featured in *Praenarbonenses*,<sup>161</sup> the redactor added three criteria (*ratione honestatis, discretionis et celi*) suitable for the undertaking of such a task and specified that it is the ministers and definitors who were tasked with the selection of the visitor's local assistant. As before, the companion was then unable to attend the chapter meeting due to his intimate knowledge and the institutional stipulation that no brother become privy to secrets revealed during the visitation.<sup>162</sup> Also likely original to the Narbonne constitutions, ns. 11, 12, and 13<sup>163</sup> institute measures that operate to ensure the utmost preservation regarding secrecy in visitational procedure and in their immediate aftermath. Particular caution is exercised when dealing with matters that concern the accusation or violation of ministers. The eleventh prescription employs the solemnity of a prohibition under obedience (*per obedientiam inhibemus*)<sup>164</sup> and precludes the divulgence of an accuser's identity with particular regard for cases involving a minister.

Conversely, in the event of an alleged crime the accused may request that the identity of their accuser and other witnesses be revealed to him for the sake of his own defence. It thus appears that, while the secrecy of the allegation was to be maintained regarding those whose direct concern it was not, knowledge regarding the identity of one's accuser was a privilege and indeed a rite of the alleged transgressor. The measure thus safeguarded against unnecessary public knowledge of the allegations and those involved. Norm 12 forbids the accused to attempt to discover the identity of their accusers except when they are supposed to make a defence for themselves in the event of a crime.<sup>165</sup> The following prescription then declares that absolution for those found culpable of unduly revealing the identity of accusers, witness-

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<sup>160</sup> *Narb. VIII 3 (Constitutiones, p. 89)*

<sup>161</sup> *PreNarb. 8 (Constitutiones, p. 18)*

<sup>162</sup> *Narb VIII 21 (Constitutiones, p. 91); PreNarb 23 (Constitutiones, p. 21)*

<sup>163</sup> *Constitutiones, p. 90*

<sup>164</sup> Other instances include V 2; VII 12; VIII 21; X 4, 26 (*Constitutiones, pp. 79, 87, 91, 95 & 98*)

<sup>165</sup> *Narb. VIII 12 (Constitutiones, p. 90)*

es, or those under scrutiny at visitation can only be had from the minister. If the minister himself is the culprit, then he must undertake a three-day bread and water fast as a penalty.

Norms 22 and 23 directly addresses the visitors as officials of the order's governance.<sup>166</sup> The former iterates the pre-1260 regulation that any transgressions of the visitor discussed at the provincial chapter are to be forwarded to the general chapter for correction. The Narbonne edition then carries on decreeing that the self-same visitor must be made aware of his being accused in order that he may defend himself at the general chapter if he so chooses. If unaware of the allegations, the accused visitor may not be punished. The next number precludes visitor from abusing power associated with their post in the form of accepting gifts.

### *Rule and Constitutions*

Bonaventure coupled the active, purposeful division of the constitutions into twelve with but occasional and at times seemingly erratic citation of the rule when deemed suitable. Much in the same way as the *Praenarbonenses*, the constitutions of Narbonne reveal an aim to give the impression of holding fast to or to at least present as a point of reference the order's canonical rule, a signal present in regular citations beginning *Cum Regula dicat* and *Cum secundum regulam* and in the seemingly ubiquitous notion of constitutional regulations fostering regular observance above all articulated in the prologue.<sup>167</sup>

In a resolute attempt to capture the Gospel origins of the rule and fuse the constitutions with the charismatic level of meaning evoked thereby, the opening norm calls to mind the Gospel imperative to rid oneself of his possession in order to be perfect.<sup>168</sup> Yet the already glaring reality of regular glossing under the guise of further clarification becomes even more undeniable when one considers that the author employs the rule as but a means of proof-texting and bolstering the legitimacy of the constitutional enterprise rather than the reverse case. In no other thirteenth-century Minorite document is the perpetuity and irreversibility of the institutional severance with the *Regula bullata*, and what is more with the normative framework of the charism, so plain as in the constitutions sanctioned at Narbonne. They in effect signal the final end of communal life by the Minorite rule.

Linking poverty and the essence of the Minorite rule, the authors affirms that upholding the standards of poverty is decisive for maintaining the purity of the rule (*regulae puritas*).<sup>169</sup> Viewed in conjunction with the preceding verses on the prohibition of using interme-

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<sup>166</sup> *Constitutiones*, p. 91

<sup>167</sup> *...ut in pluribus, intra perfectionis et puritatis regulae promissae substantiam includunt.*

<sup>168</sup> *Narb. I 1 (Constitutiones, p. 70). cum, secundum evangelii veritatem et nostrae regulae professionem, paupertas sit totius spiritualis aedificii primarium fundamentum.*

<sup>169</sup> *Narb. III 3-4 (Constitutiones, p. 73)*

diaries for the purposes of frivolous third-party deposits and safekeeping, the norm likely pertains to the rejection of the bull *Ordinem vestrum* and its lax policy toward poverty standards with particular regard to the employment of agents in the acceptance of money-based donations. The referenced prescriptions appear to represent Bonaventure's continuation of his predecessor John of Parma's institutional negation of the papal interdict and the communal return to the policies under *Quo elongati*, which purported to be but an explanation of *RegB* and undoubtedly had at least some semblance of the brothers' original lexicon.

### *Poverty and Pauperistic Norms*

Poverty and pauperistic norms are of the utmost importance in the Narbonne constitutions. The author devotes an entire rubric out of the total twelve to the matter of observing poverty (*De observantia paupertatis*) with twenty-four prescriptions for the consideration and compliance of the brothers. While the redaction of 1260 defends some earlier standard practices, it also grants a concession based upon necessity. On the theoretical level, the author discusses poverty in terms of the path to attain the heavenly kingdom, the foundation of the order and the purity of the rule. The very outset of the prologue already discloses a major concern of the order, which informed the redaction of the constitutions. By appealing to the Matthean verse on having a poor spirit in the kingdom of God,<sup>170</sup> Bonaventure iterates that those who wish to attain the precious possession of the heavenly kingdom must do so by virtue of the spirit of poverty (*per spiritum paupertatis*).

As a means to establish a direct link to constitutional regulations, the prologue goes on to intimate that those whose aim it is to preserve their precious possession through poverty must do so by affirmative participation in the fence of discipline delineated by the norms and prescriptions to follow.<sup>171</sup> In a section that corresponds to *RegB* II 5,<sup>172</sup> the constitutions begin with the prescription to free oneself from his possessions. As has been the case in the order since its genesis, a primary prerequisite for acceptance into the order is the dispossession of all materials, *cum, secundum evangelii veritatem et nostrae regulae professionem, paupertas sit totius spiritualis aedificii primarium fundamentum*. Lest there be any doubt regarding the preeminent place of poverty in the order's self-depiction and mission, parallels with other of Bonaventure's works reveal the pervasiveness of the conceptual foundation of poverty in the

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<sup>170</sup> Mt. 5, 3

<sup>171</sup> *Quoniam, ut ait Sapiens, ubi non est saepes, diripietur possessio, necessarium est volentibus caelestis regni possessionem preclaram, in quam per spiritum paupertatis intratur, custodire illaesam, saepem illi circumdare disciplinae.*

<sup>172</sup> *Narb.* I 1 (*Constitutiones*, p. 70)

logic informing his works and governance. *LegMai* VII 2-3, for instances, hails poverty as the foundation of Order and of the entire structure of religious life.<sup>173</sup>

As indicated, rubric III 1-4<sup>174</sup> represent a vested attempt not only to reiterate the specificity of the order's poverty norms, but also in particular to return to the standards of *Quo elongati* with regards to intermediaries and the permissible form of reception regarding alms and other contributions. As an initial support to the spirit of poverty among the brothers, however, rubric II, ns. 3-7<sup>175</sup> encourage the brothers to display their dedication to poor ways by holding all things in common, whereby the prescriptions render usual personal items such as books and even clothes subject to common use and apportionment.<sup>176</sup> As regards the third chapter, ns. 3 and 4 especially appear to have been inserted by Bonaventure. Establishing a link between the order's high ideal of poverty and the Minorite rule, the author affirms that critical in maintaining the purity of the Rule (*regulae puritas*) is taking an institutional stand on the brothers' practices with regard to poverty norms and in particular those regarding the handling of coin.<sup>177</sup> The two norms likely pertain to the relaxed approach toward poverty standards enacted at the issuance of the papal decree *Ordinem vestrum* with particular regard for the employment of agents in the acceptance of money-based donations.

That the regulations sanction acceptance of coined money by agents exclusively in cases of evident and manifest necessity – and only when dispensed by a minister – provides a good indication of recourse to *Quo elongati*'s evocation of the *RegB*'s escape clause with regard to certain poverty norms on the grounds of necessity. *Quo elongati* had drastically altered the permissibility of certain practices with regard to material objects such as books and permanent edifices, but it exhibited the pursuit to at least contain such allowances within the realm of necessity. Subsequently, Innocent IV's *Ordinem vestrum* then breached the familiar, albeit somewhat ambiguous, criterion of necessity and extended admissibility of practices by rendering sanction the use of useful and commodious items in addition to necessities. A chief practice that Innocent's document in effect permitted was the acceptance of alms in the form of coined money so long as an intermediary agent did the handling.

Two other apparent additions to the poverty norms presented by prior redactions provide for an exception by making an appeal to a kind of necessity. In order to update a prescription instituted as a preventative measure against excesses of extravagance among the

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<sup>173</sup> *Reg. nov.* 16,1; *Comm. Lc.* 7,41 (VII, 175); *Perf. Ev.*, q.1 (V, 120).

<sup>174</sup> *Constitutiones*, p. 73

<sup>175</sup> *Constitutiones*, p. 72

<sup>176</sup> *Narb.* II 2-7 (*Constitutiones*, pp. 71-2)

<sup>177</sup> *Narb.* III 3-4 (*Constitutiones*, p. 73)

brothers, *Narb* III n. 8<sup>178</sup> adds to the *PreNarb* clause prohibiting the deposit of precious materials in the places of the brothers except they are in the form of books. Bonaventure's redaction allows for a contingency for the sake of avoiding grave scandal. Importantly, the creation of scandal among the faithful constituted a mortal sin, let alone grave scandal. As such, the author added the proviso in order to opt for the lesser of two evils. The redactor wished to avoid making a storehouse of the brothers' habitations, but he also foresees the moral obligation to circumvent more grave offences at the risk of constitutional violation by the prior standard. Permission is granted based upon the consensus of the local minister and his advisory assistants (*discreti*). The author then bolsters the apparently novel policy by supplementing it with a corresponding penalty for incompliance. Rubric III n. 14<sup>179</sup> is then occupied with the restriction of entering contracts or loans for the purpose of constructing edifices, enlarging convent, updating or obtaining new books. Ns. 10-13<sup>180</sup> address loans and contracts, roundly rejecting the permissibility of the brothers' participation therein. Here, however, the provincial minister may issue a dispensation if he sees fit. Also, if access to sufficient funds can be had by way of an intermediary agent, construction may take place if necessity be manifest. As is typical of early Minorite documents, the constitutions then express a vague standard with regard to architectural specificities. Buildings should not exceed the limits of poverty. A passage from *LegMai* VII 2<sup>181</sup> renders the standard perhaps a touch less vague, explaining that Francis instructed brothers to model their behaviour on that of the poor and to build poor houses such as those of the poor.

#### *Normative Divide, Constitutional Shift, and Charism*

As suggested, the constitutional legislation of 1260 achieves the perpetuity and irreversibility of the institutional severance with the *Regula bullata* and perhaps more fundamentally with the charism. The Narbonne legal code in effect signalled the final end of communal life by the Minorite rule and the possibility of life by a charismatic text such as *RegErm*. Too much would have been left to chance, as the sole regulations would have been the strictly observed norms of the *RegB* and the oscillating roles of attentive servitude and prayerful solitude, seemingly absent of hierarchical relations. Case in point, the eremitism and rigorous observance of the rule characteristic of splinter groups in particular zones of Provence and the Italian peninsula became more and more marginal and ever scarcer to the point of virtually

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<sup>178</sup> *Constitutiones*, p. 74

<sup>179</sup> *Constitutiones*, p. 75

<sup>180</sup> *Constitutiones*, pp. 74-5

<sup>181</sup> *FF* 833-4



being outlawed even as the wider community and its conventual and clerical-pastoral models thrived all the more.

Regarding the previously referenced rubric I, ns. 3 & 4,<sup>182</sup> the norms allot acceptance of only the most reputable priests to the end of edifying the Church. As with *PreNarb*, they present a recruitment policy which connotes a mission statement. Bonaventure in particular would come to identify such edification of the Church with pastoral service and especially undertaking the activity of preaching, though he was certainly not totally original in this association. He thereby fully espoused the order's preaching mission, using it as a main legitimising point against attacks on mendicant identity, with particular regard for the feature of poverty.<sup>183</sup> Preaching necessitated education, which in turn necessitated the use of moveable and stable materials such as books and permanent lodging for shelter and quiet study. The prescriptions strictly limit acceptance of lay members, as Bonaventure had already asserted in the immediate aftermath of his 1257 election (*First Encyclical*), with the proviso that they may be recruited to perform menial tasks such as house work. He goes on to provide such tasks with further detail, adding that they are the daily duties of the infirmary, refectory, and kitchen,<sup>184</sup> which suggests that the engagement of Minorites had clearly shifted to a priestly model of pastoral care and lay members were to act as servants around the house, clerics were not to shirk their responsibility in contributing when there was a lack of lay 'servants.' In its ramifications, the renewal of a pastoral paradigm presupposes the clerical status of the group's members. When placed side-by-side for comparison and contrast with the early movement, the order's priorities had notably shifted both in terms of its social reference in labour and of its inner criteria of suitability when compared to those of its charismatic genesis. Long gone were the days when the order comprised a mixed group of members who were truly brothers that shared equal status and served the downtrodden and marginalised individuals cast aside by society.

Nevertheless, other intimations of the influence of charismatic notions emerge in the form of approach to hierarchy, conscience, and the solicitation of papal privileges. Rubric VI, n. 16<sup>185</sup> orders against the self-promotion of brothers seeking office in the order. Such brothers are to be shunned and barred as unworthy. In addition, brothers ought not to accept high posts in the ecclesiastical hierarchy unless otherwise given official permission by the minister

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<sup>182</sup> *Constitutiones*, p. 70

<sup>183</sup> Cf. *PerfEv*

<sup>184</sup> *Narb.* VI 2 (*Constitutiones*, p. 82)

<sup>185</sup> *Constitutiones*, p. 83

general.<sup>186</sup> A distant echo of the principle of fraternal correction of superiors would resound with the norms regarding the public discussion and examination of ministers. The hosting of a chapter in the convent in preparation for the provincial chapter afforded brothers the occasion to investigate the faults and failings of their superiors (*de excessibus et insufficientia praelatorum inquirere teneantur*).<sup>187</sup> In such a manner, the constitutions reaffirmed a semblance of the early mutual responsibility of brothers expressed in subordinate members' vigilance toward abuses of power among order hierarchy.

A vague hint of the brothers' appeal to their ministers in a time of crisis of conscience lies in the exception to certain fixed penalties, which could be commuted either to another equivalent or to an arbitrary penalty under the guidance and permission of a superior or discreet priest. Exceptions were afforded on three conditions, due to a doubtful conscience (*haesitatio in conscientia*), danger of forgetfulness (*oblivio in memoria*), or physical inability to carry out a penance (*in corpore impotentia faciendi*).<sup>188</sup> Otherwise the only recourse to ministers that receives express mention is that regarding the absolution of grave sins. Nevertheless, the policy of requesting permissions and dispensations in times of necessity bears a slight resemblance to the early movement's 'recourse to ministers clause,' only here the necessity highlighted is largely a physical necessity and pertains little to the spiritual dimension concerned with moments of discrepancy and crises of conscience. A striking, albeit veiled recall to the *Testament's* prohibition of requesting papal privilege arrives in the author's absolute preclusion of seeking contact with the curia be it in person or by written correspondence except if the head minister had seen fit to permit it. Notably, the minister general himself was also unable to request letters of privilege that would in any way alter the rule.

### *Ecclesial Obedience*

The noviciate year, which the order had instituted in the early the 1220's, receives a renewed focus and attention in the constitutions of 1260.<sup>189</sup> Bonaventure was sure to implement the concrete stipulations required for a successful novitiate by ecclesiastical strictures. Viewed in connection with the scrupulous scrutiny with which the brothers were to be vetted

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<sup>186</sup> *Narb.* VI 8 (*Constitutiones*, p. 82)

<sup>187</sup> *Narb.* X 5-6 (*Constitutiones*, p. 95)

<sup>188</sup> *Narb.* VII 23 (*Constitutiones*, p. 88)

<sup>189</sup> On Bonaventure's theory of ecclesiology in relation to hierarchy and structures, see: A. Blasucci, 'La Costituzione della Chiesa in S. Bonaventura,' *MF* 68 (1968): 81-101; J. G. Bougerol, 'Saint Bonaventura et la hierarchie dionysienne,' *Archives d'Histoire Doctrinale et Litteraire du Moyen Age* 44 (1969): 131-67; W. Dettloff, 'Der Ordogedanke im Kirchenverstaendnis Bonaventuras,' in: K. Siepen, J. Weitzel & P. Wirth (eds.), *Ecclesia et Ius*, Muenchen 1968, 25-55; Idem., 'Das officium praelationis: Ein Beitrag aus Bonaventuras Lehre von der Kirche,' in: A. Scheuermann & G. May, *Ius Sacrum*, Muenchen 1969, 207-29; P. Fehlner, *The Role of Charity in the Ecclesiology of St. Bonaventure*, Rome 1965; & J. A. Wayne Hellmann, *Divine and Created Order in Bonaventure's Theology*, St. Bonaventure 2001.

prior to their entry, regulations concerning the preliminary year of probation, which fill nearly half of the first rubric,<sup>190</sup> circumscribe candidates to Minorite life according to criteria in alignment with those values held by the Church institutions. *Narb.* I, 6 details the criteria by which postulants were to be vetted,<sup>191</sup> which had been laid out in *RegB* II, 2; namely, (*examinatus fuerit*) for correctness of religious creed as taught by the Catholic Church (*secundum regulam de fide*) with particular regard for the stance on the sacraments (*et ecclesiasticis sacramentis*). Additionally, regulations were put into place in order to ensure the recruits were predisposed and indeed eligible for entrance into their life, insofar as they were not bound by matrimony or prior status in a religious order, by debts or excommunication. Significantly, while *Narb.* I, 6 adopts much of *PreNarb.* 31, two prime omissions call the reader's attention. *PreNarb.* 31 would have postulants examined for the general state of their health (*si infirmitatem aliquam habeat vel pravam corporis qualitatem*) and whether his loins are intact (*si membrum aliquod mutilatum habeat inefficax quoquomodo*).<sup>192</sup> Also prescribed by *PreNarb* but not taken over by the redactor, priests who wish to enter the order were to be (*Clericus vero circa irregularitatis articulos specialiter requiratur*). The prominent examples illustrate the brothers' concrete implementation of canonical religious life by the ecclesiastical measure of the probational year.

Furthermore, so as to retain a mindful stance toward existing ecclesiastical structures, the author enacted measures to eliminate territorial disputes between the Minorites and secular clergy. More specifically, as a means of avoiding conflict with the diocesan clerics and scandal among the faithful, the constitutions prescribed that brothers not involve themselves with the affairs regarding baptism, burial rights, and confession when the local clergy would maintain jurisdiction and take offense to any form of affront. Encroachment upon the diocesan clergy and their duties assigned by Lateran IV had proven a constant source of discord between the Minorites and the priests of local urban parishes. Importantly, despite the back-to-back bulls issued by separate popes,<sup>193</sup> which favoured the Minorites in what regarded the administration of sacraments to the faithful in relation to non-religious clerics, the redactor opted for the careful position of cautious constraint when potentially encroaching on the sacramental undertakings of the secular clergy.<sup>194</sup> The administration of confession to the faith-

<sup>190</sup> *Narb.* I 7-10 (*Constitutiones*, p. 71)

<sup>191</sup> *Constitutiones*, p. 70

<sup>192</sup> *Constitutiones*, p. 23

<sup>193</sup> 23 Nov 1254 *Etsi animarum* (BFr, I, 234-7) and 22 Dec 1254 *Nec insolitum* (BFr, I, 261-2)

<sup>194</sup> *Narb.* III 20 & 22 (*Constitutiones*, p. 75 & 76): *Fratres in locis, habentibus parochiale cimiterium aut baptisterium, non morentur, si eos oporteat mortuos sepelire et pueros baptizare. (...) Item, sepulture in locis*

ful, for instance, required a series of permissions from the minister provincial and either the local episcopal authority or the priest himself.<sup>195</sup> Bonaventure's careful policy would continue, even subsequent to the release of Clement IV's 20 June 1265 bull *Quidam timere*,<sup>196</sup> which renewed previous papal decree that unbound Minorites from the obligation to consult parish priests before administering the sacrament of confession in their area, and the whirlwind controversy that it stirred up.<sup>197</sup>

*Narb.* VI 8<sup>198</sup> prohibits brothers from acquiring posts of archbishopric or bishopric without permission of the minister general unless summoned directly by the Pope himself. The prescription is similar to III 8<sup>199</sup> in which a papal interdict would prove a justifiable cause to override the obligation to obtain permission from the head minister. The constitutions and their approach to poverty norms together with the statutes are tantamount to the negation at the highest institutional level of a policy instated by a papal injunction; namely, *Ordinem vestrum*. Bonaventure would hold fast to an extent of the order's ideals and revert to the slightly less weakened standards of *Quo elongati*. He and his confreres' stance against papal legislation that would interfere with internal affairs such as their approach to poverty continues on a long, albeit largely theoretical (until the then recent chapters of Genoa and Metz) line of dissent to Church proclamation where it would modify essential components of their life.

In a show of espousal with respect to *PreNarb.* 58,<sup>200</sup> the redactor then reasserted the upper-most place of the minister general regarding any sort of appeal to the Roman Curia.<sup>201</sup> As a safeguard on the order's official relations with the Church institution, correspondence with curial officials, whether it be in person or via the written word, required permission directly from the head minister. A supplementary measure underscoring the norm's force, violators of the prescription would be expelled from the presence of curial members by procurators, who were in no way to entertain the business which he had brought forth. Such permis-

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*fratrum stricte servetur, ut nullum admittant, quem absque notabili scandalo potuerint declinare. Et quicumque scienter contrafecerit, duobus diebus tantum in pane et aqua ieiunet.*

<sup>195</sup> VI 3 (*Constitutiones*, p. 82): *Confessores audient confessiones horis certis, a provinciali capitulo ad hoc statutis. Nullus sacerdos confessiones religiosorum aut secularium audiat absque licentia sui provincialis ministri et obtenta licentia dioecesani episcopi vel proprii sacerdotis. Et nullus hanc licentiam petat sine sui ministri licentia vel custodis.*

<sup>196</sup> BFr, III, 14, no. 19, reinforced Feb 1267 BFr, III, 74

<sup>197</sup> Bonaventure bid the pope's aid in restoring the order's reputation in Rheims where a synod had discriminatorily sanctioned the restricted admission of Minorites to administration of the sacrament within the realm of diocesan jurisdiction. In response to Bonaventure's request, a papal legate nullified the synod's pronouncement. A backlash resulted in a renewal of the dispute against the mendicant orders in Gerard of Abbeville's *Contra adversarium* (1269). Cf. Monti, *Writings*, 239-40.

<sup>198</sup> *Constitutiones*, p. 82

<sup>199</sup> *Constitutiones*, p. 74

<sup>200</sup> *Constitutiones*, p. 29

<sup>201</sup> *Narb.* V 13 (*Constitutiones*, p. 80)

sion was not to be sought lightly, for only stringent cause or urgent necessity (*ardua causa vel urgens necessitas*) would justify one's request.<sup>202</sup> N. 15 then renders abundantly clear the principal meaning underlying the adamant maintenance of the minister general as examiner of would-be curial go-betweens.<sup>203</sup> The firm position taken by Bonaventure in other writings regarding papal privileges<sup>204</sup> took shape in the probable creation of the strict forbiddance against seeking special permission from the pope either for himself or for others and, in particular, the strict preclusion of even the minister general to request privileges that would in any way alter the rule.<sup>205</sup> The principal reason for brothers seeking such permission appears to have been the obtainment of new places prohibited by the order's regulations (*pro loco aliquo obtinendo*). One may notice a latent, albeit distant, echo of the Testament in the negative approach toward papal privileges.

## Thematic-Theological Analysis of Liturgical Texts

### *Legenda minor*

#### I. Textual Features and *Sitz im Leben*

For their 1898 edition, the Quaracchi scholars listed 43 manuscripts of Bonaventure's choir legend known as *Legenda minor sancti Francisci*.<sup>206</sup> Two witnesses of particular transitory strength served as the basis for their editorial configuration. Due to its official status and its insertion into innumerable prayer books at the liturgical reforms continued under Bonaventure, the writing underwent a great diffusion throughout the order in the form of breviaries and other liturgical books. Its nearly ubiquitous presence in a myriad of documents for use in choir prayer provides the case in point. As a consequence, it remains a near impossibility to make a comprehensive account of extant codices and editions. In a second attempt to render a faithful Urtext of the *LegMin*, the Quaracchi fathers produced another volume,<sup>207</sup> the fruit of over a decade's worth of labours containing their findings, and also afforded a supplementary contribution.<sup>208</sup>

As with the *LegMai*, the *minor* most likely came about as a result of the Minorite institution addressing concrete human needs for a functional, praxis-savvy text in proper celebration of the Octave and Feast of St. Francis and a unified, prayed image of their founder saint for dispersion throughout the entire order. *LegMin* contains sixty-three office readings divided

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<sup>202</sup> *Narb.* V 14 (Ibid.)

<sup>203</sup> Ibid.

<sup>204</sup> Cf. Encyclicals, etc.

<sup>205</sup> *Narb.* VII 25 (*Constitutiones*, p. 88)

<sup>206</sup> *Opera omnia* VIII, XCII-XCIV, 565-579

<sup>207</sup> *AF* X, LXXVIII, 653-78

<sup>208</sup> *Addenda*, 724

into seven chapters to correspond with the Octave of St. Francis (4-11 Oct), rather than the more abbreviated double office (3-4 Oct) as was the custom prior to the publication of Haymo's ordinal (ca. 1245).<sup>209</sup> Ritual commemoration of the Octave comprised the Feast day, or *dies natalis*, followed with seven days of further celebration, the initial reading being repeated as it falls on both the first and eighth day. Although a legend for the Octave already existed in the *Legenda liturgica minoritica Vaticani*,<sup>210</sup> it had likely come time for a revised text for choir incantation in the specific form outlined and detailed by the ceremonial arrangements of the divine office (*Ordinationes divini Officii*) published subsequent to Haymo's manual, perhaps as late as ca. 1251-54.<sup>211</sup> The drafting of *LegMin* was therefore an extension and indeed a furtherance of the liturgical reform begun in the 1240's under Haymo of Faversham, whereby the erstwhile minister general set out to standardise the order's prayer books and manuals including breviaries and ordinals for conducting Mass.

Prior legends for the choir had long been in circulation at the time of Bonaventure's redaction of an official liturgical legend. Prominent instances comprise *Legenda ad usum chori* and the already mentioned *Legenda Vaticani*. Yet it is unclear as to whether any such legend had been granted order-wide recognition or had been elevated to any sort of official standing.<sup>212</sup> All the more striking then is the extensive circulation of the two indicated legends, which suggests that they were no doubt in widespread use. Such prevalent occupation with liturgically-orientated legends invariably reveals a vested interest among the order's many friaries in the cultivation and perpetuation of a prayed model of Francis. The prevailing order, which may have proven little more than but a growing custom, was upset when a general chapter (likely 1257 in Rome)<sup>213</sup> commissioned the redaction of a definitive legend on the life of Francis.<sup>214</sup> As authors have suggested in unison with GOLUBOVICH, it may well be that

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<sup>209</sup> Van Dijk, *Origins*, 242-243

<sup>210</sup> Hammond mistakenly asserts that there was no such legend and takes that (in addition to the publication of the perhaps then recent *Ordinationes*) as a sure sign that the text's commission occurred in 1257 and that the "primary motive was liturgical uniformity." *Companion to Bonaventure*, 456.

<sup>211</sup> Van Dijk, *Origins*, 319 and 321 gives the chronological range as 1245-1251; *Sources*, vol. 1, 106, offers a broader range of 1245-1254. The Pisa statutes of 1263 mention the *Ordinarium* and *Ordinationes* in conjunction, one with the other. Van Dijk, *Sources*, vol. 2, 421.

<sup>212</sup> Scholars have suggested that Haymo of Faversham may perhaps have been awaiting a choir legend to be inserted into his collection of liturgical materials when he died, though it is difficult to ascertain a conclusive answer. Van Dijk.

<sup>213</sup> Statute 74 reads thus: *Item ordinetur de legenda beati Francisci, ut de omnibus una bona compiletur*. In *Ceremoniale ordinis minorum vetutissimum seu "ordinationes divini officii" sub Ioanne de Parma ministro generali emanatae an. 1254*, ed. Giralomo Golubovich, *AFH* 3 (1910): 76.

<sup>214</sup> See the indications below. For the chronological argument advanced by Van Dijk and here espoused, see: S.J.P. van Dijk, *SMRL*, 2:417, n. 3

the call for a legend was oriented toward a text for choir prayer and not, as scholars frequently assume, toward a document of the kind represented by *LegMai*.<sup>215</sup>

Even if it was not the case, it is presumable that the self-same chapter, or perhaps even the previous chapter in 1254 under John of Parma,<sup>216</sup> would have also demanded that there be a single official legend for the choir or at least that the commission intimated the requisite need for a liturgical companion to the legend.<sup>217</sup> In any event, two new legends were thus set into motion, each with its own specific purpose. One was intended for refectory reading, the other primarily for prayer in the choir.<sup>218</sup> In conjunction with the *LegMai*, Bonaventure then drafted a new liturgical hagiography over the next several years and redacted a final version perhaps as early as 1257-60. Late 1259 may be a sensible hypothesis for the date of composition. The chapter meeting in 1260 would have had him occupied in the months preceding with the refinement of legislative redaction likely began in the first year of his tenure, and Bonaventure's extended sojourn in Italy at the site of mount Alverna allowed him to make contact with the companions Leo and Giles, who are potentially the witnesses referenced in the narrative on the stigmatic wounds. In all likelihood the chapter of Pisa then solemnly approved the work in 1263 together with the *LegMai*.<sup>219</sup> The immediate distribution of Bonaventure's two novel writings then ensued in the event that the choir legend had not already been circulated. Subsequently, the general assembly just three years later would then mandate that all legends apart from those authored by the minister general, both liturgical and not, be deleted, thereby bolstering the success of Bonaventure's hagiographic works.<sup>220</sup>

Contrary to the resolute attention displayed by 13<sup>th</sup>-century Minorites with respect to liturgical legends, the dearth of studies relays the relative neglect of modern scholarship for the legends chanted in Minorite choir stalls in favour of the lengthier legends largely deployed for refectory readings and personal reflection. *Legenda minor*, what ACCROCCA calls

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<sup>215</sup> Golubovich, *Ceremoniale*, 76, n. 3.

<sup>216</sup> Johnson, *Companion to Bonaventure*, 445-7.

<sup>217</sup> Given the parallel with the 1266 decree regarding the eradication of all other legends of both a liturgical and non-liturgical nature, one may presume a double commission in the general chapters' statute.

<sup>218</sup> As Johnson notes, some manuscript rubrics of *LegMin* indicate that the legends was also used for reflection in refectory readings. See: Johnson, 'Prolegomena to the Study of Bonaventure's *Legenda minor*,' *Frater Francesco* 76/1 (2010): 225-39.

<sup>219</sup> *AF X*, LXXII. Although there is no certain evidence to support such a claim, the as yet unchallenged scholarly consensus is that the 1263 chapter approved both legends for official use and dispersion.

<sup>220</sup> Statute 11 reads as follows: *Item praecipit generale Capitulum per obedientiam, quod omnes legendae de B. Francisco olim factae deleantur, et ubi extra Ordinem inveniri poterunt, ipsas Fratres student amovere, cum illa Legenda, quae facta est per generalem Ministrum fuerit compilata prout ipse habuit ab ore eorum, qui cum B. Francisco quasi semper fuerunt et cuncta certitudinaliter sciverint, et probate ibi sint posita diligenter.* In Andrew Little, ed., "Definitiones capitulorum generalium Ordinis Fratrum Minorum," *AFH* 7 (1914): 678.

“un’opera troppo spesso dimenticata,”<sup>221</sup> reaffirms such a statement. The work has long been thought to be derivative, so much so that the Italian language editors omitted it completely from the synoptic analysis of hagiographical texts.<sup>222</sup> Analysing the relationship between Bonaventure’s two legends, recent studies have also attempted to situate the writing in a liturgical context and propose a re-evaluation of the *LegMai*’s commonly presumed chronological anteriority with respect to its comparatively terser sister and to investigate the potential philological dependence of one work upon the other.<sup>223</sup> Interestingly, the authors highlight the role of interrelations with the Order of Preachers and the attempts to reform their own worship life in the inspiration to call for a choir legend.<sup>224</sup> In particular, on the basis of external and internal criteria JOHNSON challenges the *a priori* assumption that the *LegMin* is but an abbreviation, successive in time and secondary in nature, of the *LegMai*, as is often posited, and argues convincingly for an earlier dating and a distinctly different *Sitz im Leben*.<sup>225</sup> He thereby makes a compelling case for the possible chronological anteriority and literary autonomy of the *LegMin*, a theory that contravenes scholarly consensus to date. As a result, it is ultimately more likely that Bonaventure composed the legend early on in response to institutional-liturgical demands and took cues from prior prayer-related documents such as *OffRhy*, *LCh*, *LUmb*, and *LegVat* in his composition rather than subsequently undertaking a radical condensation of an already completed *LegMai* for employment in the choir. Thus, with an eye to a path-dependent approach to institutional development, Bonaventure’s liturgical legend was certainly not without precedent. To the contrary, the legend built upon what preceded it. Nonetheless, it would appear as among the most innovative of Bonaventure’s literary compositions for the fact of its focus upon virtue and performativity. In the interpretive lens of PIERSON, the minister general’s literary efforts in composing the liturgical legend also amounted to a renegotiation of select elements in favour of identity configuration in the choir with accent upon the imitable virtuous existence of the order’s founding saint.

## II. Thematic-Theological Analysis

<sup>221</sup> Accrocca, *Viveva ad Assisi*, 105.

<sup>222</sup> In justification of this omission, they wrote that it was excluded “perché derivate dalla ‘maggiore’ e dal celanese, salvo qualche breve notizia.” *Fonti Francescane*, I ed., 2480.

<sup>223</sup> See the contributions by Johnson and Hammond in *The Companion to Bonaventure*, 435-51 & 453-507 respectively. See also Johnson, ‘Introduction,’ in: *La Légende mineure de François d’Assise*, trans. Armelle Le Huêrou, in *François d’Assise. Ecrits, Vies et témoignages*, ed. Jacques Dalarun (Paris: 2010), 2142-51. Accrocca claims that the two were composed contemporaneously. *Viveva ad Assisi*, 105.

<sup>224</sup> Scholars show nearly unanimous support of Bougerol’s two proposals of either 1261 (*Introduction à Saint Bonaventure*, Paris, 1988, X) or the somewhat more carefully formulated 1260-3 (*Francesco e Bonaventura*, Vicenza, 1984, 18-20) for both of Bonaventure’s legends.

<sup>225</sup> *Companion*, 445-50. The notion likely originates from the ca. 1360 *Catalogus XXIV Generalium* in *AF 3* (1897): 328.



In a manner similar to *LegMai*, Bonaventure organised the *Legenda minor* thematically as well as chronologically. The chapters, of which there are seven in total, are each dedicated to their own theme. The first two and final two chapters correspond to actual stages in Francis' biographical progression, and the three central chapters entail a topical treatment. In their proper order, the seven sections address Francis' conversion, the institution of the religion and the efficacy of preaching, the prerogatives of the virtues, the zeal for prayer and the spirit of prophecy, the obedience of creatures and the divine condescension, the sacred stigmata, and the passing of death, respectively, each chapter comprising of nine lessons. Given the abbreviated nature of the work due to liturgical demands, chapters II-V concern multiple topics.

Although *ConstNarb* and *LegMai* were both read aloud times of the the year, the character of *LegMin* as a performed text verbalised in a communal, liturgical context distinguishes it from the rest of the lot. The marked departure from the early model of placeless *vita activa* and *vita contemplativa* in the 1230's and 1240's witnessed a shift to the domesticated stability of the primarily urban conventual setting. As JOHNSON demonstrates,<sup>226</sup> the spatial-liturgical practice undertaken in particular in the choir stall thus became a privileged *locus* for the construction of Minorite identity. Bonaventure himself gives precedence to spiritual concerns in his *Regula novitiorum* where the first matter addressed is the proper celebration of the Divine Office with particular regard for the outward performance of humility.<sup>227</sup>

Given the extraordinary status ascribed to Francis' feast day and the concomitant Octave celebration of the liturgy – usually reserved for central moments of salvation history such as dogmatic liturgical feast days –, the focus upon Francis as central model both of Minorite as well as of Christian life at large demarcates a space of exceeding care and concentration toward the figure of their founding saint, that is of the 'prayed Francis.' As such, the attributes, patterns of behaviour, and self-identification of the prayed figure of Francis merit special attention. The study also follows upon the impetus of JOHNSON to read the choir legend jointly with certain of Bonaventure's sermons on Francis composed for a specific liturgical context as a means of gaining additional insight into the liturgically fostered image put forth for the brother's performative imitation.<sup>228</sup>

The concept of obedience as expressly addressed in the work principally concerns obedience to the submission to discipline proper to the brothers' life in particular under the

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<sup>226</sup> 'Choir Prayer as the Place of Formation and Identity Definition: The Example of the Minorite Order,' *MF* 111 (2011): 123-35, esp. 127-9.

<sup>227</sup> *Regula novitiorum*, c. 1, ns. 1-3 (*Op. om.* VIII, 475a-476b)

<sup>228</sup> 'Choir Prayer,' 129-35.

constitutions and the humility of spirit shown toward superiors, but also in an enigmatic sense to subordinates. A passage on the recalcitrant brother at chapter substantiates the case.<sup>229</sup> Here, the author relates of a brother who would not submit to discipline and was discovered by Francis from afar to have been impelled by the devil's reins rather than the yoke of obedience. Francis then prayed resolutely that the devil be lifted from the brother's shoulders, and it came to pass. Being warned by Francis' vicar as to of his wrongdoing, the brother was overcome by a spirit of compunction and at once threw himself at the feet of the vicar, seeking his pardon.

### *Gospel-Rule-Testament*

The representation of the rule in *LegMin* is slightly underwhelming, albeit understandable given the literary function in the context of choir prayer. The categories delineated by QUAGLIA in his insightful article *La regola francescana* prove once again a helpful point of departure for consideration of the rule in relation to the Gospel and Testament as depicted in the present work. As far as the unity of redaction is concerned, *LegMin* refers solely to the redaction of the early rule and anticipates its confirmation to the encounter with Innocent III.<sup>230</sup> As regards the proportion of Gospel passages to ulterior institutional concerns, the author suggests a high degree of identification between rule and Gospel in the passages immediately preceding and following the verse,<sup>231</sup> although no such affirmation finds explicit appearance. The feature of definitiveness receives no mention. Since the purpose of the work is liturgical and its form is marked by brevity, it is thus unsurprising that it lends relatively less focus to the confirmation scene, in particular as developed in the more extensive *LegMai*. The choir legend affirms the rule's brevity when it describes the way of life as written down with few words (*brevi sermone conscripserat*).<sup>232</sup> The work then hints at the characteristic of simplicity when it describes Francis' teaching and life as simple.<sup>233</sup> As is to be expected, the way of life was authored by Francis alone but shown him by the Lord.<sup>234</sup>

As indicated, the Gospel comes to the fore in *LegMin*, so much so that the high level of identification with the brothers' way of life borders on total singularity. Although the author leaves out the account of divination at San Niccolo', the formative episode of Francis' Gospel revelation at the solemnity of Mass nevertheless features and becomes of central im-

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<sup>229</sup> *LegMin* IV, 5 (FF 989-90)

<sup>230</sup> *LegMin* II, 4 (FF 974-5)

<sup>231</sup> Cf. *LegMin* II, 1; FF 972-3 and II, 5; FF 975-6.

<sup>232</sup> *LegMin* II, 3 (FF 974)

<sup>233</sup> *LegMin* II, 2 (FF 973)

<sup>234</sup> *LegMin* II, 3 (FF 973-4)

portance to the narrative.<sup>235</sup> Evoking the indicated singularity of rule and Gospel, the author proposes that Francis directed all of his desire to undertake what he had heard and to live in conformity with the rule of right living given to the apostles. The spirit of Gospel truth infused Francis and showed him the way of perfection. He was then made a herald of the Gospel.<sup>236</sup> Not surprisingly, one receives the diplomatic response regarding the *Test* that is to be expected of someone of Bonaventure's stature in the order's present stage in a temporal process of institutional development. No other work references the *Test* in direct fashion, and it would be out of place to make exception in such a terse, purpose-driven piece of literature. All the same, it is important to bear in mind that no other extant document had made overt mention of the writing since the literature of the companions in the previous section.<sup>237</sup>

### *Imitability*

As he does in *LegMai* and elsewhere,<sup>238</sup> the author underscores the ease of admiration and difficulty of imitation when approaching the matter of Francis' sanctity in *LegMin*. In stark contrast to *LChor* and *LUmb*, the present choir legend offers a nuanced image of Francis proposing him both as a model for admiration and reverence as well as for imitation. In such a manner, the author privileges the present over the past. Rather than presenting a saintly figure resulting from a historically-bound narrative developed in Perugia, Bonaventure proposes a prayed Francis of the now somewhat abstracted from his historical context, who corresponds to the circumstances and exigencies of the brothers' conventual, pastoral life in the late 1250's, and identifies him with Christ crucified,<sup>239</sup> a point confirmed and made most poignant in the stigmatisation of Francis' flesh as his heart was enkindled with love for Christ. As he makes exceedingly plain in the *Evening Sermon on Francis* of 1262,<sup>240</sup> first and foremost of the virtues that Bonaventure intended to propose for the brothers' imitation was that of love for the Crucified. The brothers who seek to be transformed into the Crucified should burn with ardent love in their heart. In order to punctuate his message, he writes, *sicut fecit beatus Franciscus*.

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<sup>235</sup> *LegMin* II, 1 (FF 972-3)

<sup>236</sup> *LegMin* II, 5 (FF 975-6)

<sup>237</sup> Cf. *CAss*

<sup>238</sup> Imitated by us and admired by the world (*LegMai*, prol. 2; FF 1022), the crowd proclaims Francis admirable, but not imitable (*LegMai* VI, 2; FF 1104). The comparable ease with which one may admire Francis, in particular his exuding of the virtue of humility, is contrasted with the difficulty to imitate him.

<sup>239</sup> *LegMin* III, 1 (FF 979-80)

<sup>240</sup> *Vis tu imprimere Christum crucifixum in corde tuo? In se ipsum vis tu transformare te in quantum ardeas caritate? (...) sic in corde bene fervente per amorem ad Christum crucifixum imprimatur ipse Crucifixus vel crux Crucifixi, et totu transformatur in Crucifixum, sicut fecit beatus Franciscus. De s. patre nostro Francisco, Sermo 58 (IV), n. 12, SD2, 783.*

For Bonaventure, those who love with a degree of intensity comparable to that of Francis will attain transformation.<sup>241</sup> Here, the minister general also suggests a conceptual link to the stigmata and its role in the work as a powerful reinforcement of virtuous performance. Bonaventure employs a key passage in *LegMin* as a means to underscore the centrality of prayer and to better draw the focus of the praying community in choir to the zeal experienced and acted upon by Francis. We read, *cum ad terrena foris desideria per Christi amorem totus insensibilis esset effectus, ne foret absque consolatio Dilecti, sine intermission orando spiritum Deo contendebat exhibere praesentem.*<sup>242</sup> Just as the holy Francis was so immersed in unceasing prayer and suspended in contemplation that he was carried away above himself, so too ought the brothers to immerse themselves in the ritual prayer life of the Minorite agenda and allow it to overtake their own identity. The author then forms a tight bond between prayer and identity of Francis and performative dimension of virtue. For Bonaventure, Francis achieved a serenity of mind that resulted from God recognition of his undeniable zeal for prayer together with his continual exercise of virtues.<sup>243</sup> It is precisely in the exercise of the virtues that the image of Francis becomes most emulatable.

A further link between prayer and the virtues, if it was a contemplative excess of love that set Francis apart and sparked and finalised the union consummated in the stigmata,<sup>244</sup> then as Bonaventure affirms in *Regula novitiorum*, a prerequisite for proper contemplation is the cultivation of humility<sup>245</sup> as exemplified in the figure of Francis. As Bonaventure suggests, humility thus precedes love in order of imitative performance followed by prayerful contemplation. Additionally, ascetical practices allowed the saint to uphold the utmost purity of heart and body.<sup>246</sup> The humility<sup>247</sup> and piety motifs<sup>248</sup> also present eminently mimicable depictions of the virtue and its performed demonstration by Francis. The *Evening Sermon on Francis* of 1267 then brings to expression the unequivocal intention of the author in relation to the imitability of the saint in both his preached and prayed manifestations.<sup>249</sup> Particularly

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<sup>241</sup> Other sermons on Francis contain similar calls to imitative performance. See: *De s. patre nostro Francisco*, Sermo 59 (V), n. 13, SD2, 799; Sermo 56 (I), n. 7, Ibid., 746; Sermo 57 (II), n. 16, Ibid., 763.

<sup>242</sup> *LegMin* IV, 1 (FF 986-7)

<sup>243</sup> *LegMin* IV, 3 (FF 987-8)

<sup>244</sup> *LegMin* VI, 1 (FF 1000-1)

<sup>245</sup> *Regula novitiorum*, c. 2, n. 3, 477b

<sup>246</sup> *LegMin* III, 1-3 (FF 979-81)

<sup>247</sup> *LegMin* III, 4 (FF 982)

<sup>248</sup> *LegMin* III, 7 (FF 984)

<sup>249</sup> [si] *nimis tepide loquor, timeo ne irascatur mihi Deus; si abundanter velim explicare laudes beati Francisci, credunt aliqui quod laudando ipsum velim laudare me ipsum. Difficile est igitur mihi loqui de materia ista. Intendo describere vobis virum spiritualem et perfectum, et quilibet studeat ipsum imitari; et servato stilo veritatis, intendo exemplificare de beato Francisco. De s. patre nostro francisco*, Sermo 57 (II), n. 1, SD2, 750. Cf. Johnson, 'Choir Prayer.'

prominent in the narrative is Francis' own exceeding desire to imitate Christ.<sup>250</sup> The choir legend thus introduces an additional dimension of mimesis, whereby Francis' burning wish to imitate Christ exemplifies the desire with which the brother ought to seek to mimic Francis by the patterns put forth in the legend. In this way, the legend sought to engage the brothers in a prism of performative imitability with a transcendent accent upon Christ but with a comparatively more immanent model in Francis, whose desire to imitate Christ bolsters both the evangelical authenticity of Francis' own pursuit and that of the brothers in their *sequela Francisci*.

### *Charism and Charismatic Principles*

As with Bonaventure's other writings, the author relegates numerous aspects of the charismatic notion to other virtues with particular concern for humility and piety. The prevailing overlap of the virtues of obedience and humility at times gives forth a remnant of the charismatic ideal. Humility<sup>251</sup> found a special domain in him as if he were the least of the lesser ones (*tamquam in Minorum minimo*). Bonaventure's highly imitable image of Francis displays performative demonstrations of humility. Francis endeavoured to be regarded as worthless both in his own eyes and in the eyes of others. As such, he would frequently confess his sins in public so as to lay bare the secrets of his heart and avoid the downfall of praise. He would also strive to implement perfect humility by subjecting himself to subordinates as well as superiors. The great extent of his attempts to embrace humble ways took concrete expression, as he was accustomed to promise obedience to a companion when going about in the world, regardless of the companion's simplicity. Due to his humility, he preferred to obey his subordinates as their minister and servant. The succinct motif thereby advances a humble model for brothers of every stripe, both subordinates and superiors.

As the *Sermon on Francis* of 1266 asserts and *LegMin* implies, Francis' performed service of God and especially of lepers puts his humility on display.<sup>252</sup> Quizzically, the call of the San Damiano crucifix overshadows the encounter with the leper in Francis' conversion to the extent that Bonaventure completely fails to mention the latter. Bonaventure supplement's his curious omission of the encounter with the leper with a motif of Francis surrendering to, living among, and serving lepers.<sup>253</sup> The *Morning Sermon on Francis* of 1267 highlights the twofold transformative movement of love as exemplified in the saint Francis. Love draws the brother into the divine and at once also increases his willingness to serve the other.<sup>254</sup> Yet

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<sup>250</sup> *LegMin* III, 8 (FF)

<sup>251</sup> *LegMin* III, 4 (FF 982)

<sup>252</sup> *De s. patre nostro Francisco*, Sermo 56 (I), n. 2, SD2., 743.

<sup>253</sup> *LegMin* I, 8 (FF 970-1)

<sup>254</sup> *De s. patre nostro Francisco*, Sermo 57 (II), n. 2, SD2, 751.

Francis' love of total humility drove him to serve and subject himself to lepers, those miserable and outcast people that he might first actively place himself under the yoke of servitude and self-contempt and then be enabled to instruct such activity to others.<sup>255</sup> Francis thus grounded himself in the humility of Christ.<sup>256</sup> As a companion to Francis' humility, the piety of Christ also has prerogative in the choir legend.

Due to the infusion of Christ's own piety, Francis possessed a mother's heart with which he sought to alleviate the misery of the suffering.<sup>257</sup> His generosity knew no limits whether in the form of bodily service or material goods. In any way possible he would see to the needs of those who suffered, in particular the poor and infirm, for whom his heart melted and for whom he continually extended affection. Though additional reference to maternal imagery<sup>258</sup> brings to mind the loving, servile attitude and comportment advocated in the early movement, the form which Francis' expression of such ardour took comprised of prayer, preaching, and offering good example. The service offered to others is thus of a qualitatively different value than that proposed in the early writings. In this context and in relation to Bonaventure's stress on a pastoral paradigm, the choir legend emphasises the brothers' pastoral care activities, chief among them was preaching. Francis preached to the Sultan,<sup>259</sup> he preached to the brothers at Arles on the title of the Cross,<sup>260</sup> he travelled to Celano to preach, admonishing a knight to confess his sins,<sup>261</sup> he preached in a boat on the seashore at Gaeta,<sup>262</sup> and he embarked on a preaching journey between Lombardy and the Marches of Treviso<sup>263</sup>. In fact, numerous passages in ch. II on the institution of the religion and the efficacy establish the order's preaching mission as integral and even central to the brothers' vocation. The Gospel norms revealed to and taken up by Francis were issued to the apostles who were sent out to preach.<sup>264</sup> On the occasion of the confirmation periscope, the anecdote of Innocent's dream of Francis supporting the Lateran Basilica, the pope awakens to proclaim *vere ... hic est ille, qui opera ac doctrina Christi sustentabit Ecclesiam* and then came to issue the mandate to go and preach penance.<sup>265</sup> Subsequently, at the Spoleto valley the place of programmatic determination in prior legends, in particular *VbF*, Francis commits to live in poverty and preach the

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<sup>255</sup> *LegMin* I, 8 (FF 970-1)

<sup>256</sup> *LegMin* I, 9 (FF 971-2)

<sup>257</sup> *LegMin* III, 7 (FF 984)

<sup>258</sup> *LegMin* III, 8 (FF 984-5)

<sup>259</sup> *LegMin* III, 9 (FF 985-6)

<sup>260</sup> *LegMin* IV, 4 (FF 988-9)

<sup>261</sup> *LegMin* IV, 9 (FF 993)

<sup>262</sup> *LegMin* V, 4 (FF 996)

<sup>263</sup> *LegMin* V, 8 (FF 999)

<sup>264</sup> *LegMin* II, 1 (FF 976-7)

<sup>265</sup> *LegMin* II, 4 (FF 974-5)

word of God to people whenever and wherever possible.<sup>266</sup> As is also the case in *LegMai*, a concerted focus upon the truth underscores the order's duty to preach.<sup>267</sup> In a corroborative instance, a passage links Gospel truth with the dynamic of preaching when it declares that Francis wanted to teach by word and carry out by deed the truth of evangelical perfection, which he had conceived in his mind and solemnly vowed to profess.<sup>268</sup> It is nevertheless worthwhile to mention that the link of preaching to the condescending, self-emptying character of Christ as reflected and fulfilled in Francis is not as pronounced as in *LegMai*.

In addition to the aforementioned indications, the universal component of obedience in relation to people of other religious confessions in mission undergoes a substantial revision in *LegMin*. Here, Francis' journey among the Saracens comes as an expression of his deep-seated desire for martyrdom that compelled him on account of the intense charity that burned within him.<sup>269</sup> Though the Sultan takes to Francis and, overcome with admiration, is moved by his display of virtue and devotion, Francis shows himself ultimately uninterested in any sort of ulterior interaction and returns home discontent at his failure to receive the gift of martyrdom. The narrative then largely plays the role of foreshadowing Francis' greater privilege, the stigmata. Again in the *Evening Sermon on Francis* of 1262<sup>270</sup> Bonaventure declares Francis' boundless love as displayed in his stay with the Saracens, which sets him apart from the rest. Love for the Crucified results in increased heroism and virtue. Bonaventure thus truly does understand the act of venturing among them a performance of the virtue of charity. Still he fails to do so convincingly in the meaning of the early movement.

As with prior liturgical legends, the cosmic component finds limited echo in *LegMin*. The theoretical framework forged by the narrative subordinates occasional reference to Francis' attention and care to the elements of creation to the device of their obedience to his every wish as the result of a supernatural influx of power by which they were drawn to him.<sup>271</sup> In view of the primal origin of all created things, he would call them brother and sister and embraced all creatures, in particular those with semblance of Christ. With the quizzical exception of Sylvester's dream in which the dragon contuits cross issuing from Francis' mouth,<sup>272</sup> Bonaventure's concept of contuition finds no development and no direct mention in the narrative. As in *LegMai*, Bonaventure couples the obedience of creatures with the motif of divine con-

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<sup>266</sup> *LegMin* II, 5 (FF 975-6)

<sup>267</sup> *LegMin* II, 2 (FF 973) describes him as a model of truth when relating how his words had such efficacy that through the truth of his simple teaching and life he began to lead some to penance.

<sup>268</sup> *LegMin* II, 5 (FF 975-6)

<sup>269</sup> *LegMin* III, 9 (FF 978-9)

<sup>270</sup> *De s. patre nostro Francisco*, Sermo 58 (IV), n. 12, SD2, 783.

<sup>271</sup> *LegMin* III, 6 (FF 976-7)

<sup>272</sup> *LegMin* II, 8 (FF 978)

descension,<sup>273</sup> whereby the submission of creation to Francis' request prefigures and leads into God's own *condescensio*, an eminent proof of Francis' holiness and thus the unity of his will with the divine will. As the author himself brings to full articulation, *Dominus omnium sua benignitate obedit ad votum, dum et liberalitate praparat cibum, lucis praebet claritate ducatum, ut sic ei tamquam viro sanctitatis eximiae et omnis creatura subserviat, et ipse Creator omnium condescendat.*<sup>274</sup> As indicated and elaborated in the section below on the stigmata, an ulterior level of interaction between the prayer Francis and the praying brothers enunciating the text in choir opens up and expands into an unprecedented field of imitable performance by which the brothers ought to seek their model of conformity to Christ in the prayer Francis himself.

#### *The Authority of Francis*

Perhaps due to the work's precedence for emulation and imitability in terms of virtues, comparatively less focus is granted the motif of Francis' authority. Nevertheless, where relative material may be want of quantity, it is direct and to the point. The maternal imagery in leadership finds discrete encore in Francis' possession of the piety of Christ by which he obtained a mother's heart for reliving the suffering of people.<sup>275</sup> Endowed with the spirit of prophecy, which enabled him to foretell future events and obtain intimate knowledge of others from afar.<sup>276</sup> An indication of the early movement's charismatic notion, under the rubric of humility the work describes how Francis preferred to subject himself to subordinates in addition to superiors.<sup>277</sup> He thus had the custom to promise obedience to his companion in times of travel. An element absent in *LegMai*, the narrative then asserts Francis' reticence to assume a place of authority. On account of his pursuit of perfect humility, the saint *non tamquam praelatus ex auctoritate praeciperet.*<sup>278</sup>

#### *The Stigmata as Institutional Symbol*

Dissimilar to *LegMai*, the narrative structure of *LegMin* is such that the motif of God's condescending nature and his *condescensio* toward the extraordinarily holy Francis directly precedes the account of Francis' stigmatisation. As the English language editors point out,<sup>279</sup> the coincidence is not casual. Rather, integral to the self-emptying nature of God whose fullest articulation is the incarnated and crucified Christ is his unending and unsurpassed love for

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<sup>273</sup> *LegMin* V (FF 993-1000)

<sup>274</sup> *LegMin* V, 9 (FF 999-1000)

<sup>275</sup> *LegMin* III, 7 (FF 984-5)

<sup>276</sup> *LegMin* IV, 3 (FF 987-8)

<sup>277</sup> *LegMin* III, 4 (FF 982)

<sup>278</sup> Ibid.

<sup>279</sup> *FA:ED*, Vol. II, 708, n. a



humanity. The divine condescension in turn manifests itself in the piercing of Francis' sacred flesh by which the lover is transformed in love to his image.<sup>280</sup> The reference derives from a quote of Hugh of Saint Victor whose adoption by Bonaventure dates at least back to the *Morning Sermon on Francis* of 1255.<sup>281</sup> *LegMin* thus represents a unique contention with regard to Francis' complete conformity in the entirety of his nature – his transformation in Bonaventure's own terms – into Christ with particular regard for the aspect of the inner flame of love by which he merited the bestowal of such an honoured privilege as the stigmata.<sup>282</sup> Yet the merit is not exclusively due to love. The ninth lesson of Ch. VI expressly asserts the meritorious nature of Francis' virtues in relation to the stigmata.<sup>283</sup> In short, the litany of virtues corresponds to the compendium detailed in ch. III. The principle is reflected in Bonaventure's sermons on Francis. Bonaventure ties together liturgical performance and preaching – both thematically, as highlighted above, and through his own preaching – with the virtues characteristic of Minorite identity and, together with the wounds of Christ, pierces them into the flesh of the prayed Francis.

The *Morning Sermon on Francis* of 1267, too, offers the transformative power of love as the *raison d'être* of the stigmata.<sup>284</sup> Francis' precious wounded flesh signifies various virtues in his *Evening Sermon on Francis* of 1262, where Bonaventure views the stigmata as a sign of humility, penance, poverty, purity, contemplation, and wisdom<sup>285</sup> with particular emphasis upon the performative force of humility in service of God and others, especially lepers.<sup>286</sup> Again in his *Sermon on Francis* of 1266, he reasserts the signifying function of the stigmata. Here, the sacred seal manifest in corporal form the power of God who refashioned and transformed Francis into at once an exemplar of perfect virtue and a messenger of salvation.<sup>287</sup> In such a manner, the author infuses the teaching on the stigmata with a theological level of significance that had repercussions for the brothers' performance. Just as Francis had merited the

<sup>280</sup> *LegMin* VI, 4 (FF 1002-3)

<sup>281</sup> *De s. patre nostro Francisco*, Sermo 59 (V), n. 13, SD2, 799.

<sup>282</sup> *LegMin* VI, 2 (FF 1001)

<sup>283</sup> *LegMin* VI, 9 (FF 1005-6). *Digne quidem vir iste beatus singulari hoc privilegio insignitus apparuit, cum omne ipsius stadium, tam publicum quam privatum, circa crucem Domini versaretur. Nam et mira mansuetudinis lenitas austeritasque vivendi, humilitas illa profunda, obedientia prompta, paupertas eximia, castitas illibata, amara compunctio, lacrimarum profluvium, pietas viscerosa, aemulationis ardor, martyrii desiderium, caritatis excessus, multiplex denique christiformium praerogativa virtutum, quid aliud in eo praetendunt quam assimilationes ad Christum et praeparationes quasdam ad stigmata sacra ipsius.*

<sup>284</sup> *De s. patre nostro Francisco*, Sermo 57 (II), n. 16, SD2, 763.

<sup>285</sup> *De s. patre nostro Francisco*, Sermo 58 (IV), n. 5, SD2, 775 for humility and penance; n. 6, 776; n. 9, 778; n. 13, 784 for contemplation and wisdom.

<sup>286</sup> *De translatione sancti francisci*, Sermo 46, n. 3, SD2, 607; *De s. patre nostro Francisco*, Sermo 57 (II), ns. 3 & 5-6, SD2, 752-4. Here, Bonaventure admits that he admires the humility of Francis more than all his other virtues (n. 3, 752).

<sup>287</sup> *De s. patre nostro Francisco*, Sermo 56 (I), ns. 8-9, SD2, 746-7.

special grace of unsurpassed likeness with the crucified Christ through his devout prayer and exercise of virtues, so too ought those enunciating the prayer Francis seek to embody the values and discipline of which they read. Bonaventure accents the physicality of the stigmata with enhanced detail. A unique reference with regard for the physical features of the marks themselves, the author mentions the prominent presence of nails in his feet and how the saint was suspended by the bent part of the nails that so protruded that a finger could easily pass through the curved loop of the points.<sup>288</sup>

## Thematic-Theological Analysis of Narrative Texts

### *Legenda maior*

#### I. Textual Features and *Sitz im Leben*

While executing their critical rendering of Bonaventure's *Legenda maior sancti Francisci*, the Quaracchi editors became aware of 136 medieval manuscripts (93 Latin, 43 vernacular);<sup>289</sup> countless others have since been unearthed to the point that those involved in the continuation of the project determined it to be useless to carry on with enumeration and description.<sup>290</sup> The marked breadth of the work's manuscript representation is found in stark contrast to that of other Minorite legends of the initial generations. Several factors ensured that it was so. Not only would the minister general's writing enjoy a wide transmission and official status attested to by the ample selection of medieval manuscripts containing it, but the 1266 chapter rather ensured the legend's triumph when it issued the decree to destroy all other legends of Francis in circulation. Although modern redactions existed since the 16<sup>th</sup> century and are worthy of note,<sup>291</sup> the first attempt at a critical edition resulted in that appearing in the 1898 *Opera omnia*<sup>292</sup>, which was followed up with the now authoritative *Legendae s. Francisci*<sup>293</sup> version executed between 1926 and 1941. The second editorial endeavour consulted sixteen witnesses deemed to be of utmost fidelity to those perhaps originally distributed by Bonaventure at the 1263 chapter of Pisa or shortly thereafter. The *Fontes Francescani* transcription of the second Quaracchi edition supplies the text for the current study.

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<sup>288</sup> *LegMin* VI, 3 (*FF* 1002)

<sup>289</sup> *Opera omnia*, VIII LXXXVI-XCI

<sup>290</sup> *AF* X, LXXIII-LXXVII

<sup>291</sup> Among the important modern editions is *Aurea Legenda maior s. Francisci, composita per s. Bonaventuram*, Firenze (ed. F. Giunta), 1509. Likewise notable are the Vatican edition of *Opera omnia* VII, 1596, 295-331 and the *Acta SS.* Oct. II, 742-98.

<sup>292</sup> *Opera omnia* VIII, 504-64

<sup>293</sup> *AF* X, LXII-LXXXI, 555-652.

In a manner dissimilar to the *ConstNarb*, the originality of Bonaventure in composing his legend has long been a matter of discussion. Whereas the entirety of *ConstNarb* was frequently assumed to pertain to Bonaventure's authorship until CENCI's illumination of the pre-1260 constitutional fragments, in hagiographical terms the consultation and wholesale adoption of passages from prior texts in the redaction of *LegMai* appears early on in studies, leading to the perhaps overshot assignment of the moniker "compiler."<sup>294</sup> Indeed, synoptic analysis reveals that broad swaths of text from numerous traditional Minorite *vitae* find encore in the legend in particular two official works from the Celanian corpus (*VbF* and *Memoriale*). Even if one is to consider Bonaventure largely a compiler of prior source material, it also bears mention that he shows a fair capacity to re-orientate and innovate in his reworking of the text. Prominent instances include the San Damiano episode, the account of the rule's composition and confirmation, and the prophetic-eschatological significance granted the Francis event.

Some authors would assign full responsibility to the newly elected minister general for the initiative, positing thereby a political motive.<sup>295</sup> Such a state of affairs is, however, unlikely given what has been brought to light. Evidence suggests that Bonaventure was at Paris during the Rome chapter. He would surely not have been responsible for the call to redact a legend at a chapter he did not even attend, much less so if one considers the 1254 scenario. Rather, the call for a new legend resulted from a need, both personal and institutional, which is of a particularly liturgical nature. The official legends in existence were the three massive yet scattered works of Thomas of Celano, problematic for copyist labours and refectory readings alike. As with choir legends, the order required a model in unified form useful for preaching, contemplation, prayer, assimilation, and ultimately imitation. The figure of Francis put forth for the brothers' consideration certainly had far-reaching implications, in particular when one takes into account the surrounding turmoil in the order involved with the controversies over which Francis was the correct one. The demand for a single, unified legend thus becomes all the more pressing. If one takes into consideration the manifold copies of legends circulating during the period in addition to Thomas' cumbersome trio, a manifestly chaotic situation comes to the fore.

Perhaps most important as regards the current approach, the date and circumstances of the work's commission are all too frequently misrepresented in modern scholarship. Mistakenly convinced of Bonaventure's complicity in eliciting the commission at the same gathering

<sup>294</sup> *Legendae S. Francisci Assisiensis saeculis XIII et XIV conscriptae*, in *AF*, t. X, Quaracchi, 1926-1941, LXIII-LXIV. The same conclusion is reached in: *Fonti Francescane*, Assisi, 1978, p. 240.

<sup>295</sup> Such an approach is perhaps at its most acute in Dalarun, *La Malavventura di san Francesco*.

as that of the legislative confirmation, a multitude of authors look to the Narbonne chapter of 1260 as the starting point for the literary initiative whereby a new legend was to be crafted from the already existing source material. Since Bonaventure himself offers up that he would not have taken on such a daunting task were it not for the concordant urging of the general chapter (*generalis ... Capituli concors ... instantia*),<sup>296</sup> scholars have often taken as given the position of the literature at their disposal and situated the occurrence of such an urging at the meeting of Narbonne. The statutes of the 1260 chapter lack any such reference whatever.<sup>297</sup>

Additionally, the 1259 Cistercian statute requesting a life of Francis was met with prompt accommodation.<sup>298</sup> The Minorites sent out neither the *LegMa* nor *LegMi*, which indicates that they were yet unfinished.<sup>299</sup> It thus appears not to have been the case; rather, the Rome assembly of 1257 provides a more feasible setting.<sup>300</sup> It is possible to trace the error from L. WADDING's *Annales*<sup>301</sup> through the edition of the Quaracchi fathers<sup>302</sup> and up into the work of virtually all modern scholars. In his edition of the Minorite liturgical statutes, VAN DIJK advances the position that the decree long thought to have occurred in 1260 had in reality already transpired three years prior in 1257.<sup>303</sup> On the relationship and potential dependence between the *Legenda maior* and *minor*, see above. Whatever the case, it is likely that the 1263 chapter of Pisa then solemnly approved the work as the order's official legend and granted the writing the privileged status, which it enjoys unto modern day.<sup>304</sup> The Pisa assembly enables one to establish the writing's *terminus ante quem*. While authors such as the *Analecta* editors and BOUGEROL set the period of composition to as early as 1261,<sup>305</sup> potential reference to Giles of Assisi's passing (23 Apr 1262) precludes the possibility of an earlier date of completion.<sup>306</sup> It thus appears that the broad chronological period of 1257-63 is most ap-

<sup>296</sup> *LegMa* Prol. 3 (FF 778)

<sup>297</sup> For the authoritative critical edition, see: F. Delorme, "Diffinitiones capituli generalis O.F.M. Narbonensis (1260)," *AFH* 3 (1910): 491-504. For a revision of the liturgical statutes, see: S.J.P. van Dijk, *SMRL*.

<sup>298</sup> J.M. Canivez, ed., *Statuta capitulorum generalium Ordinis Cisterciensis*, vol. 2 (Louvain: 1934), 450 n. 9.

<sup>299</sup> Hammond, *Companion to Bonaventure*, 455, n. 14. Two 14<sup>th</sup> century catalogues substantiate the case. *Catalogus XV Generalium* (c. 1304) in *AF* 3 (1897): 700: *Hic in primo capitulo, quod tenuit Narbonae, Constitutionibus ordinem et formam dedit. Hic postquam vitam beati Francisci conscripsit; Catalogus XXIV Generalium* (c. 1360) in *AF* 3 (1897): 328: *Anno Domini MCCLXI idem Generalis vitam beati Francisci stilo mirabili compilavit ipsamque diffosam ad compendiosiore formam reducens, taxatis pro die qualibet IX lectionibus per Octavas eiusdem, Legendam ordinavit, in qua nihil posuit nisi certum et probatum testibus fide dignis.*

<sup>300</sup> *AFH* 3 (1910): 76

<sup>301</sup> *AM*, 4:137

<sup>302</sup> *Opera omnia* VIII, IXXXV.

<sup>303</sup> S.J.P. van Dijk, *Sources*, 2:417, n. 3

<sup>304</sup> *AFH* 7 (1914): 678

<sup>305</sup> *AF* 3, 328 & *Introduction a Saint Bonaventure*, X.

<sup>306</sup> *LegMai*, III 4 (FF 797): ... *sanctus pater Aegidius, vir utique Deo plenus et celebri memoria dignus. (...) Nam per multa curricula temporum sursumactionibus incessanter intentus, adeo crebris in Deum rapiabatur excessibus, quemadmodum et ego pise oculata fide conspexi....* Since the Latin *memoria* can be ren-

appropriate for the composition of the new official legend.<sup>307</sup> As indicated, the 1266 Paris chapter then ordered the collection and complete destruction of all other lives of Francis, whether liturgical or otherwise, thereby guaranteeing its success against rival depictions.<sup>308</sup> Though a certain parallel exists between the annihilation of prior hagiographical texts enacted in 1266 and that of prior legislative texts (1260), it is worth recognising that the two decisions proclaimed at chapter assembly had similar, yet qualitatively distinct implications for Minorite life.

Recent studies have also illuminated the liturgical demands that perhaps led Bonaventure to set about writing and the chapter, presumably under Bonaventure's thumb, to eliminate the competition. While an effort is certainly made on both accounts to present the pressing of the reset button as the work of the chapter, the initiative was most likely that of the man in charge. Bonaventure was undoubtedly their literary mastermind, albeit perhaps not the total orchestrator of the texts' success. Yet, even if *LegMai* arose from a liturgical demand and even if Bonaventure was passively responding to the chapter's request, annihilation of vast swaths of prior texts appears to have been a particular facet of his tenure as head of the order. Such textual politics are arguably the linchpin of Bonaventure's notoriety as head minister. To my knowledge the only precedent within the order was the weeding out of non-standard breviaries during the liturgical reform begun in the 1240's under Haymo of Faversham.

Again, many scholars allege not only that the measure was integral to the personal design of Bonaventure, but also, and perhaps more significantly, that in the act he conceals malicious intent. NIMMO writes most candidly, "This can hardly fail to look like an act of calculated suppression...."<sup>309</sup> Such a contention is presumptuous at best. Chapter assemblies called for both the composition of the legend perhaps as early as 1254 and the destruction of prior legends in 1266. In the ultimate analysis, the very act of ensuring hagiographical homogeneity reveals that Bonaventure and his contemporaries understood the normative character of such literature as an, albeit somewhat looser, codified norm for identity and behaviour and therefore had in mind a similar purpose to that behind the destruction of ulterior legislation. It must also be said that, while Bonaventure was at the helm of the order, the scant transmission of

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dered 'reputation' as well as 'memory,' interpretation of the passage also depends upon one's rendering of the grammatical tense in the verb *conspexi*. Either Bonaventure 'has' up to the present 'witnessed' (present perfect) Giles' raptures into divine ecstasy or he 'witnessed' (simple past) them in the past during Giles' lifetime. Cf. S. Da Campagnola, 'Introduzione,' *FF*, 755.

<sup>307</sup> As D. Monti notes, the letter to the monastery of St. Clare (VIII, 473-4) evinces that Bonaventure had already in 1259 begun to consult the living companions of Francis in an effort to garner insight into the manner of proceeding in his difficult task. Works of Bonaventure V, Writings concerning the Franciscan Order, 137, n.3

<sup>308</sup> *AFH* 7 (1914): 678

<sup>309</sup> Nimmo, *Reform and Division*, Vol. I, 73.

prior legends reflected in the manuscript tradition and the lack of revolt indicate a social willingness to comply, which bespeaks a mild consensus in favour rather than a silent majority against.

## II. Thematic-Theological Analysis

Bonaventure's *LegMai* puts forth a unique expression of the figure of Francis, the institutional order, and the ramifications of both for the present. As to the work's economy of virtues, *obedientia* ranks number four quantitatively behind *pietas*, *paupertas*, and *humilitas*,<sup>310</sup> which is largely in line with the hagiographical trends leading up to his time. Most surprising of the four most cited virtues, however, is *pietas*, which appears with the most frequency of them all. The four values granted utmost importance in *PerfEv* did not include *pietas*. Indeed, as shall be made plain, the pious nature of Francis plays a central role in the Minorite life of virtue fostered in the work. The image of a cadaver as the ideal obedient brother and that of the leader as *vicarious Christi* bolster the work's hierarchical conception of obedience. While the author demonstrates an acquaintance and sensitivity for elements of the charismatic notion, he relegates the kenotic, service-based component of obedience to the realm of humility and in particular to piety. The legend also contains indications of the discipline, punishment, and correction called for in the *First Encyclical* and above all in *ConstNarb* (XI, 11).

As had *PerfEv*, the work establishes an intrinsic link between the virtues of humility, the third most frequent virtue, and obedience. With the frequent association of the two, the author indicates that a relation of commonality and coincidence, if not dependency characterises the two. The author includes the two in the same thematic chapter<sup>311</sup> where he applies the appellatives of the guardian and embellishment of all virtues, upon which he built himself like a wise architect laying a foundation.<sup>312</sup> *PerfEv* defines humility as the foundation of all virtues.<sup>313</sup> God himself, who took on the form of a humble servant, cherishes humility and therefore loves the humble.<sup>314</sup> In fact, Christ was the Lord and Master of humility as he taught it both in word and in deed.<sup>315</sup> Whereas obedience spawns from humility, disobedience is the offspring of pride, the source of all evil, indeed its worst offspring.<sup>316</sup> In this way, the passage links the interior realm with a corresponding exterior act, insofar as it designates and de-

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<sup>310</sup> *Pietas* (42x), *Paupertas* (39x), *humilitas* (37x), *obedientia* (29x), *caritas* (24x), *poenitentia* (23x), *reverentia* (21x), *perfectio* (16x)

<sup>311</sup> *LegMai* VI (FF 822)

<sup>312</sup> *LegMai* VI, 1 (FF 822-3)

<sup>313</sup> *Op. om.* V, 117-24

<sup>314</sup> *LegMai* VI, 6 (FF 827): *amator humilium Deus*

<sup>315</sup> *LegMai* VI, 1 (FF 823): *ut tam exemplo quam verbo Dominus et Magister humilitatem doceret*

<sup>316</sup> *LegMai* VI, 11 (FF 831-2)

scribes a specific inner disposition, which induces a related action or behavioural pattern. Thus the two are intimately intertwined, but are they indistinguishable? In other words, are there phenomena that are unique to one, that pertain to obedience but not to humility? One searches in vain in the present writing for an answer. The question pertains more to the more complex and systematic deliberations of *PerfEv* and *ApPaup*. There is an especially Francis-orientated concept of obedience at work with particular stress on humility. Just as in *LegMin*, there is a deliberate insistence with regard for the performativity of obedience and humility and what is more upon the imitability of Francis. Nonetheless, as the author affirms, it is easier to admire than to imitate the saint of Assisi.

### *Gospel-Rule-Testament*

Recommencing with the categories proposed by A. QUAGLIA's perspicuous analysis in *La regola francescana*, it becomes evident in *LegMai* account that the author wished to pave his own path with regard for his representation of the rule, unique from those granted in the sources, which he had at his disposal. Neither the depictions of the early legends, nor those of the second wave would supply Bonaventure with the model he sought. Instead, he opted to envisage one all his own with only remnants of prior representations. Of particular import with regard for innovative elements, in a manner dissimilar to the Thomas of Celano, Julian of Speyer, and others among the Minorite hagiographers, Bonaventure declares a duality both of redaction as well as of pontifical confirmation. The author thus elects to implicitly negate several of the characteristics given to the rule narrative as featured those of his sources. *LegMai* roundly rejects the unity of redaction as affirmed by the majority of his predecessors, insofar as he refers not to a singular *vitae formam et regulam* as Thomas had; rather, to *vitae formulam* in reference to the group's early *propositum* and the *regulam* as the canonical document of 1223. The dual redaction elicits a dual response by the papacy. A variety of designations redress the rules and their approbational status throughout the work.<sup>317</sup> Nevertheless, when it comes time for a solemn occasion, the early rule (*vivendi formam*) receives approval (*approbatam*) from Innocent III, whereas Honorius III later confirms (*confirmari*) the rule of 1223.<sup>318</sup> He exercises more care and precision where it most counts. To that extent, Bonaventure's account corresponds more accurately to the historically empirical data as we understand it.

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<sup>317</sup> *LegMai* II, 8 (FF 794): ... *secundum datam ab eo formam, regulam et doctrinam Christi* ....; III, 9 (FF 800): *supradicta vivendi regulam*; III, 10 (FF 802): *approbavit regulam*; IV: *De profectu Ordinis et confirmatione regulae prius approbatae*; IV, 1 (FF 803-4): ...*qualiter regulam ... servarent*....; IV, 6 (FF 807): ... *secundum formam a Dei viro acceptam* ....

<sup>318</sup> *LegMai* IV, 11 (FF 812-3)

Redaction and confirmation take place according to a twofold timeline. An apparently novel element in *LegMai*, upon completion of the rule of 1223, Francis gives it to his vicar, one of the two companions who accompany him to the place of solitude, and subsequently the vicar claims that it had been lost due to carelessness (*per incuriam perditam*).<sup>319</sup> The passive participle affords no sure conclusion of the action's agent. The vicar in this case refers to Elias, as Bernard of Quintavalle had since passed.<sup>320</sup> The passage continues to foil scholars even still today. In the present author's judgment, the blunder has no correlation with the actual events as they took place in 1223. The author employs a Mosaic motif in order to lend added support to the divinely-inspired nature of the rule.

Largely in line with what we understand as the historical events, Bonaventure allocates the first redaction of the early movement's foundational document to the early rule, that *vitae formulam* or *vivendi formam*.<sup>321</sup> Here, the hagiographer makes recourse to three of the features present in *VbF*. Similar to Thomas' initial account, he affirms Francis' singular authorship (*scripsit sibi et fratribus suis ... formulam vitae*) of the document, *RegNB*'s simplicity (*simplicibus verbis*),<sup>322</sup> and the prevalence of Gospel material over ulterior institutional prescriptions (*pauca quaedam alia inseruit*), adding to the disproportional favouring of Gospel texts that the observance of the Gospel served as its foundation (*in qua Sancti Evangelii observantia pro fundamento ... collocata*). The early rule's definitiveness and brevity fall by the wayside as irrelevant ephemerae. In such a fashion, as QUAGLIA himself points out, the account resembles that of *VJS* to a greater degree than it does that of *VbF*.<sup>323</sup> At once, however, in a way dissimilar to *VJS*, it also resists redirection of emphasis exclusively to the official rule. Bonaventure splits the two approaches and forms a hybrid interpretation, which, although it refrains from reductionism in the inclusion of a dual process of redaction and approbation, placed decided emphasis upon *RegNB* and its foundational character for the burgeoning fraternity. As matter of course, Bonaventure falls in line with the tradition that was his inheritance in anticipating the entirety of *RegNB* to the *propositum* approved under Pope Innocent.

Conscious of his distinction concerning two rules and his preference for maintaining a degree of chronological propriety, Bonaventure addressed the canonical *regula* in turn,

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<sup>319</sup> Ibid.

<sup>320</sup> A pericope (197) discovered in Ms. Little affirms that Francis had entrusted the rule to the ministers and not to Elias exclusively. See: Ed. A.G. Little, 1913.

<sup>321</sup> *LegMai* III, 8 (*FF* 800)

<sup>322</sup> Bonaventure shows himself quite insistent regarding the document's simplicity as well as that of its author (III, 8: ... *disposuit cum illo simplicitatis coetu apostolicae Sedis adire praesentiam ... respiciens sociorum animos simplicitatis suae consideratione perterritos ...*)

<sup>323</sup> *La regola francescana*, 477.



whereby he articulates its brevity, definitiveness, and divinely inspired nature. Regarding the simplicity and proportionality of Gospel texts and ulterior institutional concerns, however, Bonaventure does not utter a response. The *regula* is brief inasmuch as it constitutes a sort of abbreviated compendium of what preceded it (*Volens ... confirmandam regulam ex verborum Evangelii aggregatione profusius traditam ad compendiosiore formam ... redigere ...*).<sup>324</sup> The author affirmatively hints at the definitive nature of the rule with the added force of the Latin *in perpetuum* with regard for the confirmation of 1223.

Interestingly, immediately after the vision, indeed a revelation from God, adopted from *Memoriale* 209, in which the Lord instructs Francis to construct the rule as a host pieced together from tiny bread crumbs, the narrative then qualifies the singleness of authorship. It relates that Francis retreated with two companions to a certain mountain in order to condense the rule. There Francis did not appear to seek aid from his companions. Rather, in fast-charged solitude and prayer, he dictated the rule as the Holy Spirit inspired him to do. Allusion to the account of Moses and the reception of the Ten Commandments is perceivable. The narrative thereby indicates divine agency in the rule's composition. On the repeat occasion of the rule's composition 'just as before' (*rediit eamquae instar prioris*),<sup>325</sup> Bonaventure reinforces the divinely inspired nature of the rule in the assertion that Francis rewrote the rule 'as if he were taking the words from the mouth of God' (*ac si ex ore Dei verba susciperet*).<sup>326</sup> Again scriptural echoes of Deuteronomy chs. 9 and 10 are manifestly present. Nonetheless, the ultimate sign of God's approval of the rule then comes in the final section of *LegMai* ch. 4. Here, Francis exhorts the brothers to obey the rule and assures them that it did not at all result from his own efforts, but that he had dictated what was revealed to him by the divine. The narrative thus signals the shifting of language from a suggestion of the Holy Spirit or a simile-driven taking of words from God's mouth to the rule's character as authentic divine revelation (*sibi fuerant divinitus revelata*).<sup>327</sup> A means of undeniably buttressing Francis' humble utterance, the author links the final confirmation of the rule with the stigmatisation event. Bonaventure claims that a few days after Francis' assertion the finger of God imprinted the stigmata, the sign and seal of Christ, the Supreme Pontiff. Strikingly, he then makes plain the purpose of such an event. He affirms that God had willed that Francis be stigmatised as a means of 'all manner of confirmation of the rule' (*ad confirmationem omnimodam regulae*)

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<sup>324</sup> *LegMai* IV, 11 (*FF* 812-3)

<sup>325</sup> *FF* 812

<sup>326</sup> *Ibid.*

<sup>327</sup> *FF* 813

and ‘commendation of the author’ (*et commendationem auctoris*).<sup>328</sup> As such, *LegMai* renders doubly fortified the confirmation of the *RegB*, first by the Church and then by God himself.

Moreover, comparable to certain of its later sources, *LegMai* recounts the episode of divination at the Church of San Niccolò in conjunction with the account of the early rule’s composition and thereby conditions the matter of authorship.<sup>329</sup> As ACCROCCA contends,<sup>330</sup> Bonaventure takes the divination account directly from *3Com*.<sup>331</sup> Other influences may exist. Having been moved by what he had heard at the Gospel reading at Mass on the poverty and preaching of the primitive Christians, Francis goes to carry it out and conform himself completely to the rule of right living given to the apostles (*apostolicae rectitudinis regulae*).<sup>332</sup> As in *3Soc*, Francis went, together with his first companion Bernard, to seek counsel from God as to the proper way to proceed. Initiative lies totally on the side of Francis, who states *A deo est ... hoc consilium requirendum*.<sup>333</sup> Upon opening the scriptures thrice, and thrice receiving a message on either poor ways or self-denial for Christ’s sake, Francis then emphatically proclaims *Haec est ... vita et regula nostra*.<sup>334</sup> Such narrative accounts certainly rearrange and condition the authorship question with regard for the rule. Thus as regards the assertion of divine authorship, Bonaventure willingly affirms divine agency in its composition by means of the anecdotes available to him, but prefers to omit the emphatic rhetorical devices employed to underscore the concrete implications of its sacrosanct nature with regard for the rule’s singular interpretation (*ad litteram, sine glossa*). Instead, he relates this and other episodes without assigning to it an exceeding level of importance potentially sparking further implementations in a critical affront toward the *status quo* stance on the rule, which echoed *Test* expressly over and against the proclamations of *Quo elongati*.

As indicated, the legend exhibits a high degree of identification between Gospel and rule. The chapter on the sacred stigmata culminates claiming that Francis had reached the summit of Gospel perfection (*evangelicae perfectionis apicem*),<sup>335</sup> to which he had been prompted early on by the divine upon hearing the Gospel way of life (*formam ... evangelicam in vivendo*) revealed to the Apostles by Christ.<sup>336</sup> Bonaventure then establishes a direct link between the brothers’ rule of life and the Gospel. The episode of hearing the Gospel at the

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<sup>328</sup> Ibid.

<sup>329</sup> *LegMai* III,3 (FF 1054)

<sup>330</sup> *Viveva ad Assisi un uomo di nome Francesco*, 95.

<sup>331</sup> *3Com* 29 (FF 1431)

<sup>332</sup> *LegMai* III, 1 (FF 795)

<sup>333</sup> *LegMai* III, 3 (FF 796)

<sup>334</sup> *LegMai* III, 3 (FF 797)

<sup>335</sup> FF 898

<sup>336</sup> *LegMai* III, 2 (FF 794-5)

Mass proved programmatic, as Francis proclaimed *Hoc est ... quod cupio, hoc quod totis praecordiis concupisco*.<sup>337</sup> Profoundly moved by what he had heard, Francis carries it out and conforms himself completely to the rule of right living given to the apostles (*apostolicae rectitudinis regulae*).<sup>338</sup> Francis found himself the herald of the Gospel (*factus evangelicus praeco*)<sup>339</sup> and made himself obedient to the Gospel in everything, as exemplified in his perfect fulfilment of poverty, chastity, and obedience<sup>340</sup> and in his appropriate abstinence and conformity to hosts in eating habits.<sup>341</sup> The divination account then underscores the way of life's origins in the Gospel. As Francis approaches Pope Innocent III and then present among the curial officials, Cardinal John of St. Paul utters a defining phrase concerning the proposed *formam evangelicae vitae*, which reassures the hesitant pope, reticent to approve of such a stringent way of life that appeared novel and difficult beyond human powers (*novum aliquid et supra vires humanas arduum*).<sup>342</sup> The statement arouses consent and convinces Innocent to approve the brothers' *propositum*. It also allays any doubt as to the observability of the Gospel as well as the intrinsic connection between the rule, at least the early rule, and the Gospel. Indeed, for Bonaventure, it is in the Gospel that virtue and vow intersect for the Minorites. He renders as much manifest in *LegMai*. As is appropriate, with the backing of papal authority, the account then has Francis then set forth on the road to the Spoleto valley to fulfil and teach the Gospel.<sup>343</sup>

It is worth noting, albeit perhaps not altogether unexpected, that not a single mention of the *Test* appears in Bonaventure's corpus. *LegMai* is no exception, although a clear allusion appears sporadically.<sup>344</sup> Bonaventure prefers instead to recount the story in a fashion more aligned with its positivistic historicity, dissimilar to the *Test* with its dehistoricising reinterpretation. Aside from Bonaventure's avowed assertion vis-à-vis the unbreakable link between Gospel and *forma vitae*, which clearly bears connotations distinct from those put across in *Test*, it is difficult to imagine a more antithetical representation of the rule as encapsulated in the *Test*, or at least in *VbF*, in the Minorite milieu of the period than that put forth by Bonaventure in *LegMai*.

<sup>337</sup> Here, Bonaventure melds the accounts of *VbF* 22,3, *VJS* 15,3, and *3Soc* 25, 2.

<sup>338</sup> *LegMai* III, 1 (FF 795)

<sup>339</sup> *LegMai* IV, 5 (FF 807)

<sup>340</sup> *LegMai* VII, 6 (FF 836-7)

<sup>341</sup> *LegMai* V, 1 (FF 813-4)

<sup>342</sup> *LegMai* III, 9 (FF 801). *Si petitionem pauperis huius tamquam nimis arduam novam que refellimus, cum petat confirmari sibi formam evangelicae vitae, cavendum est nobis, ne in Christi Evangelium offendamus. Nam si quis intra evangelicae perfectionis observantiam et votum ipsius dicat contineri aliquid novum aut irrationabile vel impossibile ad servandum, contra Christum, Evangelii auctorem, blasphemare convincitur.*

<sup>343</sup> *LegMai* IV, 1 (FF 803)

<sup>344</sup> *LegMai* XIV, 1 (FF 899); I, 6 (FF 785); I, 5-6 (FF 784-6)

*The Authority of Francis*

Perhaps most notable with regard for Francis' authority in the work of Bonaventure is the prophetic-eschatological significance allotted the order's founder at the outset of *LegMai* and expanded in subsequent passages. The work's prologue describes how Francis is the sign and also the presence of Christ in this the last phase of the world's history,<sup>345</sup> and how he is full of the prophetic spirit and has been sent to prepare the way of the Lord, who is due to return soon.<sup>346</sup> Francis is the angel of the sixth seal prophesied by the scriptures in Revelation.<sup>347</sup> Bonaventure later elaborates upon assertions made in the prologue. Francis shall mark the faithful with the sign of the Tau.<sup>348</sup> He is another Elijah and, still further, a new John the Baptist meant to pave the way for Christ, to usher in the saviour of humanity in his Second Coming.<sup>349</sup> He is the friend of Christ, the Bridegroom.<sup>350</sup> Among the most poignant of his comments in this regard, Bonaventure writes that Francis signals a new age of salvation history.<sup>351</sup>

As ACCROCCA notes, Bonaventure underscores the apocalyptic dimension of Francis' eschatological significance in his supplementing brother Sylvester's dream with the account of Francis's struggle with the dragon,<sup>352</sup> thereby eliciting millennial imagery of scriptural origin. By the criteria of modern historiography Bonaventure was certainly a 'Franciscan Joachite,'<sup>353</sup> and thus a proponent of a distinctly 'Franciscan eschatology' that was nevertheless far enough astride from the heterodox components of traditional Joachite texts and aligned with orthodox streams as seen for instance in Gregory IX's bull canonising Dominic of Guzman *Fons sapientiae*. Scholars insist that it is also important to bear in mind the historical context of Bonaventure's legend in that regard. The minister general's goal was to envision Francis as having an essential role in the end times without going to the extremes reached by Gerard of Borgo San Donnino<sup>354</sup> and at once also in a critical stance toward the polemic of

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<sup>345</sup> *LegMai* Prol 1 (FF 777-8)

<sup>346</sup> *LegMai* Prol 2 (FF 778-9)

<sup>347</sup> *LegMai* VII, 12 (FF 841-2)

<sup>348</sup> *LegMai* IV, 9 (FF 810)

<sup>349</sup> *LegMai* Prol. 1; IV, 4; XI, 6; XV, 8 (FF 777-8, 805-6, 873-4 & 908-9). For the New Testament link between Elijah and John the Baptist, see: Mt 11, 14.

<sup>350</sup> *LegMai* Prol 1; IX, 1; XIII, 3 (FF 777-8, 853-4, 891-2)

<sup>351</sup> *LegMai* XI, 14 (FF 879)

<sup>352</sup> *LegMai* III, 5 (FF 797-8)

<sup>353</sup> See: Bernard McGinn, "Apocalypticism and Church Reform," 284-85 and Karris, 'Introduction,' in: *Disputed Questions on Evangelical Poverty*, 16-20.

<sup>354</sup> For instance Bonaventure never specified a date for the apocalypse and, while he envisaged the Friars Minor as a leading force in the coming age, the order of his time was still considered merely of the cherubic order rather than of the supreme seraphic order. For a detailed analysis of Bonaventure's careful but evident 'Franciscan Joachism,' see: J. Ratzinger, *Die Geschichtstheologie des hl. Bonaventura*, Munich 1959. On the matter B. Tierney states, "Bonaventure, to be sure, had no sympathy with Gerard of Borgo San Don-

William of Saint-Amour, whereby the hagiographer responded to certain objections of his secular counterpart as to their privileged eschatological status and its characteristics.<sup>355</sup> For Bonaventure, Francis' place in salvation history lends him and, as a consequence, his order an exceeding authority in light of the coming age. *LegMai* thus bolsters the authoritative position of Francis in an unprecedented manner with regard for official hagiographical writing.

Bolstered by his holiness, Francis' authority has divine origin on account of his and the Lord's wills being one already during his earthly existence. He had already attained perfection. In the initial chapter, Bonaventure intimates how Francis was predestined to greatness when he recounts an episode of a simple man in Assisi, a John the Baptist type, who declared that Francis was worthy of reverence and would be magnificently honoured by the entire body of the faithful.<sup>356</sup> With Francis' extraordinary, indeed perfect holiness come also extraordinary graces. Dissimilar to certain earlier legends, which attribute *post mortem* miracles to Francis' intercession, the author elects to depict Francis as a thaumaturg, performing miracles even during his lifetime. Francis is also granted the graces of prophecy and the knowledge of truth both with regard for the consciences of others and as it concerns future events. Perhaps more so than any other prior legend, *LegMai* notes Francis' extraordinary capacity to see into the consciences of others, indeed the extra-sacramental grace normally afforded only to priests, thereby highlighting the spirit of prophecy (Rv. 19, 10) that had entered into Francis.<sup>357</sup> Taking a cue from *VbF* 47, *LegMai* relates how Francis transfigured during the night into a fiery bright globe as brilliant as the sun after which all of the brothers' consciences were laid bare.<sup>358</sup> As had *VJS* 29, the author notes how Francis would probe the secrets of his brothers' consciences. Bonaventure then scatters ch. XI with anecdotes on Francis' exceptional ability of divine foresight and his propensity to probe the conscience of others.

Multifarious dimensions of Francis' leadership style come to the fore in Bonaventure's legend. In any event, Francis' ruling style does not exhibit overbearing characteristics. On the road to the Spoleto valley, relying on divine grace and papal authority, he set forth to fulfil and teach the Gospel. There, as he had in *VbF* 34, Francis discusses with his companions as to

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nino's heretical view that Francis had come to proclaim a new eternal gospel which would replace the Gospel of Christ. Nor did he accept Joachim of Flora's prophecy of a coming third age of the Holy Spirit. But he did follow Gerard in identifying Francis with the Apocalypse's "angel of the sixth seal" and he followed Joachim in teaching that this angel-figure had a two-fold role in sacred history—to make a new revelation concerning the "spiritual meaning of the Gospel and to establish a new community of religious whose way of life would be a model for the church in the last age of its existence on earth." *Origins of Papal Infallibility*, 77.

<sup>355</sup> Karris, 'Introduction,' in: *Disputed Questions on Evangelical Poverty*, 19-20.

<sup>356</sup> *LegMai* I, 1 (FF 781-2)

<sup>357</sup> *LegMai* XI, 3 (FF 870-1)

<sup>358</sup> *LegMai* IV, 4 (FF 805-6)

the proper way to move forward.<sup>359</sup> He did not impose a plan of action upon them. Rather, he demonstrates a capacity to be a brother amongst brothers and deliberate collectively the manner of procedure in keeping with the integrity of the rule, advance in holiness and justice, improve themselves, and provided an example for others.

As Francis summoned the brothers at general chapter to allot to each a portion of obedience, *LegMai* describes him in terms of a pious shepherd who was aware when danger threatened his sheepfold<sup>360</sup> and a watchful shepherd, who had a solicitous care for governing.<sup>361</sup> Astonishingly, although Francis could not be present at provincial chapter, he would at times appear visibly by God's miraculous power. Here, Bonaventure forges an unbreakable bond between the chapter assemblies and the authority and enduring legacy of Francis, who was nevertheless present even in times of absence. Anticipating the policy of general and provincial chapters to an earlier time, Bonaventure thus renders the legend more applicable to the current state of the order.

For Bonaventure, Francis was a good leader of Christ's army.<sup>362</sup> Parental imagery as seen in previous legends, in particular *VbF*, resurfaces in *LegMai*. Bonaventure employs the image of a father, applying the descriptors of merciful, pious, gentle, and kind.<sup>363</sup> The chapter on piety (VIII) discusses Francis who was so moved with piety that he tended to all things with such attention and care that he seemed like a mother.<sup>364</sup> Here, one gets a glimpse of a more tenderhearted Francis. The passage echoes earlier sentiments as to maternal imagery for order leadership. As a strong maternal figure, Francis's character was marked by both remarkable gentleness and power. The figure of the order's founder is no longer a 'living reproach.' In fact, the chapter on humility and obedience describes him as the authentic scorner of himself (*verus sui contemptor*).<sup>365</sup> On select occasions when he issues orders, he does so either as a means to prove his unworthiness or God's faithfulness. Even God bent to his wish (*condescensio*). Just as God condescended to Francis' humble requests,<sup>366</sup> Francis, too, tended to his flock with discerning condescension and led them away from harm.<sup>367</sup>

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<sup>359</sup> *LegMai* IV, 1 (FF 803)

<sup>360</sup> *LegMai* V, 7 (FF 818-9)

<sup>361</sup> *LegMai* VI, 10 (FF 830-1)

<sup>362</sup> *LegMai* V, 1 (FF 813-4)

<sup>363</sup> *LegMai* III, 7 (FF 798-9)

<sup>364</sup> *LegMai* VIII, 1 (FF 842-3)

<sup>365</sup> *LegMai* VI, 2 (FF 828)

<sup>366</sup> *LegMai* V, 11 (FF 821-2)

<sup>367</sup> *LegMai* V, 7 (FF 818-9)

Of importance, the hagiographer opts to relate the narrative account of Francis' abdication.<sup>368</sup> The story is taken almost word-for-word from *Memoriale* 151-2, the narrative presents the event as the ultimate expression of Francis' humility, his will to obey rather than command, with clear Christological undertones. In a passage original to the legend, the author describes how Francis had chosen, not only to be beneath, rather than above, but also to obey, rather than command. Francis' performative lesson on true humility in which he ordered a brother to drag him into the piazza and strip him to his undergarments,<sup>369</sup> lead into the supreme declaration of humility, that is that of self-*minoratio* and self-deposition from a place of power that one may be subject to the other. Chief among the virtues mentioned in the motif, obedience features quite prominently. The fruit of obedience, proclaims Francis, is so abundant that no time passes without profit for those who submit their necks to its yoke.<sup>370</sup> Thus what began as a lesson on humility has direct consequences for the theology of obedience present in the work. As Bonaventure suggests here and affirms in other works, humility denotes the inner disposition proper to acts of obedience. The marked motifs of divine agency in the prelate (*vicarius Christi*) and the model obedient brother as a lifeless corpse (*corporis mortui similitudinem pro exemplo proposuit*)<sup>371</sup> provide the narrative with both rhetorical poignancy and theological specificity in relation to the obedient attitude required of the brothers. The rearrangement of Thomas' legend that follows then streamlines the account and its surrounding periscopes. In such a fashion, Bonaventure's narrative forms a unified lesson employed in order to deliver the proper attitude of a brother toward prelacy.

Bonaventure asserts that many were inspired by the saint's example.<sup>372</sup> A prominent couplet arises on several occasions throughout the work, Francis set out to 'fulfil and teach the Gospel of Christ,'<sup>373</sup> the other brothers sought to 'follow his life and teaching.'<sup>374</sup> Francis operates thereby as a living parallel to Christ who was the Lord and Master who taught humility by both in word and in deed.<sup>375</sup> Yet is Francis truly imitable in the legend? Scholars have at times articulated their opinions in the negative. For Bonaventure, Francis is eminently worthy of imitation<sup>376</sup> and worthy of being followed,<sup>377</sup> even if he was easier to admire than to

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<sup>368</sup> *LegMai* VI, 4 (FF 825-6)

<sup>369</sup> *LegMai* VI, 2 (FF 823-4)

<sup>370</sup> *LegMai* VI, 4 (FF 825-6)

<sup>371</sup> *LegMai* VI, 4 (FF 826)

<sup>372</sup> *LegMai* V, 1 (FF 813-4)

<sup>373</sup> *LegMai* IV, 1 (FF 803-4)

<sup>374</sup> *LegMai* IV, 4 (FF 806-5)

<sup>375</sup> *LegMai* VI, 1 (FF 822-3)

<sup>376</sup> *LegMai* Prol 2-3 (FF 778-9)

<sup>377</sup> *LegMai* VI, 11 (FF 831-2)

imitate especially with regard for his humility.<sup>378</sup> Repeated use of following his life and teaching reaffirms the saint's imitability. He thus appears to strike a balance between the radical sanctity of Francis with its concomitant extraordinary graces and the more down-to-earth facets of his virtues and spiritual practices. Besides, as Bonaventure lays plain in *PerfEv* and *Ap-Paup*, Francis' perfection is of course exceedingly difficult to achieve, but nevertheless feasible as it bears certain distinguishable criteria toward which one may strive.

#### *Order Authorities*

In the immediate context of the abdication account,<sup>379</sup> the author couples the *vicarius Christi* motif with the cadaver image re-appropriated from *Memoriale*, which had adopted it from material sent to Crescentius of Jesi. While instructional passages remind ministers of their role as servants of the other brothers, thereby offsetting the apparent absoluteness of their authority, the evocation of agentic imagery denotes a qualitatively distinct relationship between order authority and subordinate. Subsequent to Francis' abdication, Bonaventure then rearranges Thomas' narrative in the surrounding pericopes and transitions into a lesson on the meaning of a Lesser Brother and its implications for the prelaty.

In such a way, with the lesson directly following (rather than preceding) the abdication, these passages operate as hermeneutical keys to the episode. As a result, the stories form more of a unit, which seeks to portray the proper attitude of a brother toward prelaty. The brief instruction recalls the charismatic origins of titles concerning the order and its leaders. A true Lesser Brother, Francis instructs, desires humiliation and prefers it to praise. Humility is beneficial to the soul, whereas the pride tendentially experienced by those in a position of power is a trap. In prelaty there is a fall, in praise a precipice, in the humility of a subject profit for the soul.<sup>380</sup> Rather than fall into the precipice of pride and false praise, the brothers are to imitate Francis, the 'pattern of humility' (*humilitatis forma*), who wished the prelates of his order to be called ministers in accordance with the words of the Gospel. The brothers are to learn from the humble Christ, master of the school of humility, himself as to their self-importance. To the lesson, Bonaventure then adds the account of Hugo of Ostia who approaches Francis and inquires as to whether he would allow his brothers to be elevated to ecclesiastical offices. The response is paradigmatic and is congruent with the message put forth in the other writings as well as the biography of Bonaventure. Francis replies that the brothers are called *minores* so that they might not become *maiores*. Francis then beseeches the pope,

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<sup>378</sup> *LegMai* VI, 2 (FF 823-4)

<sup>379</sup> *LegMai* VI, 4-5 (FF 825-7)

<sup>380</sup> *LegMai* VI, 5 (FF 826-7)



saying that he should see to it that they maintain the status in which they were called.<sup>381</sup> As such, Bonaventure streamlines Thomas' narrative and renders it a succinct, focussed lesson on the nature of power within the order, proper attitude toward leadership, and the lowly status of the order and its members, of which Francis' abdication is a demonstrative personification.

An episode of a disobedient and recalcitrant brother enigmatically exhibits at once both the harshness of the offense of disobedience as well as the pious and merciful attitude demanded of the ideal minister. Here, Francis recognises the gravity of the offense to have failed in his duty of obedience and at once also shows mercy on him by sparing him the true penalty deserved by throwing his hood into the fire only to reveal that it had been miraculously unscathed. It is worth noting that deprivation of one's hood was a penalty reserved for grave offence in *ConstNarb*. As a result, Francis reproached the brother and avoided inviting further offence by showing excessively easy forgiveness. The mysterious account thus reinforces the exigency and the balanced approach required of Minorite authorities concerning justice and mercy in relation to the other brothers.

#### *Charism and Charismatic Principles*

Although Bonaventure demonstrates a receptiveness to the charism in *LegMai*, he ultimately relegates the kenotic, service-based conception of obedience to the realm of humility and in particular to piety and somewhat restricts that part of Francis' character and activity to the conversion narrative. The service of a leader to those beneath him is present in ch. VII on humility and obedience as indicated. Piety thus covers the universal component and drives him to be lifted up into God through devotion, transformed into Christ through compassion, turned to his neighbour through self-emptying, and refashioned to the state of innocence through universal reconciliation with each thing.<sup>382</sup> Early on in the conversion narrative,<sup>383</sup> Francis serves a poor knight, fulfilling the twofold duty of piety, in that he alleviated the knight's embarrassment and relieved his need. As such, the narrative slightly anticipates the account of the pivotal encounter with the leper<sup>384</sup> and the ensuing fully fledged conversion in which he clothes himself with poverty, humility, and piety. The threefold virtuous attire that Francis dons constitutes a formative set of values that find echo throughout the work. He then serves the lepers by performing deeds of humility and humanity.

Indeed, it was with piety that the divine first struck Francis' heart at the outset of his conversion. The author then enters into a rather detailed description of the saint's hands-on

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<sup>381</sup> Ibid.

<sup>382</sup> *LegMai* VIII, 1 (FF 842-3)

<sup>383</sup> *LegMai* I, 2 (FF 782-3)

<sup>384</sup> *LegMai* I, 5 (FF 784-5)

care for them.<sup>385</sup> Salient among the descriptors, Francis, the lover of profound humility (*totius humilitatis amator*), then went among the lepers and served them all most diligently for God's sake (*diligentissime serviens omnibus propter Deum*).<sup>386</sup> Lexical echoes from the early writings, in particular the *RegNB*, are evident here. *LegMai* infuses Francis' compassionate, merciful attitude toward others with the motif of *condescensio*, what the English language editors deem "a stooping of one who is actually exalted in power, rank and dignity, i.e., Christ, so as to accommodate himself to others."<sup>387</sup> Francis, who would completely transform into Christ crucified through an enkindling of ecstatic love,<sup>388</sup> sought to, and did, conform to Christ, in particular as present in the Eucharist, which the author describes in no uncertain terms, albeit by way of Thomas' words (*Memoriale* 201), as loving condescension and condescending love. Francis' gradual, love-driven alignment with Christ thus filled him with the likeness and attributes of his beloved, chief among which was his most 'condescending' manifestation in the Eucharist. As such, Francis became a model of self-immolation and sacrifice for the sake of others as it spiralled out in the form of loving care and affection.<sup>389</sup>

Of interest to the current study, the outward expression of piety developed and expanded in ch. VIII takes on a specific character with particular consideration not only for physical acts of merciful servitude, but also and perhaps most importantly service and care in the form of the spoken word, that is preaching. In that sense, VIII, 1-4 & 11<sup>390</sup> are congruous with the order's professed focus upon preaching as a means of inclining oneself toward the other – to wit, *condescensio* – with emphasis upon integral preaching by action in addition to that of the oral sermon, a principle which the author later underscores with some intensity (ch. XII).<sup>391</sup> The charge of *praedicatio* was an *officium pietatis*,<sup>392</sup> a pastoral service of piety undertaken by the protagonist with some constancy in the work and takes place not only on the street or in the piazza as one would expect from a lay penitent, but in churches, monasteries, and even the cathedral of Assisi on Sunday.<sup>393</sup> A certain passage appears to equate labour with instructing the world by example based upon the pattern of Christ.<sup>394</sup> In support of the case, Bonaventure lays an unprecedented emphasis upon truth as the true teaching of salvation

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<sup>385</sup> *LegMai* II, 6 (FF 791-2)

<sup>386</sup> *Ibid.* (FF 791)

<sup>387</sup> *FA:ED*, Vol. II, 586, n. b.

<sup>388</sup> *LegMai* IX, 2 (FF 854-5)

<sup>389</sup> *LegMai* IX, 3-4 (FF 855-6)

<sup>390</sup> FF 842-5 & 852-3

<sup>391</sup> *LegMai* XII, 1 (FF 880): *in praedicatione multa oportet condescensionem uti ad homines et humane inter eos vivendo, humana cogitare, videre, dicere et audire.*

<sup>392</sup> *LegMai* VIII, 1 (FF 842-3)

<sup>393</sup> *LegMai* IV, 4, 9; XII, 1, 12; XV, 5 (FF 805-6, 809-10, 879-80, 888-9, 907-8)

<sup>394</sup> *LegMai* XII, 1 (FF 879)

outlined in the Gospel. It is in the sharing and heralding of the truth that Francis' preaching becomes most effective,<sup>395</sup> that is, when he truly preached the Gospel of Christ.<sup>396</sup> Reorienting a passage from *Memoriale* 172, the author affirms the origin of reverence for ministers of God's word, or preachers; namely, that they reach out to others with a pious concern for their conversion and guide them with concerned piety.<sup>397</sup> A striking instance has Francis exhort the town of Greccio, preaching penance that the townsfolk might spare themselves further harm from natural catastrophes by embracing repentance.<sup>398</sup> A second form of expressing piety and a reflection of God's own attitude toward humanity was the self-emptying through tenderness of compassion not only for the spiritually indigent but also for those with bodily affliction.<sup>399</sup> In the observance of piety, he extended a hand to the poor. In these two ways Francis saw to the needs of others.

It was also in his obedient response to the call to return to Assisi and to the rich lesson on compassion at the encounter with the leper and to receive the command of the San Damiano crucifix that Francis is designated an exemplar of obedience (*exemplar obedientiae*).<sup>400</sup> Obedience thus underlies the entire conversion motif and is thereby linked to the servile spirit of piety, even though the two remain somehow distinct. Even the culmination of his conversion, the undertaking of the command issued by the San Damiano crucifix to repair the Lord's house, has obediential overtones, where it reads that Francis prepared himself to obey and composed himself to carry out the command.<sup>401</sup> Grounded in the humility of Christ, Francis was a truly obedient man and, enjoined to obedience by the cross, he returned to accomplish what he had set out to do.<sup>402</sup> There is thus a twofold conversion that goes on in Francis, one directed by piety and based in service of the lepers, the other driven by Christ's direct command to rebuild his house, the physical church, and to enliven the universal Church. The two changes are intrinsic to the theology elicited in Bonaventure by Francis' experience and enjoy equal validity.

In such a manner, Bonaventure shows himself truly cognisant of the group's origins and original calling. He even refers to Francis with the epithet servant of lepers (*leprosoꝝ servus*).<sup>403</sup> It is thus mislead to claim as some authors do that Bonaventure somehow betrayed

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<sup>395</sup> *LegMai* XII, 8 (FF 885)

<sup>396</sup> *LegMai* XII, 12 (FF 888-9)

<sup>397</sup> *LegMai* VIII, 1 (FF 842-3)

<sup>398</sup> *LegMai* VIII, 11 (FF 852-3)

<sup>399</sup> *LegMai* VIII, 5 (FF 845-7)

<sup>400</sup> *LegMai* I, 3 (FF 784)

<sup>401</sup> *LegMai* II, 1 (FF 787)

<sup>402</sup> *LegMai* II, 7 (FF 792)

<sup>403</sup> *LegMai* II, 6 (FF 792)

the charism, let alone single-handedly. Both the episode with the leper and that of the San Damiano crucifix have equal weight in the account and play out individually in the text all the way until the end. Worthy of note is that *LegMai* appears, however, to subordinate the service-based calling to that of rebuilding the Church. While Francis' piety remains ever-present, it does not interfere with his mission to edify the faithful through preaching and exhorting to penance, and it thereby finds a secondary place in the grande scheme. The operation of piety is somehow always set apart from institutional concerns. Francis exercises it himself, but does not demand it of others. Chapter III on the founding of the religion and the approval of the rule relates a threefold movement relevant to the matter of the order's main task. First, Francis is struck by Christ's sending out of his disciples to preach; he then endeavoured to carry out what he had heard and conform to the rule of right living given to the apostles (*apostolicae rectitudinis regulae*); and finally, the narrative offers how Francis would become a model of Gospel perfection and invite others to penance.<sup>404</sup> It thus appears that a normative model patterned on pastoral care with particular emphasis upon preaching and penance surfaces and is favoured at an institutional level. In such a manner, Bonaventure appears to have taken to heart Innocent's fabled mandate to preach penance as reported in Minorite hagiography (*dedit de poenitentia praedicanda mandatum*).<sup>405</sup>

Though no direct citations from *Test* make an appearance in the Bonaventurian corpus, a few distant echoes that exceed the motifs already present in prior legends attest to Bonaventure's acquaintance with the document. An initial allusion to *Test* appears where the narrative recounts how Francis' profound change of heart was reflected in his perception of the lepers who previously were horrifying and to whom he was now drawn.<sup>406</sup> The author goes on to expound upon the notion when he writes of Francis' work with lepers and learning *miserericordia*, a lexical echo of the *Test*,<sup>407</sup> a sort of active suffering with the other. Ch. XIV contains another allusion to the *Test* and the group's humble origins, where the dying Francis attempts to rouse his confreres, proclaiming that he wished to serve the Lord *quia usque nunc parum profecimus*.<sup>408</sup> The author goes on to proclaim Francis' desire to return to the humility practiced at the beginning (*ad humilitatis ... primordia*), nursing lepers and treating his body like a slave from his intense labour. However, the passage seems to operate as a demonstration of Francis' holy, Christ-like desire to serve others parallel to that experienced by Christ on the

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<sup>404</sup> *LegMai* III, 1-2 (FF 794-5)

<sup>405</sup> *LegMai* III, 10 (FF 802-3)

<sup>406</sup> *LegMai* I, 6 (FF 785)

<sup>407</sup> *LegMai* I, 5-6 (FF 784-6)

<sup>408</sup> *LegMai* XIV, 1 (FF 899)

cross rather than of a yearning for the compromised state of the group's charism or paradigmatic foundations as it had been in the *Test*. The passage opens with the motif of the ill and dying Francis, who thirsted with Christ crucified for the multitude of those to be saved. The inclination of pious and humble servitude of the needy thus serves its purpose in that it supplies the conversion motif and the death scene with a concerted Christological focus, whereby a parallel movement, in a word *condescensio*, is present in the life of Francis. The condescension of Francis reflects that of the Lord, the 'lover of the humble' (*amator humilium*),<sup>409</sup> who rewards those who prefer humility to honour and seek the last place, that of a slave, rather than the first. Thus, the self-emptying dynamic of humility and obedience are not only ends in themselves insofar as they have ascetic value. Rather, they also solicit the assistance of God in a sort of embodied petition, wherein God bows to the wants and needs of the humble and obedient.<sup>410</sup> A pericope on the miraculous transportation of relics at the hands of God relays a lesson on obedience and the observance of God's will.<sup>411</sup> In the brothers' disobedience, God accomplished his will by his own power and despite the brothers. The teaching indicates that in obedience, one becomes a living conduit of the divine inasmuch as one actively engages in the accomplishment of the divine will by surrendering to God's wish, which is carried out through the obedient brother. The author is then sure to recount that the disobedient brothers confessed their culpability in neglecting obedience and were ready to win back the favour of God by means of a penance. The narrative thus contrasts the power of God to accomplish the divine will with the humility of repentance required of the disobedient brothers.

Nevertheless, *condescensio* also denotes attitude and comportment in relation to the other. In particular, a means of reaching out to others in condescension was through preaching. The motif of preaching as *condescensio*, that is as a form of service toward the faithful. In such a manner, Bonaventure thus renders Francis a model for the brothers' pastoral work. Bonaventure thereby fixes a conceptual association between the Minorite value and its rich theology with the renewal of a pastoral paradigm, which both proves integral parts of the re-charismatising institutional layer that he proposes and find their unified expression in preaching.

Upon approval of the early rule and issuance of the mandate to preach penance, Innocent then bestows small tonsures (*coronas parvulas*) upon the lay brothers that they too might be able to preach.<sup>412</sup> The small tonsures given the lay members of the community evinces the

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<sup>409</sup> *LegMai* VI, 6 (FF 827-8)

<sup>410</sup> *LegMai* VI, 7 (FF 828-9)

<sup>411</sup> *Ibid.*

<sup>412</sup> *LegMai* III, 10 (FF 803)

mentality of priestly elitism apparent in the religious milieu of the 13<sup>th</sup> century and expressed in the *PreNarb* and the *ConstNarb* toward lay brothers, which granted them a second-class status within the order. The proper place for lay brothers, the narrative implies, was in the Order of the Brothers of Penance established by Francis for those to whom the road of penance is common, that is for all those who strive toward heavenly things, comprising clerics and lay, virgins and married of both sexes.<sup>413</sup>

With regard to Francis' father and parental obedience, Bonaventure makes recourse to the version recounted in *VbF*, whereby it is Pietro's initiative to bring Francis before the bishop. Being the exemplary Christian that he was, Francis was eager to comply (*faciendum se promptum*).<sup>414</sup> An apparently legitimate disobedience, it was for Lady Poverty that Francis left his father and mother.<sup>415</sup>

Incorporated Gospel logic of the lesser and the greater with particular regard for ch. 6's instruction on humility and obedience. The humility of Francis was exemplary in that it exalts its possessor and wins honour from all even while it exhibits reverence to all.<sup>416</sup> The notion is embodied chiefly in Francis' abdication, ensuing instruction, and petition to Hugo of Ostia not to let the brothers' rise to ecclesiastical prelacies.<sup>417</sup> Interestingly, the principle articulated here appears to reveal a genuine conviction held by Bonaventure, as he kindly refused the archprelacy of Leo of Paregia in the year 1241. However, Bonaventure humbly accepted the cardinal's red cloak when direct orders came from Rome. As laid out in *ConstNarb*, a brother must not disobey a direct charge from the papacy to assume an ecclesiastical post.

Bonaventure proposes a reinterpretation of the universal component of obedience in the account of Francis' perilous time among the Saracens.<sup>418</sup> The journey to visit Sultan turned into a demonstration of his radical other-centred asceticism and charity brought to its fullest expression in the desire for martyrdom, which was bound to go unfulfilled, for the divine design had a wholly different, albeit no less extraordinary, fate in store for him in the stigmata. Francis' selfless search of martyrdom, what the author defines elsewhere as the perfection of love in sacrifice for the other, finds its articulation in putting himself in harm's way

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<sup>413</sup> *LegMai* IV, 5 (FF 806-7)

<sup>414</sup> *LegMai* II, 4 (FF 790)

<sup>415</sup> *LegMai* VII, 1 (FF 832-3)

<sup>416</sup> *LegMai* VI, 11 (FF 831-2)

<sup>417</sup> *LegMai* VI, 4-5 (FF 825-7). Bonaventure thus infuses Francis' love for nature with an ulterior motive, that is, as means to praise God.

<sup>418</sup> *LegMai* IX, 5-9 (FF )

in order to the annunciation of the Gospel of truth, in the utterance of the preached word.<sup>419</sup> Indeed, ch. IX itself is entitled *De fervore caritatis et desiderio martyrii*. Here again the emphasis of Francis' service even under the rubric of charity takes the form of preaching. Although Bonaventure's theology of martyrdom as developed in *De Triplici Via*<sup>420</sup> and *Ap-Paup*<sup>421</sup> underlies the general force of the narrative, the journey to visit the Sultan became a spectacle related to a clash of religions and civilisations more broadly and a proof of the true faith. Bonaventure in essence bereaves the narrative of any potential for obedience in its universal component as understood in the early movement.

While a hint of the cosmic component of charismatic notion lies in the narratives with the animals, any characteristic trait of Francis' caring attitude toward animals is largely subordinated to their function as proofs of holiness or as medium for praise of the divine, in Bonaventurian terms divine vestige. In other words, such episodes operate within the narrative as a device employed both to buttress Francis' credibility as a saint and to anticipate God's *condescensio* due to Francis' essentially holy character. Due to his abundant piety the saint would refer to all creatures regardless of their size or stature as brother and sister in recognition of their shared origin in the Creator and their status as symbol of Christ.<sup>422</sup> Nonetheless, Francis gained power over the elements of the natural and spiritual order by his humble obedience.<sup>423</sup>

#### *Poverty and Poverty Norms*

Together with piety and humility, poverty was one of the three principle virtues with which Francis clothes himself at the beginning of his conversion. It was of course with the commands to live with poor ways that Francis was most struck at the Mass reading of the Gospel.<sup>424</sup> As ever, poverty also provides the central focal point of the divination account at the church of San Niccolò.<sup>425</sup> As is the case with obedience, piety, charity, and other virtues, the author devotes an entire chapter to the thematic topic of poverty. He structures the chapter according to thematic lessons. A litany of names follows with lessons addressing the wisdom of learned brothers,<sup>426</sup> architecture,<sup>427</sup> proper acceptance into the order,<sup>428</sup> the evil of coined

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<sup>419</sup> *LegMai* IX, 8 (FF 860-1)

<sup>420</sup> II, 8 (*Op. om.*, VIII, 9-10)

<sup>421</sup> IV, 1 (*Op. om.*, VIII, 252)

<sup>422</sup> *LegMai* VIII, 6 (FF 847)

<sup>423</sup> *LegMai* VI, 9 (FF 829-30)

<sup>424</sup> *LegMai* III, 1 (FF 794)

<sup>425</sup> *LegMai* III, 3 (FF 796)

<sup>426</sup> *LegMai* VII, 2 (FF 833-4)

<sup>427</sup> *Ibid.*

<sup>428</sup> *LegMai* VII, 3-4 (FF 834-5)

money,<sup>429</sup> and the begging of alms.<sup>430</sup> The other pericopes involve Francis' extraordinary commitment to poverty or miracles that involve poverty. Despite the avowed centrality of poverty in Minorite life, *LegMai* exhibits a fairly even distribution of virtues. It thus appears not to have been at the forefront of concerns in the composition. Conceptual links to humility contextualise the virtuous pursuit. Poverty is the stimulus of humility and the root of perfection.<sup>431</sup> In *LegMai*, Bonaventure views poverty as a virtue within the general context of humility and that inner spirit of poverty. Thus deliberations include a fair amount of crossover between the virtue of humility and that of poverty. Thus Bonaventure's is similar to charismatic notion in tenor. *SalVirt* presents the two as sister virtues, a couplet. In the rules, the begging of alms and active undertaking of the experience of the humble Christ are of central importance; so too are they in the legend.<sup>432</sup> A particular lesson on humility links the virtue with that of poverty. Here, after deliberating in prayer, Francis refused to stay at the luxurious residence of Cardinal Leo, though he had been courteously invited.<sup>433</sup> One who is called to give example to the others, he states, ought to remain above reproach and avoid courtly settings, lest the other brothers suspect his involvement in worldly affairs and the praise and honours associated therewith. Rather, one ought to 'live humbly among the humble in humble places' (*humiliter inter humiles in locis conversari humilibus*).<sup>434</sup>

On the road to the Spoleto valley, a place of great decision for the community where the brothers sought to determine the way forward for the group, they firmly established and irrevocably asserted (*statuerunt firmiter et irrevocabiliter confirmarunt*) never to withdraw from the promise to holy poverty.<sup>435</sup> What may at first appear an insignificant passage deploys the official language of law. The Latin verbs *statuere* and *confirmare* are employed in legal documents such as bulls and constitutions. *LegMai* thus underscores the binding nature of the brothers' early commitment to live a poor existence and seeks to affirm the continuity with brothers' handling of the matter of poverty at present day with the adverbs *firmiter* and in particular *irrevocabiliter*.

Interestingly, a link between poverty and the virtue of obedience emerges in a section describing the followers' desire for the perfection of Christ, which features a periscope dedicated to poverty. Holy poverty made them prompt for every obedience, robust for labour, and

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<sup>429</sup> *LegMai* VII, 5 (FF 835-6)

<sup>430</sup> *LegMai* VII, 7-10 (FF 837-40)

<sup>431</sup> *LegMai* VII, 1 (FF 832-3)

<sup>432</sup> *LegMai* VII, 7-8 (FF 837-9)

<sup>433</sup> *LegMai* VI, 10 (FF 830-1)

<sup>434</sup> *LegMai* VI, 10 (FF 831)

<sup>435</sup> *LegMai* IV, 1 (FF 803-4)



free for travel.<sup>436</sup> The passage suggests that the poor ways of the early brothers prepared them and rendered them more ready for acts of obedience.

As had the *SCom*, Bonaventure opens the chapter on the thematic of love with a personification of poverty, or *altissima paupertas*, and describes it in terms of a lovely woman, who shares a close friendship with Christ.<sup>437</sup> For her he is an outcast in the world and left his father and mother. Francis was eager to marry her in an everlasting love. Francis is the true lover of poverty. The author applies a series of laudatory appellatives to poverty,<sup>438</sup> comprising Pearl of the Gospel, Queen of the Virtues, the Foundation of his Order, the Root of all Perfection, the Hidden Treasure of the Gospel Field. Of all of the epithets attributed to poverty, perhaps the most significant in terms of Bonaventure's specific contribution is that of the foundation of his Order. Here, the hagiographer expands upon Thomas' notion of laying down a crumbling foundation for a spiritual building as applied to the novice who rather than giving all he had to the poor bequeathed it to his family.<sup>439</sup> As a means of segue from the lesson on learned brothers and poor edifices to the two instructional passages on the entrance of novices, Bonaventure employs architectural imagery to characterise the foundational nature of poverty to religious life. For Bonaventure, the order, indeed the very structure of religion rests upon the primary substratum that is poverty.

Francis, the True Patriarch of the Poor<sup>440</sup> shows himself particularly enthusiastic when enforcing the poverty proper to the brothers' life, which is to say to the Gospel. He instructed the brothers to operate according to the laws of pilgrims, by which they were to build poor, little houses as the poor did and to inhabit them as belonging to others rather than as their own property.<sup>441</sup> If Francis came upon an inhabitation of the brothers that was contrary to Gospel poverty, he would order them to tear it down. The criteria given for such houses are appropriated and sumptuous. Again, Bonaventure upholds the slightly vague architectural prescriptions from ages past.

Interestingly, for Bonaventure, poverty also plays a specific role in the life of the scholar. Whosoever desires to attain its height must also renounce worldly wisdom and the expertise of knowledge.<sup>442</sup> Such stockholders of knowledge for its own sake have a money

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<sup>436</sup> *LegMai* IV, 7 (FF 807-8)

<sup>437</sup> *LegMai* VII, 1 (FF 832-3)

<sup>438</sup> *LegMai* VII, 1-2 (FF 832-4)

<sup>439</sup> *LegMai* VII, 4 (FF 835)

<sup>440</sup> *LegMai* VII, 3 (FF 834)

<sup>441</sup> *LegMai* VII, 2 (FF 833-4)

<sup>442</sup> *LegMai* VII, 2 (FF 833-4)

bag of personal opinions in the recesses of his heart. In order to prepare himself for the Lord, a learned brother must strip himself of useless knowledge and lay himself bare for Christ.

Broad swaths of ch. VII's narrative are taken directly from scattered parts of *Memoriale*. Adopted passages comprise the passage on Brother Fly (VII, 3; Mem. 78), the saving of goods of novices (VII, 4; Mem. 67), the money purse miraculously turned to a snake (VII, 5; 68), the three poor women of Campiglia (VII, 6; Mem. 93), the poor man on the road (VII, 7; Mem. 83-4), Francis begging for alms as a dinner guest at the residence of Hugo of Ostia (VII, 7; Mem. 79), the lesson on Lesser Brothers begging in the last hour (VII, 8; Mem. 71), Francis secretly begging alms from the brothers (VII, 9; Mem. 61), the period of want in Satriano (VII, 10; Mem. 77), and the hermitage near Rieti (VII, 11; Mem. 44). Of interest, the account of a man dying of thirst is taken from *Tractatus de miraculis* (VII, 12; Tract. 15).

### *The Stigmata as Institutional Symbol*

Perhaps more than any of his predecessors or contemporaries, Bonaventure attributes an exceedingly rich theological meaning to the stigmata event. As such, he apportions an entire chapter dedicated to the event and significance of Francis' stigmatisation. Perceptible are craftily formulated responses to polemics against the validity of the stigmata as a miracle.<sup>443</sup> Almost predestined from the beginning, the occurrence of the stigmata was foretold at the outset of the saint's conversion in a vision of Francis as a leader in the militia of Christ and bear celestial arms emblazoned with the sign of the cross.<sup>444</sup> Ch. V on austerity, what he elsewhere defines as a sign of interior holiness, displays a frequent use of cruciform imagery, made most poignant in the Pauline Scripture passage Gal 5, 24, *Qui autem sunt Christi carnem suam crucifixerunt*.<sup>445</sup> In addition, the miracle of the stigmata functions as a literary device, a sign of Francis' unity, indeed unification, with Christ crucified. Francis imitated Christ in the actions of his life and conformed to him in the affliction and sorrow of his passion.<sup>446</sup> The stigmatisation was the robust finalisation of Francis' perpetual carrying of the Lord's cross, the proper end of his holy desire for martyrdom.

As Bonaventure asserts, Francis' imitation and conformity of Christ were furthered by means of the ecstatic love that burned within the saint. Francis totally transformed into Christ crucified through an enkindling of ecstatic love.<sup>447</sup> The true love of Christ transformed the

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<sup>443</sup> *LegMai* Prol. 2; XIII, 9; XV, 4 (FF 778-9, 897, 907)

<sup>444</sup> *LegMai* XIII, 10 (FF 897-8)

<sup>445</sup> *LegMai* V, 1 (FF 813)

<sup>446</sup> *LegMai* XIII, 2 (FF 890-1)

<sup>447</sup> *LegMai* IX, 2 (FF 899-900)

lover into His image.<sup>448</sup> In addition to his status as holy founder and extraordinary saint, Francis and the Francis event had further ramifications as a defining moment in salvation history. Francis was the glorious standard bearer of the cross who came at last to the Tau, the symbol of salvation.<sup>449</sup> He followed the footsteps of the cross and always proceeded according to the rule of the cross (*secundum cruces regulam*).<sup>450</sup> By the evidence of the cross, Francis made known to all believers the greatness of his glory in heaven.<sup>451</sup>

Bonaventure also asserts the parallel movement by which the papal authority confirmed the rule with his mark of approval, bull *Solet annuere*, and by which the divine confirmed the exceeding holiness of Francis with his own mark of approval, the stigmata.<sup>452</sup> Thus, not only was the miraculous piercing of Francis' flesh the sign, culmination, and confirmation of Francis' unprecedented conformity<sup>453</sup> with and transformation into Christ<sup>454</sup> and his place in salvation history as shown above; rather, it was also of utmost importance for the order and its role in salvation history. In such a manner, whereas Pope Honorius bestowed his seal on the order, the marks of Christ constitute the seal of the living God, by which Bonaventure makes Francis' status as extraordinary saint most plain. In fact, the author refers to Francis' stigmatisation as a revelation<sup>455</sup> both for himself and for the order. For in Francis' holy flesh and the bearing of the likeness of Christ's passion, by a singular, miraculous privilege, he would offer a glimpse of the resurrection.<sup>456</sup> Bonaventure thus combines the representations of previous legends in their specificity<sup>457</sup> and bears out the ultimate consequence of God's grace as merited by Francis for the order more broadly and for the figure of its founder saint more specifically. It is thus in Bonaventure's narrative that the place of Francis' stigmatised flesh assumes its most potent articulation both as a theologically significant event and as a symbol of institutional import.

### *Ecclesial Obedience*

Surprisingly, relatively few references to deference with respect for ecclesial authorities occur. Those that do appear are worthy of not. As ever, *LegMai's* Francis displays and

<sup>448</sup> *LegMai* VIII, 5 (FF 893)

<sup>449</sup> *LegMai* Miracula, X, 5 (FF 958)

<sup>450</sup> *LegMai* Miracula, X, 9 (FF 961)

<sup>451</sup> The author then deploys a decisive literary mechanism when he writes, *Secure iam te sequantur qui exeunt Aegypto, quia, per baculum cruces Christi mari diviso, deserta transibunt, in repromissam viventium terram, Iordane mortalitatis transmisso*. Ibid.

<sup>452</sup> *LegMai* IV, 11 (FF 812-3)

<sup>453</sup> *LegMai* XIII, 2 (FF 890-1)

<sup>454</sup> *LegMai* IX, 2 (FF 854-5)

<sup>455</sup> *LegMai* XIII, 3 (FF 891-2)

<sup>456</sup> *LegMai* XV, 1 (FF 905-6)

<sup>457</sup> Both the actual piercing of Francis' flesh and the visual discovery of his marks by numerous companions derive primarily from *Tractatus de miraculis* 4-5.

instils a reverence for men of holy orders. The pattern of active service in relation to priests commences in the immediate aftermath of his conversion<sup>458</sup> where it reads that he assisted poor priests reverently and piously with particular regard for appointments of the altar and aiding celebrants there. Once again following *VbF*'s placement of the Test passage, after setting out from Rome to the Spoleto valley, Francis instructs the brothers to honour priests with a special reverence.<sup>459</sup>

As indicated, Bonaventure is sure to underline both the early approval under Innocent III as well as the 1223 papal approval of canonical rule by Honourius III. While Cardinal John of St. Paul settles the initial reticence of the pope to approve the brothers' high ideal, Innocent came around as Francis declared with his *propositum* what the pope should hear inwardly (*quid interius Papa sentiret*).<sup>460</sup> The holy wills of Francis and Innocent were thus in accordance with one another. Following upon *Memoriale* 17, the account then tells of Innocent's dream of Francis as reformer of the Church in which the saint single-handedly supports the collapsing Lateran basilica by his own back, that is by what he does and what he teaches.<sup>461</sup>

As ever, Bonaventure's Francis persisted in good relations with members of the ecclesiastical hierarchy, bishops, cardinals, and in particular Hugo, and the papal representatives. A lesson on humility and obedience recounts an episode in which Francis went to a bishop in Imola in order to request permission to preach in his diocese. Although the bishop at first replied harshly and sent him on his way, Francis humbly insisted and convinced the bishop with his holy ways.<sup>462</sup> On one occasion, Francis petitioned and obtained permission from the Supreme Pontiff in order that he might build and conduct a presepio as a way to celebrate and honour the birth of Christ with the greatest possible solemnity.<sup>463</sup> As a means of bolstering Francis' sainthood and the order's validity and both of their places in salvation history, the account of Francis' canonisation and transferal tells of how Pope Gregory IX, shepherd of the Church, was totally convinced of Francis' remarkable holiness both by the miracles occurring after his death and from his own experience during his life.<sup>464</sup> The Pontiff then declared Francis worthy of all veneration and glorification. As the apostles had with the risen Christ, Gregory had seen Francis with his own eyes and touched him with his own hands (1 Jn 1:1).

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<sup>458</sup> *LegMai* I, 6 (FF 786)

<sup>459</sup> *LegMai* IV, 3 (FF 805)

<sup>460</sup> *LegMai* III, 10 (FF 802)

<sup>461</sup> *Ibid.*

<sup>462</sup> *LegMai* VI, 6 (FF 827-8)

<sup>463</sup> *LegMai* X, 7 (FF 868-9)

<sup>464</sup> *LegMai* XV, 7 (FF 909-10)

An innovative component of Bonaventure's narrative, the ailing Francis admonished his brothers at the hour of his passing to preserve in poverty and patience and the faith of the Holy Roman Church, thereby placing the Holy Gospel ahead of all other observances.<sup>465</sup> The passage establishes a striking link between specific articulations of the order's *propositum*, (*paupertas et patientia*), the Catholic faith, and the Gospel. Also intrinsic to the matter of ecclesial obedience and the account of Francis' passing, Bonaventure assigns central importance to Francis' performative act of stripping nude before the bishop.<sup>466</sup> The author thereby charges Francis' wish to take his last breath naked on the naked ground in keeping faith until the end with Lady Poverty with a parallel to the beginning of his conversion marked by the act of disrobing in the piazza in the presence of the Church's prelate.<sup>467</sup>

## Thematic-Theological Analysis of Systematic and Instructional Texts

### Pre-Accession Period

#### *Epistola de tribus quaestionibus ad magistrum innominatum*

##### I. Textual Features and *Sitz im Leben*

The writing *Epistola de tribus quaestionibus ad magistrum innominatum* enjoyed a fair transmission as the sizeable collection of thirty extant medieval manuscripts attests,<sup>468</sup> all of which unanimously name Bonaventure as the author. As far as integrity is concerned, it is a matter of an age-old debate since K. ESSER discovered a high degree of correspondence between select passages of Bonaventure's *Trib. Qu.* and Hugh of Digne's rule commentary long thought to have been dated to the early-1240's.<sup>469</sup> Large passages appear verbatim in both works. Critical scholarship has since situated Hugh's writing to the early-1250's, but it nevertheless remains a disputed issue as to who copied whom.

Despite the strong voices on both sides of the debate,<sup>470</sup> a definitive answer has yet to be found. In addition to the *Opera omnia* rendition edited by the Quaracchi fathers, there ex-

<sup>465</sup> *LegMai* XIV, 5 (FF 902-3)

<sup>466</sup> *LegMai* XIV, 4 (FF 901-2)

<sup>467</sup> *LegMai* XIV, 4 (FF 902): *Propter quod et in principio conversionis suae nudus remansit coram antistite et in consummatione vitae nudus volute de mundo exire, fratribus sibi assistentibus in obedientia caritatis iniunxit, ut, viderent eum iam esse defunctum, per tam longum spatium nudum super humum iacere permitterent, quod unius milliari tractum suaviter quis perficere posset.*

<sup>468</sup> *Opera omnia*, VIII, LXVIII-LXIX and 331-336.

<sup>469</sup> ‚Zur „Epistola de tribus quaestionibus“ des hl. Bonaventuras,‘ *FranzStud* 27 (1940): 149-59.

<sup>470</sup> Maintaining Hugh's precedence are J. Paul, ‚Le commentaire de Hugues de Digne sur la r'gle franciscaine,‘ *Revue d'Histoire de l'Eglise de France* 61 (1975): 231-41 and D. Flood, *Hugh of Digne's Rule Commentary* (Grottaferrata: Collegium S. Bonaventurae, 1979), 50-54. In support of Bonaventure's anteriority is R. Lambertini, *Apologia e crescita dell'identita' francescana* (1990), 43-64.

ists another modern critical edition redacted by DELORME<sup>471</sup> based upon the newly illuminated witness of a fifteenth-century manuscript determined to be of particular authority (Paris, Bibliothèque Mazarine, Ms. lat. 1129, cc. 89r – 93v). Viewed in conjunction with the purposeful discretion exercised in maintaining the anonymity of the recipient, the manuscript tradition disqualifies the epistle as a private document meant for the eyes of a single individual; rather, it was intended to be shared and circulated. Monti rightly refers to the writing as an “open letter.”<sup>472</sup>

Three manuscripts relate that Bonaventure took about writing the letter while a regent master at the University of Paris, which situates the writing between 1254-7.<sup>473</sup> Reference reticent of rhetoric evoked during the early mendicant controversy<sup>474</sup> allows one to suggest a likely date of 1254-5, that is, between the promulgation of the polemical university manifesto in 1254<sup>475</sup> and the composition of *PerfEv* in 1255-6. Authors have speculated as to the letter’s recipient with no persuasive conclusion. Efforts to establish a character profile have brought forth few certain criteria. Accent upon affairs in the English province imply that the man in question was a young English university master, who would have been stationed at Oxford. The Latin superlative vocatives *carissime* and *amice carissime* exclude that the recipient was an adversary.<sup>476</sup> The master had considered joining ranks with the Minorites, but was slightly put off by allegations as to the rampant inobservance and misconduct in the order.<sup>477</sup> He had come into contact with a degree of polemic against the Minorites, certainly from the mouth of a member of the Friars Preacher<sup>478</sup> and perhaps also from secular masters. The nature of the epistle as a written response to the correspondent’s inquiries suggests that, while the anti-Minorite rant had sought to dissuade him, he nevertheless remained interested, even curious, taking initiative to write the Parisian regent master despite his doubts (*de quibus te ostendis pluribus rationibus dubitare*).<sup>479</sup> John Pecham and Roger Bacon appear to be prime candidates, but a convincing argument remains to be put forth. On the attestation of L. WAD-

<sup>471</sup> F.M. Delorme, *Textes franciscains*, «Archivio italiano per la storia della pietà», 1, Roma 1951, 209-218.

<sup>472</sup> *Writings concerning the Franciscan Order*, 41.

<sup>473</sup> *Trib. Qu.* (VIII, 336): *qui tunc rexit Parisius, tunc regentem Parisiensem*. For an earlier date, see: Bougerol, *Introduction à Saint Bonaventure*.

<sup>474</sup> *Trib. qu.* n. 13 (ed. Delorme), 216.

<sup>475</sup> Penn R. Szittyá, *The Antifraternal Tradition in Medieval Literature* (Princeton: University Press, 1986), 35-7.

<sup>476</sup> *Trib. qu.* n. 1 (ed. Delorme), 212.

<sup>477</sup> *Ibid. Hec, ut asseris, tibi in corde de statu fratrum et salute scrupulum generant et tuam conscientiam inquietant; super hoc addis assertionem quorundam, qui tibi nisi sunt hanc conscientiam de fratribus fabricare.*

<sup>478</sup> *Trib. qu.* n. 20 (ed. Delorme), 218.

<sup>479</sup> *Ibid.*

DING,<sup>480</sup> DELORME was absolutely convinced of Bacon's addressship, writing "C'est donc à Roger Bacon que la lettre susdite est adressée."<sup>481</sup> But Bacon, a self-proclaimed and defiant Aristoto-phile, would have hardly required a defence of a healthy attitude toward learning and the study of philosophy.<sup>482</sup> All the same, Pecham may fit the profile as he was located at Oxford at the faculty of arts.<sup>483</sup> He took on the Minorite habit between 1250 and 1259, later exhibiting a great affinity for the epistolary genre and for polemical tenor in particular against Dominican counterparts. While the evidence appears to support the case in favour of Pecham's authorship, again the matter is undecided.

Given the convincing arguments of I. BRADY regarding the inauthenticity of the *Expositio super regulam*, *Quaestiones disputatae super regulam*, and *Sermo super regulam*, the *Epistola de tribus quaestionibus* is the nearest semblance to an *expositio* on the rule that we have from Bonaventure. In that regard, it is thus a precious source in its own right. The letter also offers insight into the Seraphic Doctor's thoughts and concerns prior to his taking office as the order's minister general.

## II. Thematic-Theological Analysis

The writing's concerted focus centres around three concepts, which arise from questions (*tres articuli de Regula*)<sup>484</sup> on interpretations and applications of prescriptions in *RegB*. The first matter pertains to poverty and the permissibility of handling money and possessing books and houses. Next, the author addresses the issue of manual labour in the rule. Lastly, he defends the legitimacy of learning and the study of philosophy as outlined by the rule. Bonaventure's assessment of the general state of the community is in stark contrast to that expressed in his *First Encyclical Letter*, but ultimately pertains to the exigencies of each particular circumstance. Whereas here Bonaventure the regent master attempts to make a case for and persuade as to the integrity of Minorite life, Bonaventure the minister general seeks to take charge in the in the encyclical of 1257. In the correspondence, Bonaventure seeks to calm the uneasy conscience of the young master, who submitted that the rule prescribes poverty, commends labour, and forbids curiosity but did not see those values reflected in actual Minorite practice. The submission represents a common critique of the period, which evinces a

<sup>480</sup> ,In codice, dit-il, vetusto ms. Invenio magistrum hunc innominatum Rogerum Bachon anglicum.' L. Wadding, *Script. Ord. Min. sub v. Bonav.*

<sup>481</sup> *Lettre de S. Bonaventure innominate magistro*, in *Textes Franciscain*, III, 209.

<sup>482</sup> Camille Be'rube', *De la philosophie a' la sagesse chez Saint Bonaventure et Roger Bacon* (Rome: Istituto Storico dei Cappuccini, 1976), 52-96 & A. Power, *Roger Bacon and the Defense of Christendom*, Cambridge 2013.

<sup>483</sup> Decima Douie, *Archbishop Pecham* (Oxford: Clarendon Press, 1952), 5-8 and 39-40.

<sup>484</sup> *Trib. qu.* 1 (ed. Delorme), 212.

degree of unclarity both in the order's own message and in their perception, that is, in the apparent disjuncture between the ideal and reality of their *propositum*, between their profession and its observance. In the ensuing treatment Bonaventure then dispels the transgressive nature of the alleged abuses and reiterates – admittedly somewhat conflating the issue – the perfection, moderation, and wisdom their rule, the Gospel law in abbreviated form, (n. 21) and the unsurpassed assurance of salvation that it offers. Each topic merits individual attention.

### *Poverty and Pauperistic Norms*

The correspondent had expressed doubts regarding the validity of the brothers' proposed poverty and its effective application in practice with particular concern for money, books, and houses. *RegB* IV, 1 and VI, 1 had expressly prohibited the acquisition of any item as one's own and the acceptance of coined money even by means of an intermediary. On account of this, the master had expressed grievances at the incongruity of the brothers' implementation of poor ways as detailed in the rule, claiming that the brothers accept money at will and possess books and domiciles.<sup>485</sup> What begins as a congenial, amicable response, which even makes repeated appeal to conscience as the truth dictated by his conscience (*quoniam veritatem secundum conscientiam meam sum expressurus*) (ns. 1, 7) and the truth in the conscience of his brothers (*verum esse in conscientiis fratrum*) (ns. 4, 8, 9), enters into a familiar juridical line of thought put forth in *Quo elongati*, which was by then second nature to those acquainted with the brothers' legal fiction in relation to poverty. The standards enacted by *Quo elongati* rendered normative that monetary alms could be accepted by a third party in the case of imminent necessity and transferred into permissible goods (n. 3). Bonaventure's treatment offers little nuance to the matter other than his method of explaining the principles that the order upholds. Explicit appeal to Gregory IX's authority bolsters his argument (n. 5). An interesting development in argumentation that is intrinsic to Bonaventure's writings, he accents the necessity-based permissibility of books due to the brothers' commitment to preaching as set forth in the rule (*RegB* 9) (n. 6), an intrinsic mission unique to the brother's rule. A reference to the prominence of the brothers' preaching mission maintained in Bonaventure's writings as well as to rival claims to evangelical legitimacy is perceivable here. Not even the rule of the Friars Preacher, for all its merits, contained such an explicit call to preach.

The *usus-appropriatio* distinction then plays out in what follows in defence of the permissibility of books and (n. 7). As to the matter of third-party ownership, Bonaventure bluntly asserts, *Respondeo ... quod, cuiuscumque sit, nec est mea nec Ordinis, et hoc michi*

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<sup>485</sup> Ibid.



*sufficit ad meae conscientiae puritatem* (n. 7). Importantly, though the care of moveables such as books is assigned the Cardinal Protector as in *Quo elongati*, determination of ownership by the Church stands in place of the actual ownership of the Church as outlined in the more recent bull *Ordinem vestrum* (n. 8). The affirmation reflects Bonaventure's espousal of the collective rejection of the bull at the chapters of 1251 and 1254.<sup>486</sup> The identical distinction applies to immoveables such as domiciles (n. 9). The brothers own no such place or house, as the donors remain the proprietors and retain all legal rights relevant thereto. Additional appeal to *Quo elongati* buttresses his argument (ns. 23-4). The line of reasoning applied to the case of books at the service of the brothers' pastoral care activities and liturgical worship also implicitly applies to the legitimate use of domiciles. Preaching and prayer necessitate the quiet and stability proffered by a sturdy, suitable dwelling. To the contention that the brothers are unable to justify pretense to wandering the world *tanquam advenas et peregrinos* if they inhabit fixed dwellings,<sup>487</sup> the author retorts that even Francis built structures and accuses the adherents of such a literal interpretation of the rule of fatuousness. The epithet refers to one's inner consideration of the dwelling as home rather than as temporary utility.

#### *Work and Manual Labour*

The author then turns to the question of the rule's apparent injunction to undertake manual labour (n. 11). The young master seems to have insinuated that manual labour was either a counsel or a precept (*utrum sit consilium an preceptum?*). The language employed reflects an intimate acquaintance with canon law as displayed in the *expositio* of 1241/2. The issue at stake is the obligatory quality of the menial work referred to by the master. Bonaventure in turn defuses the dichotomy as false, insisting that such labour is neither a precept, nor a counsel, nor an admonition. Here, the author makes recourse to Francis' intention (*Ego ... dico non intendere Franciscum...*), a common line of defence in rule commentaries.

Bonaventure then reaffirms the duty of ministers to ensure that their brothers do not fall prey to idleness and reinforces the enforcement of such a policy by rebuke and punishment even of a severe variety if deemed appropriate. Beseeking the addressee to rely on his own experience of the other, he reminds him that he should come to recognise the manifold, commendable efforts of the brothers, which, although they do not always take the form of manual work, nevertheless busies them in the pursuit of truth and the exercise of virtues such as humility and piety. Here, Bonaventure implicitly underlines the legitimate undertakings of study and preaching. As he later reveals in his hagiographical literature, stress upon truth and

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<sup>486</sup> Lambert, 96-102 and 105-6.

<sup>487</sup> *TribQu* n. 10, p. 215

the exercise of the virtues unfolds in congruent preaching. In addition, the brothers are regularly engaged in menial activities, Bonaventure reassures, comprising the begging of alms, kitchen duty, tending to the infirm, washing dishes, and attending to many other labours pertaining to the exercise of humility. Such work, he claims, is considered sweeter than many high charges.

The novelty of the final section on work arrives in Bonaventure's theoretical connection between the daily engagement undertaken by the brothers at an organisational level and the virtues later espoused in his writings, chief among which *LegMai*, *LegMin*, and *PerfEv*. Of interest to the current study, Bonaventure establishes a direct link between menial tasks of service with the virtues of humility and piety. As he does elsewhere as well, Bonaventure thus reveals a disjuncture between institutional models and requirements and the practice of virtue as exemplified in the brothers' cited activities. Even if in fact Bonaventure understood the two as an indistinguishable whole at the juncture of his composition here, it would appear that the distinction would indeed seep into his reasoning in his later compositions as minister general. While the author clearly does not discourage menial work, it remains uncertain as to whether at this point in his career he maintained it to be an integral part of the Minorite agenda. His twofold reference of the brothers' meritorious and noteworthy exertion offers separate tasks applicable to separate class systems. Whereas the clerics should tend to the pursuit of truth in study and preaching, the task proper to the lay members and novices are the exercise of virtues and in particular those exerted in the manual forms of labour listed. Bonaventure's further reference to the stark separation between lay and clergyman with regard to study reinforces the case. When one reads ahead to the *First Encyclical Letter*, *ConstNarb*, and *Regula novitiorum*, the agenda implemented emerges as a highly separatist system, which was in large part a continuation of what preceded it. However, with Bonaventure the clerical elitism with a focus upon pastoral care in preaching is especially pronounced. Perhaps precursors of the mentality that fed into the manufacturing of Bonaventure's regency are already detectable in this and other writings.

#### *Learning and the Study of Philosophy*

The author's argumentation with regard for learning is of less importance to the present study. However, the salient points may bear terse representation. Bonaventure responds to the accusation that Minorites should not accede to the professor's chair due to the regular admonition on the illiterate not needing to improve their stage in life and the Matthean Gospel injunction not to be called master (Mt. 23, 10) (n. 13). Relevant in a retrospective sense, the

latter accusation is an echo of the early movement's *RegNB*. Study is prohibited not to the literate but to lay brothers, just as is the ascension to the status of a cleric is prohibited them.

The primary principle operative in Bonaventure's logic is that study of the Scriptures, with which Francis himself was intensely occupied, supports the entire institutional edifice. The logic inhering the epistle suggests that from legitimate study of the Scriptures also fans out its legitimate instruction. Master signifies nothing other than one who teaches. The title of teacher arises even in Pauline literature, as Bonaventure demonstrates. It is the haughty mentality associated with the title of master that the Gospel condemns (n. 14). Ambition and pretentiousness are a trap which is to be avoided at all costs. After all, proclaims Bonaventure in a telling phrase, those who profess and observe the Gospel are the most fit of all to undertake its instruction. In that regard, Bonaventure thus condemns the excess of self-importance associated with the office, but – not surprisingly – commends the office itself as a noble endeavour even by the criteria laid out in the order's own *propositum*.

In defence of philosophical studies, Bonaventure then distinguishes between *curiositas*, a wasteful search for knowledge as an end in itself, and study for the purpose of doctrinal exactitude and clarity (n. 15) or for increased understanding of the Scriptures as seen in the writings Augustine (n. 16). Such study is not compulsory or even peripheral to the order's curriculum (n. 17). An insistence of the sort would detract from their claim to legitimacy, as study of the Scriptures forms the cornerstone of their proposed agenda and in part their justification for the use of books and perhaps also fixed localities. In actuality, brothers can learn as much from the saints as they do from the maxims of philosophy, if not more (n. 16).

### *Quaestiones disputatae de perfectione evangelica*

#### I. Textual Features and *Sitz im Leben*

Transmitted in twelve extant manuscripts of primarily fourteenth- and fifteenth-century origin and present in four early modern editions and one eighteenth-century edition of Bonaventure's works,<sup>488</sup> the apologetic writing *Quaestiones disputatae de perfectione evangelica* emerged in 1255-6 in reaction to critiques levied against the order in the aftermath of the untimely release of Gerard of Borgo San Donnino's indiscreet 1254 work *Introductio in Evangelium Eternum*. Bonaventure thus composed *PerfEv* during the initial period of mendicant controversy at the University of Paris, which occasioned disputes with the secular masters of theology in a show of ecclesiastical posturing. The causes of the controversy are com-

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<sup>488</sup> The registry of codices and editions is found XIV-XV in *Opera omnia* V.

plex,<sup>489</sup> but a few major contributing factors merit attention. As indicated above, the release of Gerard of Borgo San Donnino's works generated a great deal of excitement, but not all of the attention that they received was positive. In fact, a violent vitriol surrounded them, as they suggested that the *virī spirituales*, among which the Minorites had pride of place, would have a privileged role in the coming Third Age of the Spirit, while the ecclesiastical order would be abolished altogether. For this reason, among others, already shaky relations with the secular masters intensified and turned sour due in part to university politics over the holding of chairs and also to envy at the order's soaring popularity and a certain favouritism shown them by means of preferential treatment at University and at Curia. The question of a Joachite Third Age charged the ensuing polemic and set it within a drama of eschatological proportions. Bonaventure was himself a variety of Joachite, albeit perhaps a "Joachite *malgré lui*."<sup>490</sup> The period saw a series of attacks on mendicant identity with particular regard for 'Franciscan Joachism,' the legitimacy of papal privileges, and the brothers' claim to apostolic poverty. William of Saint-Amour appears to have led the charge with among others his notorious work *Brevis tractatus de periculis novissimorum temporum*.<sup>491</sup> The bark turned to a bite when, in 1255, Rome excommunicated and imprisoned Gerard, banning his writings from the faithful forever, and the Pope revoked a series of the brothers' prized privileges. Mendicant brothers, of which Bonaventure is a prominent instance,<sup>492</sup> responded in kind. He came to the defence of the order on a theological level with his work on Gospel perfection, surely in part hoping thereby to re-establish the order's good standing and to win back the favour of Rome. In it, Bonaventure ably defends the order's legitimacy, discussing the theological foundations of the brothers' life in more traditional and comparatively less extreme terms, which nevertheless retain the eschatological significance of the Friars Minor. The centre pieces of his dis-

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<sup>489</sup> Indispensable in the study of the controversy are three works in particular. D. Douie, *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London, 1954); Y. Congar, "Aspects ecclésiologiques de la querelle entre mendicants et séculiers dans la seconde moitié du XIIIe siècle et le début du XIVe," *AHDL* 36 (1961): 35-151; and R. Lambertini, *APOLOGIA E CRES-CITA DELL' IDENTITA' FRANCESCANA (1255-1279)* (Rome, 1990). For a view of the controversy from the perspective of the emerging doctrine of papal authority, see: B. Tierney, *Origins of Papal infallibility, 1150-1350: 1150 – 1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages*, Brill Archive, 1972, 59-73.

<sup>490</sup> Reeves, *The Influence of Prophecy in the Later Middle Ages: A Study in Joachism*, Clarendon Press, 1969, 181.

<sup>491</sup> For the text, see: Max Bierbaum, *Bettelorden und Weltgeistlichkeit an der Universität Paris: Texte und Untersuchungen zum literarischen Armuts- und Exemptionsstreit des 13. Jahrhunderts (1255-1272)*. Franziskanische Studien 2 (Münster in Westf: Aschendorffsche Verlagsbuchhandlung, 1920), 19-27. On William of Saint-Amour and the controversies spouting from the University of Paris, see: M. M. Dufeil, *Guillaume de Saint-Amour et la Polemique Universitaire Pansienne 1250-1259* (Paris: A. and J. Picard, 1972).

<sup>492</sup> On Bonaventure's response to encroaching polemic in the context of the struggle with secular masters, see: J.G. Bougerol, 'Saint Bonaventure et la défense de la vie évangélique de 1252 au Concile de Lyon (1274)', in S. Bonaventura francescano, Todi 1974, 109-126.

course are the virtues upheld by the three evangelical counsels of chastity, poverty, and obedience with particular accent upon humility as the cornerstone of Christian virtue, all of which the regent master hails as the essential characteristics of the proper way to follow Christ in Gospel perfection. An attempt to assuage the radical, inflated approach of certain of his confreres is thus present in addition to a critical response to the attacks of his opponents. Bonaventure was thus consumed by a struggle of contending claims to evangelical legitimacy as well as a battle of competing eschatologies. Consequently, in view of PIERSON's group-centred theory the work represents a classic case of defence of an identity with perhaps slightly renegotiated elements and justifications.

## II. Thematic-Theological Analysis

In *PerfEv*, Bonaventure details the manner in which the path to Gospel perfection is paved by holding to the values of humility, chastity, poverty, and obedience. Connoted in his choice of the four virtues is the contention that religious life whose members promise to observe the three evangelical counsels of poverty, chastity, and obedience and hold to humility as the value underlying the entire structure constitutes the fullest expression of Christian perfection. As KARRIS notes,<sup>493</sup> a quantitative method of analysis reveals where the bulk of the regent master's penwork lies. In the 81-page Quaracchi edition, the author devotes 40 pages to the issue of poverty and 19 pages to obedience, which results in a  $\frac{3}{4}$  ratio with regard for quantitative representation within the structure of the entire treatise. Of the four main rubrics, scholars have also noted that Bonaventure appears to be writing in response to questions raised by William of Saint-Amour predominantly in questions II and IV on poverty and obedience respectively.<sup>494</sup> An instance representative of the sort of critique levied by William of Saint-Amour, which Bonaventure was surely disputed, arises in *De periculis*, ch. 2. Here, the secular master puts forth a litany of defects possessed by the men of whom the faithful ought to be weary in the dangerous swiftly approaching end times. Commenting the Pauline verse 2 Tim 3:1 *Hoc autem scito quod in novissimis diebus instabunt tempora periculosa*, from which he also derives the work's title, William issues a veiled critique of the Minorite brothers where William of Saint-Amour implies that the sins of the men whom Paul has in mind are analogous to those committed by the Friars Minor in the present distressing time.<sup>495</sup> As William suggests, the men threatening the Church in the coming apocalyptic age will be – and since the age was already upon them already are – covetous, and thus in violation of poverty;

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<sup>493</sup> Karris, 'Introduction,' in *The Disputed Questions on Evangelical Perfection*, 7.

<sup>494</sup> *Op. cit.*, 7-8, n. 5.

<sup>495</sup> *De periculis*, Bierbaum, 6.

blasphemous against God and haughty against him and his bishops, and thus disobedient; and proud of honours achieved, and thus contrary to virtue of humility. The passage and brief contextual sketch provide a discreet portion of the writing's historical milieu and motivating factors for Bonaventure's considered reaction and its content. While the work affords matters of humility and continence comparatively less space on the page, particularly the opening section on humility outlines Bonaventure's theology of virtue, which in part also appears elsewhere in his corpus but does not receive the distinct treatment set forth in the present work. Therefore, the following analysis unfolds with an eye for the comprehensive perspective of the treatise represented in large part by the all-pervasive virtue of humility with passing comments on poverty as well as a concerted focus upon the topic at hand; namely, obedience.

### *Humility and the Theology of Virtue*

In the work's opening section on humility as the foundational virtue of evangelical perfection and unfolds a representative theology of virtue that shall serve in proceeding on to the treatment of other virtues in kind. Deliberations on the initial virtue organically display the author's conception of virtue. Bonaventure considers humility not as a mere virtue worth cultivating in the pursuit of evangelical perfection. Rather, a brother will know he has tapped into the very root of all perfection when he has attained truly humble ways.<sup>496</sup> Bonaventure departs with a classical philosophical definition of virtue as *habitus*, a stable inner disposition that shows itself in congruent acts. Nevertheless, in his arguments here he places particular emphasis upon the legitimacy of acts that spring forth from a humble disposition as facets of perfection.<sup>497</sup> That is to say, his principal question is whether the act of demeaning oneself for Christ pertains to evangelical perfection.<sup>498</sup> Much of the question (as. 1-13) is occupied with appeal to tradition in support of the case for humility and in the form of citations from Scripture, Church Fathers, and other reputable authorities.<sup>499</sup> They are largely redundant and hyperbolic. A few salient themes echo throughout. The author claims that as a perfect disciple of Christ,<sup>500</sup> one must become as a small child in self-deprecation and the desire to be despised by others.<sup>501</sup> In pursuit of humility, one must interiorise the logic of the Sermon on the Mount and become the slave of the other rather than the master and consider oneself the least rather

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<sup>496</sup> *Volentes circa evangelicam perfectionem aliqua indagare, primo exordiuni inquisitionis nostrae sumendum est ab humilitate. Et primo quaeramus de ipsa tanquam de totius. Praef. (V, 117a).*

<sup>497</sup> *Et quoniam habitus cognoscitur per actus, ideo quaerendum est de humilitate quantum ad actum ipsius. Q. I (V, 117a)*

<sup>498</sup> *Est igitur quaestio, utrum christianae perfectionis sit se ipsum vilificare pro Christo. Et quod sic, ostenditur. Ibid.*

<sup>499</sup> Q. I, ns. 1-13 (V, 117a-118b)

<sup>500</sup> Q. I, n. 3 (V, 117a-b)

<sup>501</sup> Q. I, n. 1 (V, 117a)

than the greatest.<sup>502</sup> Therein lies true self-renunciation. In imitation of Christ, a brother is to empty himself, that is debase himself before God, and make himself vile.<sup>503</sup> A matter of course, in order to be meritorious, such self-renunciation must be voluntary or freely chosen as was that of Christ.<sup>504</sup> In his consideration of Gregory's exegesis of the anecdote in which King David dances before his subjects, Bonaventure notes that to conquer oneself is a requisite for perfect virtue.<sup>505</sup> Self-mastery occurs, he continues, by means of self-debasement, which thereby connotes a *conditio sine qua non* of a perfectly virtuous state. Just as the king of Nineveh, who exchanged his royal garb for a sackcloth, the virtuous one is called to exceptional self-acts of demeaning both in the exterior and interior realms.<sup>506</sup> It goes without saying that humility is antithetical to the vicious endeavours of pride, boasting, and ambition.<sup>507</sup>

Bonaventure's more substantive thoughts come in his own reasoned argumentation, conclusion, and response to his opponent's objections. Here, he delineates the conditions of possibility for perfect, humble virtuousness. Articles 19-23 being to affirm and conscribe necessary components of humility and determine it as the root of all perfect virtue with particular accent upon the end of the virtuous pursuit in love. Establishing self-contempt as a necessary condition for virtue, Bonaventure asserts that the city of God, which is to say a grace-filled, virtuous life, is diametrically opposed to the city of Babylon.<sup>508</sup> Whereas the latter has its origin in self-love and its natural end in the contempt of God, the former originates in self-contempt and ends in the love of God. The allegory contains a preview of his remarks on the *ordo amoris* in the conclusion and response. The person in search of virtue must pay the debt of honour to God by self-humiliation and recognition that God alone has power.<sup>509</sup> Bonaventure then asserts his model of abjection as that which aspires to conform to the abject Christ, the exemplar of perfect virtue.<sup>510</sup> The authentic expression of a virtuous existence is contingent upon a proper judgment of things according to their importance.<sup>511</sup> Human beings are worthless when measured against God, and thus a truly humble brother considers himself worthless and fruitless and also wishes to be perceived as such in the eyes of others. The twenty-third point then introduces a move of crucial significance for the discourse on the na-

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<sup>502</sup> Q. I, ns. 2 and 4 (V, 117a and b)

<sup>503</sup> Q. I, n. 6 and 7 (V, 117b-118a)

<sup>504</sup> Q. I, ns. 11 and 13 (V, 118b)

<sup>505</sup> Q. I, n. 8 (V, 118a)

<sup>506</sup> Q. I, n. 10 (V, 118a)

<sup>507</sup> Q. I, ns. 4 and 12 (V, 117b and 118b)

<sup>508</sup> Q. I, n. 19 (V, 119a)

<sup>509</sup> Q. I, n. 20 (V, 119a)

<sup>510</sup> Q. I, n. 21 (V, 119a)

<sup>511</sup> Q. I, n. 22 (V, 119b)

ture of virtue.<sup>512</sup> As the passage indicates, the nature of virtue is such that the perfect virtuous condition consists in the external articulation in a performed act. As such, an inner abject disposition does not suffice for the attainment of the humility in its fullest expression. Perfect virtue so dynamically and totally engulfs the inner life of those so inclined that it exteriorises in acts charged with the characteristics of the spiritual movement itself. In principle, humility disposes one to inner renunciation and, along with such an interior spirit, those in a perfect state of humility exhibit deeds that self-evidently give others the impression of a vile and abject person wherever and whenever practicality deems fit. Articles 24 and 25 then bring specificity to the matter of humility as a virtue possessed and its action against antithetical vices.

As a means to ensure an integral state of humility, he argues that the virtuous must not be privy to the disorder created by pride in its infection of thought, affection, speech, and deed.<sup>513</sup> Through deforming contagion, pride spreads and gradually escalates if left to its own devices. It transmutes and takes on the shape of presumption in the mind, arrogance in the affections, boasting in speech, and ostentatiousness in deeds. Conversely, perfect humility reforms the human person in full and reverses the infestation of prideful habits. In addition, a state of perfect virtue assuages the manifestation of interior inclinations and the exterior receipt of honour, which nourish the deadly sin of pride. It thus affirmatively operates as a thrust toward a sure, stable condition of self-contempt and love of God and also negates the vice to which it is by nature opposed.

The conclusion offers valuable insight into a more comprehensive view of Bonaventure's conception in its full elaboration.<sup>514</sup> Here, the author underscores the essentiality of a humble *habitus* when he writes, *summa totius christianae perfectionis in humilitate consistit*.<sup>515</sup> Interior and exterior self-vilification inheres active expression. By means of the shift in language from Gospel to Christian perfection, Bonaventure asserts what he had only intimated up to now. The virtue of humility is deeply entrenched within Christian identity and pertains not only to the mendicants. It pertains, however, in a special way to the *virii spirituales* who are called to perfection and the attainment of the *ordo seraphicus* at the end of days in the seventh stage of history.<sup>516</sup> A threefold optic of humility defines Bonaventure's approach. The height of Christian perfection subsists in three components; namely, justice, wisdom, and

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<sup>512</sup> Ibid. *Item, nulla est virtus perfecta, nisi, cum potest, exeat in opus extra; sed opus exterius correspondens interiori abiectio est exterior vilificatio sui: ergo nullus habet in se virtutem humilitatis perfectae, nisi velit exterius se vilem et abiectum ostendere, cum locus et tempus se offert.*

<sup>513</sup> Q. I, n. 24 (V, 119a)

<sup>514</sup> V, 120b-122a

<sup>515</sup> Q. I, Concl. (V, 120b)

<sup>516</sup> For a history of the term *vir spiritualis*, see: S. De Campegnola, 'Dai "virii spirituales" di Gioacchino da Fiore ai "fratres spirituales" di S. Francesco d'Assisi,' in: *Picenum seraphicum* 11 (1974): 24-52.



grace. With simile, he affirms that humility is the gate of wisdom, the foundation of justice, and the inhabitation of grace. Humility thus subsists in correct understanding of the self attained via the passage-way forged by wisdom or the knowledge of highest and first causes, which renders one recognizant of one's intrinsic nothingness (*nihilitas*) as a created and thus contingent being.<sup>517</sup>

The Parisian master's argument expounds upon its core found in Bernard's definition of humility as *virtus, qua homo vera cognitione sui ipse sibi vilescit*. Humility is the root and foundation of all justice, in that it underlies the granting of what is owed, whether it be to self, God, or other.<sup>518</sup> For Bonaventure, divine worship, insofar as it is paying of humble reverence owed to God, is the genesis of all justice. Consequently, humility disposes its possessor to right relationship with fellow beings. Humility consists in the awareness of unworthiness that pleases God and also permits the human person to acknowledge the gift of God's graciousness and condescension.<sup>519</sup> The author thereby characterizes humility as a virtuous relationship to truth in recognition of human dependence upon the Creator, to God, self, and neighbour in obliging what is owed, and to self in relation to the divine by means of unworthiness at God's gracious, condescending character.

In summation of humble disposition as the summit of Gospel perfection (*summa totius perfectionis evangelicae*), Bonaventure quotes Augustine,<sup>520</sup> who declares humility to be the veritable whole of the commandments inasmuch as all the laws of the Christian religion have their proper origin, companion, and goal in humility. The reasons, he continues, undergirding humility's exterior act in terms of abasement and self-vilification are twofold, as are the types of nothingness.<sup>521</sup> The first regards the humble recognition of nothingness as the opposite of being in nature, which he calls humility of truth. The second concerns humility of severity in consideration of sin, by which the state of nothingness is opposite to being in grace. The regent master then considers humility in its origin, mode, and proper fruit.<sup>522</sup>

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<sup>517</sup> Q. I, Concl. (V, 120b-121a)

<sup>518</sup> Q. I, Concl. (V, 121a-b)

<sup>519</sup> Q. I, Concl. (V, 121b-122a)

<sup>520</sup> *Non aliam tibi ad capessendam et obtinendam veritatem viam invenias, quam quae inventa est ab illo qui gressuum nostrorum tanquam Deus videt infirmitatem. Est autem prima humilitas, secunda humilitas, tertia humilitas; et quoties interrogares, hoc dicerem, non quod alia praecepta non sint, quae dicantur, sed nisi humilitas omnia, quaecumque bene facimus, et praecesserit et comitata et secuta fuerit, et proposita, quam intueamur, et apposita, cui adhaereamus et imposita, qua reprimamur; iam nobis de aliquo bono facto gaudentibus totum extorquet de manu superbia. Itaque, si interrogares et quoties interrogares de praeceptis christianae religionis, non me aliud respondere nisi humilitatem liberet; et si forte alia dicerem, necessitas cogeret.* Ibid.

<sup>521</sup> Q. I, Concl. (V, 122a)

<sup>522</sup> Q. I, Concl. (V, 122a-b)

As to its origin, external self-vilification arises from interior movements of the soul. It is properly so by the rule and dictate of the divine gift, which is to say grace. Exterior acts proceed from interior dynamism according to a threefold possibility. The manifestation of humility can be based upon the fulfilment of the law of divine precept, which applies to all in a universal sense. It can depend upon pleasing God, in which the especially inspired conform themselves to the divine will. It can, however, also manifest itself in a third form, whereby fulfilment of a counsel takes place in those who seek to ascend to perfection. Here, Bonaventure touches on a central theme in Minorite discourse with particular stress on approaches to law and life more broadly. Texts such as the *expositiones* of 1241/2 and of Hugh of Digne had deliberated as to the obligatory and non-obligatory nature of rule content, speaking primarily in terms of precepts, counsels, and admonitions.

Bonaventure's brief consideration in *Perf. ev.* does not enter into such detailed treatment, nor does it demarcate the topic as one expressly applicable to a legal context. Rather, the main purpose of his comments centres around the motivation toward normative content that is proper to perfection. He nevertheless implies that the will to overachieve in relation to legal and even admonitory content is befitting of those who wish to be perfect. In terms of mode, it is proper that humiliation be exterior and that in it vigour, truth, and honour be preserved. In such a fashion, exterior humiliation fights faintheartedness that burdens the soul, it opposes the deceitful power of hypocrisy, and it remedies a maddening foolishness. The fruit proper to exterior humiliation is the heightened capacity to acquire, exercise, and perfect humility. Commenting the Johannine verse (Jn 13, 14), Bonaventure then cites the *Glossa ordinaria* to the effect that *Qui ad pedes inclinatur, ei in corde humilitas excitatur; vel si iam est in corde, confirmatur humilitatis affectus*. A passage from Bernard of Clairvaux's *Epistula LXXXVII ad Ogerium* then affords the point exceeding elegance. He writes, *si non potes humiliari, non poteris ad humilitatem provehi*. The virtue of humility is thus in harmony with Christian perfection and religious life, he concludes, at which point he turns to his rebuttals against the objections.

As expected, Bonaventure is thorough in his disputation of the objections. A few points are worth noting for the present study. In his rebuttal to the objection that humility is contrary to nature, the regent master argues that humility is not only in accordance with the proper recognition of the state of nature and of its perfection, but also has distinguishable properties consonant with nature's way of acting and beneficial to enumerate.<sup>523</sup> The properties of humility are the recognition of one's defective nature, recourse to a certain integrated

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<sup>523</sup> Q. I, Concl. (V, 122b-123a)

littleness, expulsion of a divisive spirit of self-importance and pride, and subjection of oneself to and receptivity to the influence of heavenly grace. Bonaventure then responds to William's objection that the according to the *ordo amoris*, when a superior subjects himself to a subordinate, he disrupts the proper order of things and is thus contrary to a virtuous state.<sup>524</sup>

Intrinsic to Bonaventure's theology of virtue is the harmony of the *ordo amoris*. He states that there is a twofold order of things, one within the universe, and another with regard to their end.<sup>525</sup> The order of love, which is the end of all virtue, has as its origin the divine order, upon which the created order attempts to model itself. For Bonaventure, the order of love thus has the natural and divine order in view. This order is thus best preserved when the human person demeans themselves in performed recognition of their lowliness and of God's glory. Such performance optimally takes place, he asserts, when one subjects oneself to another and places someone else ahead of oneself for the sake of God, all the while vigilant not to distort the ecclesiastical order, which perfect humility is sure not to pervert, neglect, or relegate to a secondary position. Quite to the contrary, he argues, perfect humility preserves the ecclesiastical order, insofar as it remains in the heart and maintains the propriety of established authority structures. Bonaventure thus confounds William's objection in the delineation of humility's proper origin, means, and end with regard to the divine and created orders. The virtue of humility thus does not disrupt the created order; rather, it achieves its fulfilment in the order of love in view of the divine order. Consequently, inner humility of spirit does not interfere with the structures of established hierarchy. It only serves to enhance and perfect them. The perfectly humble subject themselves to others according to the pattern that God intended.<sup>526</sup> Another refuting argument contends that the human person is to be honoured above all creatures on account of his deiformity, but also despised because of his corruption.<sup>527</sup> Thus humility does not disrupt the natural order. Mankind is superior to other earthly creatures in its deiformity as a being created in God's own image, but is equal in its sinful defect and ontological nothingness. Yet due to its corruption, the human is placed below others. As such, self-vilification is considered a virtue and a remedy, which befits the sinner. However, he goes on, human defective and limited nature should not imply that the exemplar of the humble is in God the Father.<sup>528</sup> Humility has its divine exemplar rather in Christ, who took on the form of a slave and be humbled, scorned, and demeaned. The final rebuttal is of

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<sup>524</sup> Q. I, Concl. (V, 123a). For William's objection, see: Q. I, Obj. 2 (V, 119b)

<sup>525</sup> Bonaventure had developed a similar theory in *Comm. Sent.* I, dist. XLIV, a.1, q.3, ad 2 (*Op. om.* I, 786).

<sup>526</sup> For a study on the concept of *ordo* in Bonaventure's theology, see: J. A. Wayne Hellmann, *Divine and Created Order in Bonaventure's Theology*, St. Bonaventure 2001.

<sup>527</sup> Q. I, Concl. (V, 123b-124a). For William's objection, see: Q. I, Obj. 6 (V, 120a)

<sup>528</sup> Q. I, Concl. (V, 124b). For William's objections, see: Q. I, Obj. 11 and 12 (V, 120a).

exquisite elegance and bears repeating with regard for humility, the diversity of religious life, and the Church institution.<sup>529</sup> Here, Bonaventure responds to the critique that any part out of harmony with its whole is disgraceful. By that he meant that certain peculiar forms of religious profession discredit the good standing of the Church.

Departing from Augustine's statement *si omnia essent aequalia, non essent omnia*, Bonaventure applies it to the case of religious life. The author retorts that order, distinctiveness, and multiformity are integral to the created order and thus to religious professions and habits within the Church, which adorn rather than disgrace the Church universality. He then finishes the question on humility with a biting assertion. Those who wish to eradicate a particular form of religious life from the Church, claiming that they are vile and worthless, assaults the universal Church. Bonaventure's thoughts clearly resonate with curial officials in the Church institution, for soon enough William would be excommunicated and his writings banned for reasons not so far astride from what Bonaventure affirms here. It turns out that his comments would be marked by a certain degree of prescience.

In the final analysis, humility is a virtue exhibited by interior and exterior vilification of self in light of one's own nothingness, sinfulness, and unworthiness of grace and is thus integral to a proper relationship with self through the recognition of ontological insignificance, with one's neighbour in the acknowledgment of sinfulness in relation to other, and with God in the reality of dependence unworthiness to receive grace. It prepares one to receive grace and subject oneself to the authority of another in preservation, not violation, of the proper ecclesiastical order. It is thus not only a virtue befitting of Christians, but a necessity for the ascent to evangelical perfection. Humility is therefore distinct but inseparable from obedience, as it forms the basis that disposes one to the relationship of binding one to the authority of another. The two are distinct primarily on account of their chief point of focalisation. Whereas humility largely subsists in the relationship to self and God, obedience subsists predominantly in the relationship to other and God. Consequently, the two phenomena occasion intersection in the Bonaventurian conception but ultimately distinguish themselves in their main focal points and the interplay.

Bonaventure's arguments thus exhibit a fair degree of consonance with the charismatic concept with regard for self-*minoratio* and obedience to all. His conception affords it theological specificity, intellectual finesse, and enhanced sophistication. Unsurprisingly, he leaves out the subversive components of the charism. Yet an active, engaged model of obedience derives from true, humble obedience wherein humility feeds into the attitudes held and acts

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<sup>529</sup> Q. I, Concl. (V, 124b). For William's objection, see: Q. I, Obj. 15 (V, 120b).

taken in relation to self, God, and other. Humility thus relates to obedience in that it serves as the foundation of genuinely perfect obedience within and in deed. More on the proper delineation of obedience with regard to other virtues ensues in what follows.

### *Poverty and Manual Labour*

Given that half of the treatise deals with the thematic of poverty, it is a worthwhile endeavour to retrace some of the argument's most important movements with particular regard for reference to its fellow counsel obedience, preaching, and manual labour. The author treats the matter of poverty under three headings; one regards renunciation of temporal goods, the second begging, and the third labour. In points 1-25 of the article on renunciation Bonaventure puts forth a virtual onslaught of authorities for the readers' consideration, including Scripture, Church Fathers, canon law, and more recent classics such as Bernard of Clairvaux.<sup>530</sup> They belabour the point, which Bonaventure wishes to get across and which he explains with greater nuance in the arguments from reason; namely, that voluntary poverty in the form of the total renunciation of possessions, whether singly or in common, and contempt of the present world is a prime facet of perfect fulfilment of the Gospel. Numbers 28 and 29 refer to the attainment of poverty in conjunction with other counsels, in particular that of obedience. He argues first of all that poverty is analogous to the other two counsels in nature. Just as the more generally and universally a person obeys, the more perfectly he embraces the virtue, and likewise for chastity, similarly the more intently and unconditionally one endeavours to fulfil poverty, the more perfect he shall become.<sup>531</sup> Also, poverty increases in magnitude of perfection when it counts more perfect obedience as its companion.<sup>532</sup>

Here, Bonaventure sets forth the exceptionality of mendicants with regard for other religious professions in the Church with the contention that those who have possession in common cannot be deprived of them under obedience, but those without possessions whatsoever must exhibit obedience in all places on earth. If evangelical perfection consists above all (*maxime*) in the perfection of obedience, then to renounce things more universally and retain nothing must lead to the perfect fulfilment of the Gospel. However, Bonaventure does not simply assign a secondary position to poverty. Instead, it is poverty that facilitates the entirety of one's journey in religious life.<sup>533</sup> The author envisages poverty as a straightening of the road along which one must travel in order to arrive at evangelical perfection. His argument follows the line of reasoning that since the beginning and end of life is marked by the highest

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<sup>530</sup> Q. II, a. 1, ns. 1-25 (V, 123a-127b)

<sup>531</sup> Q. II, a. 1, n. 28 (V, 127b-128a)

<sup>532</sup> Q. II, a. 1, n. 29 (V, 128a)

<sup>533</sup> Q. II, a. 1, n. 32 (V, 128a)

poverty, in that one enters the world possessionless and so too does one leave it, it is therefore fitting that one should disown everything along the way in order to render the path their goal of perfection more direct.

The conclusion<sup>534</sup> then initiates a discourse on poverty not as perfection of sufficiency, but as perfection of abundance. His argument makes three primary moves. He seeks first to establish voluntary renunciation of possessions as the principle counsel and foundation of all religious life, then appeals to ecclesiastical authority in support of the brothers' life, in particular the bull *Nimis prava*, which confirms both the Friars Preacher and Minor, and finally argues that nature, Scripture, and grace have indicated the brothers' arduous form of poverty, and as a consequence, their claim to evangelical legitimacy is also indisputable. By means of their extraordinary poverty, the brothers' life is practically overflowing with perfection due to its radicalisation of tradition in the extraordinary call to poverty singly and in common, the approval of ecclesial authority, and the absolute claim to evangelical legitimacy. With radical assumption of tradition, Church authority, and Gospel legitimacy, he connotes, no one could rightly oppose them. Let there be no trace of a doubt, Bonaventure knew how to make a case.

Of particular interest for the matter of obedience, Bonaventure ascertains poverty as the principle counsel (*consilium principale*).<sup>535</sup> Here, he echoes somewhat n. 32 from above in his claim, rather more vividly articulated, that poverty paves the way for the path to perfection. The novel argument is that poverty more greatly disposes one to the mortification of the flesh in chastity and the abnegation of one's will in obedience, since one dispossesses oneself of all goods and has nothing, no house, nor a any place to call his own. Bonaventure's retorts are fascinating, but they are ultimately inconsequential for the current study.

As for begging, the author devotes an entire question in defence of its pertinence to poverty as a legitimate feature of the Gospel pursuit. For the sake of the argument, the term *mendicatio* or *mendicitas* encompasses both begging for alms to the end of sustenance and manifest necessity and living off of alms collected daily.<sup>536</sup> Beginning with the counterarguments, Bonaventure then proceeds to argue in favour of alms begging as a fitting practice of those who seek evangelical perfection. Again the author begins by arguing from the authority of Scripture, canon law, and other forms of tradition. Other than their show of tradition, they are of relatively little service to his argument in terms of theological substance. Number 3 counters the claim that the mission to preach exempts one from begging, affirming the contrary case that it all the more demands the brothers to beg and reasserting thereby also the broth-

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<sup>534</sup> Q. II, a. 1, Concl. (V, 129a-130b)

<sup>535</sup> Q. II, a. 1, Concl. (V, 129a)

<sup>536</sup> Q. II, a. 2 (V, 134a)

ers' very preaching mission.<sup>537</sup> In an example of a beggar that would surely spark a debate about the nature of work in the order, the author puts forth Saint Benedict as an example of a beggar who did so without sin.<sup>538</sup> Gregory's hagiography of the saint claims that he lived in a cave uninterrupted for three years without working at all, and a certain brother Romanus would bring him food. Also not insignificant is Bonaventure's mention of Francis among the saintly examples.<sup>539</sup> The order's founder begged, advised the act of begging, and confirmed it in the miraculous episode where he procured food for starving sailors while aboard their ship.

In addition, Francis elected to insert the practice into their rule, which the Supreme Pontiff approved. In his arguments by reason arises a genial theological manoeuvre. The author argues that the law of nature, Scripture, and grace do not prohibit the practice.<sup>540</sup> To the contrary, it is prescribed by obedience to religious profession. What is done under obedience is meritorious and praiseworthy, in particular if it is difficult or burdensome. Thus when one begs in satisfaction of obedience, it is a dignified and perfect act. Again on the matter of preaching, it is licit that one who has been approved by an authority and thereby afforded a sub-authority (*sub-auctoritas*) on commission or command may supplicate for his expenses on the basis of that authority,<sup>541</sup> the supporting logic here being a reaction against William's claim that the Church institution has no jurisdiction to delegate the authority to preach or hear confession.<sup>542</sup> This is a line that Bonaventure revisits in his conclusion and in his direct response to the objections.<sup>543</sup> In condensed form, his argument is the following. Just as Christ bestowed the authority to preach and procure sustenance upon the apostles, so too does the Supreme Pontiff, the Vicar of Christ on earth, bestow the same authority upon the Church's prelates. In the present the Holy Spirit ordained in the governance of the Church, with particular accent upon the Office of ordinary jurisdiction as laid out in the bull *Inter cetera*, to delegate the performance of such activities to others of worthy standing due to the requirement of the times. The Pope's confirmation of the mendicant orders in *Nimis prava*, he repeats, verifies it to be so.<sup>544</sup> To speak to the contrary is to attack the very Pontiff himself and to under-

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<sup>537</sup> Q. II, a. 2, n. 3 (V, 134a)

<sup>538</sup> Q. II, a. 2, n. 20 (V, 138b)

<sup>539</sup> Q. II, a. 2, n. 23 (V, 138b-139a)

<sup>540</sup> Q. II, a. 2, n. 27 (V, 139a)

<sup>541</sup> Q. II, a. 2, n. 33 (V, 139b)

<sup>542</sup> On William's understanding of the ecclesiastical order and its ramifications for the order's preaching mission, see: Karris, 'Introduction,' 11-4.

<sup>543</sup> Q. II, a. 2, Concl. (V, 140a-149a) and Resp. (V, 149a-155b)

<sup>544</sup> Q. II, a. 2, Concl. (V, 141b-142a). *Nam si quis impugnare et improbare velit omnem ei mendicandi modum in servis Christi, impugnare videbitur non tantum ordinem pauperum, verum etiam ipsum summum Pontificem, qui approbavit hunc vivendi modum; nec etiam tantum ipsum, verum etiam hunc magnum coetum Sanctorum, qui mendicaverunt, videlicet Franciscum, Dominicum, Alexium, Benedictum et ipsum cuneum*

mine the holiness of a great many examples throughout salvation history. Such arguments belong to Bonaventure's partly innovative approach to pontifical authority developed elsewhere and stated in abbreviated form in the article's final remarks.

Without going into the finer points of his critical response to William's polemic, the core of Bonaventure's conclusion,<sup>545</sup> in addition to what has already been affirmed, is the threefold manner of preaching. There are, he explains, three ways in which begging befalls a person. One can beg on account of necessity, which is in and of itself neither meritorious nor blameworthy, though it can become a great merit if endured with patience. The second form is begging which arises from corruption of sin, in which one attempts to amass wealth or foster a life of ease. Such mendicancy is deplorable. The third form is that undertaken out of supererogation of justice, which takes place when one begs in imitation of Christ or proclaiming the Gospel of Christ.

The threefold way of imitating Christ consists in self-contempt, love of neighbour, and worship of God. Begging is a means of belittling oneself, edifying one's neighbour and eliciting mercy, and freeing one up to focus upon God alone in the absence of temporal goods. The author then links alms begging and preaching with the argument that the solicitation of sustenance is a performed manner of Gospel proclamation. It is thus worthy of praise in that it prepares the way to the Gospel by reason of what is preached, by whom it is preached, and to whom it is preached. By their practice, beggars preach contempt of the world. Preachers increase by the prospect of begging, as they are better equipped to survive as opposed to living on their own cost or working for their livelihood. At this juncture, Bonaventure begins to set up the next article on work, for the matters of begging, preaching, and labour are intimately intertwined in the thoughts here presented. He then argues that the Gospel is more effectively received when those who behold it grant a substantial contribution. Further on regarding the point of labour, the author responds to the provocation that the Pauline injunction to live by the work of one's own hands destabilises the claim to the legitimacy of the active seeking of alms.<sup>546</sup> Bonaventure disambiguates a conflated premise of the critique. He agrees that Paul commands such bodily labour, but disagrees that the command is issued in a universal manner to all the servants of Christ. Rather, Paul addressed those individuals of the community who were not engaged in any useful activity and busied themselves with idleness and meddling.

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*Apostolorum et Prophetarum; nec non et ipsum Dominum lesus Christum, quem Scriptura non veretur dicere pauperem et mendicum.*

<sup>545</sup> Q. II, a. 2, Concl. (V, 140a-149a)

<sup>546</sup> Q. II, a. 2, Resp. (V, 154a-b)



Quoting the *Glossa ordinaria*, he proclaims that Paul's intent in his mandate was to correct busybodies and idlers.<sup>547</sup>

The astute reader of Bonaventure will recall that he employed an identical line of reasoning in *TribQu*, where he applied the rationalisation to Francis with regard for the rule's chapter on work. Thus the Pauline injunction does not preclude the activity of begging unless undertaken out of sloth or avarice. On the authority of Augustine, he insists, it is clear that those able-bodied brothers who were involved in bodily work before entering the community and who are not bound by ecclesiastical occupations are obliged to work. However, the mandate does not possess universal validity. The tasks befitting *virī spirituales* such as the Minorites and to which God has called them by way of the Supreme Pontiff and the prelates consist in building up the people of Christ, in almsgiving, and in the teaching and guidance of souls. The question of preaching then takes on ecclesiological significance, as Bonaventure understands attacks on mendicant legitimacy as an assault on the very Church itself. Here, a partial representation of Bonaventure's contribution to the debate on papal authority and power comes to the fore.<sup>548</sup> It is, however, but a foretaste of the development that takes place further on in the question on obedience. Comments shall be reserved for the broader treatment.

As far as manual labour is concerned, Bonaventure is willing and ready to acknowledge the order's somewhat troubled relationship with work. He does so in an entire article wherein the question at hand lie in the section's title, *Utrum pauperes validi, et maxime regulares, ad opera manualia universaliter sint astricti*. The section has been widely neglected in favour of other of his writings. The article merits a more extensive study than is presently possible. In any event, Bonaventure's comments on the place of work in the mendicant orders continue. Following the above analysis, one has an estimable chance to anticipate what the general trajectory Bonaventure's argument may be. His arguments in support of the proposition comprise cases made from the obligation of nature, from Christian religion, and from

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<sup>547</sup> Q. II, a. 2, Resp. (V, 154b). *Ex iam dictis in hac quaestione de paupertate, ut cetera recolligamus in summa, apparet, quod sicut mendicare in pauperibus debilibus et infirmis est necessitas naturae, in validis otiosis et cupidis est vitiosus culpa; sic in pauperibus voluntariis, contemptoribus sui et imitatoribus Christi et praedicatoribus Evangelii est actus consonans, non repugnans evangelicae perfectioni, pro eo quod omnibus universaliter renuntiare, nullam rem sibi appropriando, est comultum a Doinino ut perfectum; elemosynas accipere iustis pauperibus est concessum tanquam licitum et in nullo perfectionis evangelicae inimicum; elemosynas etiam humiliter petere pauperibus voluntariis non est inhibitum tanquam malum; vitam suam de lucro laboris sui transigere non est omnibus validis pauperibus iniunctum tanquam praeceptum necessario astrictivum.*

<sup>548</sup> *Si autem dicat, non debere mitti; detrahit evangelicae perfectioni. Quis enim magis idoneus ad hoc, quam qui devovit evangelicam perfectionem? — Si quis dicat, eos a Papa et episcopis non posse mitti; derogat apostolicae auctoritati et potestati clavium in praelatis et plenitudini potestatis in summo Pontifice, qui in terris, ut Scriptura asserit, fides sentit, iura testantur, rationes etiam irrefragabiles convincunt, ut caput unum et summum et sponsus unicus et hierarcha praecipuus, in quo est totius Ecclesiae militantis status, obtinet locum Christi.* Q. II, a. 2, Resp. (V, 155b)

monastic profession.<sup>549</sup> Among his chief points of contention are nature's requirement that man work, Paul's verses on manual labour, and the insistence of various forms of religious life, in particular Augustine, who declares that spiritual works such as reading, recitation of the psalter, prayer, and preaching do not dispense one from bodily work, and Francis himself who commended those with a craft to continue on carrying it out.

Let us advance to his principle contention wherein he espouses what he refers to as a middle way,<sup>550</sup> by which he means that some are bound to bodily work, while others are freed from the obligation. To some such labour is indicated by a precept, while a counsel characterises the proper relationship to work of others. Still others are not indicated to work in either of the ways. The middle way splits to extremes. On one end of the spectrum, one could proclaim that no mendicant is bound to bodily labour. Rather, they should only take to work of a spiritual persuasion. Such a proposition is invalid as it corrupts the Church and depraves Scripture. It corrupts the Church because it nurtures laziness and false justice. It depraves the Scriptures because misrepresents in an amplified manner the Gospel admonition not to be preoccupied with the things of this world and misrepresents in a diminishing manner the Pauline injunction to live by the work of one's own hand.

Another erroneous position besets the opposite extreme, whereby all mendicants are obliged to undertake manual work. The position likewise corrupts the Church due to its feigning justice and its attack on the spiritual life and depraves Scripture when it amplifies another of Paul's verses (*Qui non laborat non manducet*) and restricts the meaning of the Gospel verse (*Dignus est operarius mercede sua*). With regard for the middle way,<sup>551</sup> Bonaventure zooms out to an ecclesiological perspective. There are three forms of work that correspond to the threefold articulation of the Church's governance (*regimen reipublicae in Ecclesia*). It provides an inferior, that is, corporal good, an exterior, that is civil good, and an interior, that is spiritual good. Work of the first corporal category is necessary for preparing clothes, food, dwellings, and instruments of arts and craftsmen. The civil work of the Church consists in the service of governance, defence of soldiers, negotiation of trades and sales, and attending to its servants. The spiritual task of the Church consists in the dissemination of the divine word, recitation of divine prayers, and dispensation of the Sacraments. Just as those predisposed to civil service are not bound to also occupy themselves with manual labour, so too can the injunction to engage in manual labour hardly be said to apply to those with a calling to spiritual endeavours. Indeed, the Church has retained it salutary to conserve all three sorts of service.

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<sup>549</sup> Q. II, a. 3, ns. 1-16 (V, 156a-158b)

<sup>550</sup> Q. II, a. 3, Concl. (V, 160a)

<sup>551</sup> Q. II, a. 3, Concl. (V, 161a-162a)

The divine holds the diversity of occupations, analogous to the diversity of gifts of the Holy Spirit, a profit and something to be maintained in order to better be of service to its members. At once, no one is obliged to a certain kind of work, unless demanded by the salvation, necessity, or usefulness of the ecclesiastical hierarchy, whose members are the servants of Christ. Among the members of Christ's body, there are some who are especially suited to corporal work and minimally to spiritual endeavours. For those members, in particular those who are prone to laziness and idleness, manual work is a precept. For others who are equally suited to spiritual and manual labour whether in part or entirely, the Pauline injunction is a counsel.

A final classification of members maximally predisposed to work of a spiritual character are neither duty-bound nor advised to work. Therefore, Bonaventure addresses the issue of work without truly entering into the nitty-gritty of Minorite discourse on the normative status of work according to their *propositum*. However, remarks put forth elsewhere in the writing render his position clear. The occupations proper to a Minorite are those of the spiritual classification with particular accent upon the labour of preaching to the faithful, a position fleshed out in other works. Nevertheless, a comment of undeniable clarity intimates his thinking on the matter and springs forth in the rebuttal to the objection appealing to the diversity of religious professions, some of which have manual labour as a duty, others of which do not.<sup>552</sup> With regard for the diverse forms of religious life, three issues must be considered; namely time, person, and intention. The period in salvation history as well as the individual himself and his intentions in choice of occupation must be given consideration. In late antiquity monks were given to manual labour because the times demanded it. However, in more recent times God has opted to give religious to spiritual exercises.

### *Obedience*

Bonaventure devotes half of the treatment related to obedience to the question of papal authority. The first part deals with the matter as to whether it is conformity with natural law that one subject oneself to another in obedience. The second is whether it is consonant with evangelical perfection that one bind oneself by vow to obey another person. Each topic shall receive attention in turn. The regent master's initial concern is that of subjection to another and its conformity with natural law.<sup>553</sup> Dissimilar to his argumentation leading up to the obedience question, the author approaches his thematic with concise, substantive reasoning. The arguments in favour of the proposition take on three principal forms. His initial line of thought regards relations on an individual, familial, societal, and even cosmic scale. Obedi-

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<sup>552</sup> Q. II, a. 3, Concl. 12 (V, 164a-b)

<sup>553</sup> Q. IV, a. 1 (V, 179a-183b)

ence is consonant with the Decalogue inscribed in the hearts of mankind insofar as honouring parents is proper,<sup>554</sup> the preservation of the natural order in terms of its hierarchy and governance requires it,<sup>555</sup> and certain individuals merit or are deserving to be treated as such.<sup>556</sup> The law of nature dictates that one honour one's parents is fulfilled in obedience, as honour is shown through reverence, whose proper form of expression is obedience and submission. The order of nature demands that one subject oneself to another in order to maintain and preserve hierarchical relations reflective of those in the divine order, through that of the angelic realms, and down to the realm of earthly reality. The rule and governance common to all peoples is proper to such preservation in accordance with the law of nature and thus by implication so too is the subjection of one to another. Those in a state of innocence are deserving of reverence, while it behoves one to subject oneself to another, in particular if that person enjoys a greater magnitude of interior alignment with the law of nature than does the subject.

He retains it a dictate of natural law that one subject oneself to another. In his synthetic remarks Bonaventure holds to the contention that it necessarily follows from his support of the proposition that an inferior subjects himself to a superior in a variety of ways according to manifold differences of inferiority and superiority.<sup>557</sup> There are multiple modes of propriety in hierarchical relations contingent upon the sort of hierarchy. The law of nature which flows from the eternal law dictates that it is so. One begins to catch a glimpse of Bonaventure's rich theology of divine and created order in conjunction with his theory of law.<sup>558</sup> Traces of possible influence from the *Summa Minorum* are perceptible. Proceeding with the author's argument, Bonaventure begins to delineate the various manifestations of superiority. He affirms that a person is said to be superior on the basis of three possible reasons.<sup>559</sup>

Superiority is determined, he explains, by the origin of nature, by the dominion of power or governance, or by the rule of providence. The first scenario is self-justifying as nature tends to act in its own interest in safeguarding the procreation of like offspring. The second appears by reason of sin, for servitude results from human sinfulness. He then commends the rule of providence assigning to it a pastoral significance embodied in the imagery of a shepherd as evoked in Numbers 27, 16-17. Filial obedience is suited to the first variety of superiority; the second variety corresponds to the obedience of servility; finally, the third sort stems from the jurisdiction owed to the dignity of a prelate. Whereas natural law dictates filial

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<sup>554</sup> Q. IV, a. 1, ns. 1-3 and 5 (V, 183a-b)

<sup>555</sup> Q. IV, a. 1, ns. 4, 6, 7, and 9 (V, 183a-b)

<sup>556</sup> Q. IV, a. 1, ns. 8 and 10 (V, 183b)

<sup>557</sup> Q. IV, a. 1, Concl. (V, 181a)

<sup>558</sup> Cf. J. A. Wayne Hellmann, *Divine and Created Order in Bonaventure's Theology*, St. Bonaventure 2001.

<sup>559</sup> Q. IV, a. 1, Concl. (V, 181a-182a)

obedience, it does not of necessity dictate servile obedience, although in the fallen state of man it is implied as a penal consequence of sin by the law of the nations which flows from reason and natural instinct. Obedience to prelatory jurisdiction exists in a wayfarer state, in support of which he cites Paul and the *Glossa ordinaria* to the effect that superiority will be done away with when all things have been accomplished in a reparable or repaired state.<sup>560</sup> As his choice of authorities connotes, all hierarchy will fall away in the end of days, even that of the prelates.

Looking ahead to Bonaventure's *Legendae*, the phenomenon is manifest in Francis' enigmatic wish to be subject to others rather than superior, which found its definitive manifestation in the resignation motif. It is worthwhile to evince the eschatological component operative in Bonaventure's system even at such an early stage and detectable in the selection and construction of his arguments. In such a fashion, his work contains instructions for the present but also for the future. In its current state and in the present stage of history the Friars Minor belong to the *ordo cheribus*, although in the final stage of salvation history the order's members will be perfected and attain the standing of *ordo seraphicus*.<sup>561</sup> In his perfection and radicalness Francis can be imitated in the present, but extreme difficulty marks the path of anyone who wishes to take on such a task. For the present, a certain radicalness of Francis is nevertheless preserved in large part in Bonaventure's legends and sermons.

As Bonaventure underscores on several occasions, the total achievement of Francis's perfection shall largely have to wait until the end times. He wisely does not place concerted emphasis upon this component of his writings – and for good reason, as Gerard's excommunication centred on such a claim –, but it nevertheless comes across. On the contrary, he elects rather to encourage others to seek the perfection of Francis and even scolds those who fall away from even *status quo* standards. In a sermon on Francis, Bonaventure acclaims Francis for his exceeding humility, proposing it as the most admirable aspect of his character and yet the most difficult one to imitate. Thus for Bonaventure the figure of Francis operates as both an icon for veneration and a symbol for imitation, both an eschatological sign and a model for

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<sup>560</sup> Here, he quotes 1 Cor. 15, 24 (*Cum evacuaverit omnem principatum*) and more extensively the *Glossa* (*Dum durat mundus, Angeli Angelis, homines hominibus praeerunt ad utilitatem viventium; sed omnibus collectis, iam omnis praelatio cessabit, quia necessaria non erit.*)

<sup>561</sup> It was first pointed out by J. Ratzinger in his seminal work *Die Geschichtstheologie des hl. Bonaventura* (Munich, 1959), in particular 52 where he refers to *Collationes in Hexaemeron*, XXII (V, 440) as a proof text for his theory. Nevertheless, Ratzinger interprets the reference as a confession on the part of Bonaventure as to the compromise of Francis' ideal. Roggen then followed suit and made a similar claim. See his "Saint Bonaventure second fondateur de l'Ordre des Frères Mineurs?," *Études franciscaines* 17 (1967), 67-79, here 76-77. For Tierney's persuasive analysis on the matter, which argues for the reading that Bonaventure wrote such in view of the imperfect observance of his own generation, see: Tierney, *Origins of Papal Infallibility*, 71-2.

the present. From a global perspective of his work, however, it appears that the most mature articulation of Francis' way of life, both as immanent in the institution and as present in his at times perplexing example. A consequence of this logic is that hierarchical structures of obedience are necessary in the present age, an idea which Bonaventure appears to take quite seriously in his regency as minister general.

Returning to the treatment at hand, if there exists a threefold differentiation of authority, there must also in turn exist a threefold manner of obedience. The first dictate is of an absolute nature because what it dictates is universal, explicit, and applicable to all states of existence. The law of nature dictates the second and third varieties of superiority implicitly and according to a specific state of living. It therefore follows that the three varieties of obedience pertain to dictates of natural law. Additionally, such obedience is also in accordance with the dictates of the law of grace and written law, the former intrinsic to the New Testament, the latter to the Old. Given that the law of grace regards and encompasses the origin, sinful effect, and remedy of nature, it is proper that the obedience be kept and differentiated in a threefold manner. Due to the harshness of the written law, it was deemed not only proper that humans obey in a threefold manner, but at once that transgressors of the obedience should also incur proper punishment. The written law thus punishes the contumacious son, the rebellious slave, and the disobedient subject.

It is perhaps not superfluous to note that the two laws correspond to the classic theology of the dual nature of God, whereby his character is marked by both mercy and justice. Curious thoughts fill the mind of the attentive reader and give cause to wonder whether Bonaventure had such a theory in mind when redacting the *ConstNarb* with its numerous permissions for particular states and punishments for out-and-out transgressions. In his response to the objections, Bonaventure adds that the mandate of nature does not coerce the individual and thereby contravene his freedom, for there exist two kinds of coercion.<sup>562</sup> There is a coercion of sufficiency, presumably backed up with an actual threat, and coercion of a persuasive means. Whereas natural law strictly forbids sufficient coercion, it upholds and encourages the employment of persuasion with the caveat that coercion be directed at a manifest abuser of freedom. Such occurs in the state of fallen nature, and thus it is proper that the directives of commanding powers shore up the wickedness of wills. One wonders as well which sort of coercion Bonaventure had in mind when undertaking his own rule.

Furthermore, implicit in the natural law approach to the question of the conscience developed in Bonaventure's literary corpus is the notion that consciences require at times an

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<sup>562</sup> Q. IV, a. 1, Resp. (V, 182a-b)

external impetus to be formed in alignment with the law of nature written in their hearts. The human soul is in touch with the divine message inscribed within on account of a greater or lesser degree of interior alignment. A conscience is thus good to the extent that it is aligned with the natural law and erroneous to the extent that it is in some way deceived or disorientated and its facility to judge is impaired. It is worth noting the appreciable difference between the free, dynamic concept of conscience in the writings of the early movement and that operative in the writings of Bonaventure. The apparent shift likely results from a shift in anthropological, legal, and harmartiological insights into the intrinsic sinfulness of mankind due to the fallen nature and the necessity of various levels of legal institution to accomplish regulation and control. Pastoral authority is a divine institution, he connotes. The disciplinary component of legitimate authority is a consequence of the law of providence and thereby sanctioned by God. Though he does not expressly put it into words, it is presumable that the divinely sanctioned authority in a wayward state exercises absolute authority with the proviso that he properly fulfils his duty as a shepherd to his sheepfold.

In a passage paradigmatic for Bonaventure's ecclesiology and seemingly written for the express purpose of the present study, Bonaventure sets in relationship the order of love as reference above with the pluriformity of charisms, that is gifts of the Holy Spirit, and the determination of dignities in the Church with particular regard for offices of authority.<sup>563</sup> In conformity to the unity of love, the law of nature sets some members over others according to various functions just as the members of a body are organised and ordered to serve the organic whole. The order of love is in perfect accord with the law of authority and subjection by which one governs another and thus does not preclude the pluriformity of charisms and the assignment of authority figures. Rather, the two are part of an integral unity.

It is also salutary to mention that among his rebuttals Bonaventure ascertains the proper relationship to authority and subjection as to pride and humility.<sup>564</sup> While the legitimate authority figure is by definition good as an institution of providence, the desire to ascend to a position of authority derives from a type of pride. It thus does not follow that authority is to be sought in the identical fashion as subjection. The desire for subjection is a virtuous condition in agreement with humility and reverence. His argument here accomplishes two things. It in-

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<sup>563</sup> Q. IV, a. 1, Resp. n. 6 (V, 182b). *Ad illud quod obiicitur, quod ius naturae dictat, caritatem esse servandam; dicendum, quod sicut ad perfectionem corporis vivi requiritur aequalitas complexionis, in qua omnia membra conformantur, et multiformitas organizationis, in qua membra distinguuntur et ordinantur et secundum variam influentiam alia aliis praeponuntur; sic intelligendum est circa corpus Christi mysticum. Et ideo unitas caritatis non excludit multiformitatem charismatum et discretionem dignitatum et officiorum, quae unum membrum alteri habet subiici et secundum legem praelationis et subiectionis ab altero gubernari.*

<sup>564</sup> Q. IV, a. 1, Resp. n. 8 (V, 182b)

terrelates the virtues of humility and obedience in an explicit way thereby establishing humility as the escort virtue of obedience and also situates the desire to be subject within the created order as antithetical to the desire for authority.<sup>565</sup>

The Parisian master then lends a somewhat more substantial treatment to the issue of obedience as manifested in the context of a vow. The author's initial arguments in favour of the proposition are somewhat scattered in their execution.<sup>566</sup> Recurring conceptual threads comprise the fitting nature of abnegating one's will in the vow of obedience, the situation of obedience in terms of other virtues such as justice, poverty, goodness, humility, righteousness, and conformity with Christ, as well as the function of obedience to distance one from the origin of all evil, that is one's own will, the vices, and the carnal ways of the world. Importantly, in the first points of his analysis, Bonaventure encounters head-on passages and conceptions of obedience that were formative in the universal component of obedience as proposed by writings of the early movement.<sup>567</sup> He reorients them to render them subordinate to his hierarchically-informed conception of obedience. A substantiating instance is found in point 2.<sup>568</sup> Bonaventure cites a Petrine verse that was of paradigmatic significance in the early writings, but reprioritises its logical consequence to suit his argument on the efficacy of obedience in terms of a vow. The same principle applies for points 1 and 6, which comes from the Gloss and Bernard of Clairvaux respectively.

His concluding remarks then bring light to the substantive understanding vis-à-vis the vow of obedience.<sup>569</sup> His opening comment, which takes the form of an overarching thesis, bears repeating.<sup>570</sup> In its proper expression, obedience constitutes, expedites, and consummates evangelical perfection. Thus, while humility and poverty formed the root and foundation of Gospel perfection, obedience is its highest manifestation. It is at the present juncture in the reading that one begins to realise that Bonaventure never mentions obedience unless it is in perfect conformity with the institutional demands of the ecclesiastical order. What may be considered extraordinary or non-obligatory does not enter into the discourse. He makes it abundantly clear that he has a score to settle with William on the matter of the vow as ex-

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<sup>565</sup> As a side note, Bonaventure's response to the ninth objection renders clear that he had not yet assimilated the idea of divine vicarage, as he argues in favour of the legitimacy of obedience to an authority through God, for the sake of God, and according to God, but never as God's stand-in. Q. IV, a. I, Resp. n. 9 (V, 182b-183a)

<sup>566</sup> Q. IV, a. II, ns. 1-13 (V, 184b-185a)

<sup>567</sup> Q. IV, a. II, ns. 1, 2, and 6 (V, 184b)

<sup>568</sup> Q. IV, a. II, n. 2 (V, 184b): *Item, primae Petri: Subiecti estote omni humanae creaturae propter Deum: ergo quanto quis hoc efficacius facit, tanto perfectius agit; sed qui per votum alteri se subiicit, hoc efficacissime facit: ergo talis perfectissime agit.*

<sup>569</sup> Q. IV, a. 2, Concl. (V, 185a-186b)

<sup>570</sup> *Astringere se voto cui obediendum alteri, non in omnem eventum, sed ad ea quae evangelicis consiliis sunt consona, hoc est perfectionis constitutum, expeditivum et consummativum.*



traordinary in and of itself and that in a highly hierarchical structure, which in the next section shall be raised to the superstructure of the Church whose central focal point is the Pope. Thus all elements are subject to the general trajectory of his argument and its literary structure. It is important to be mindful that *PerfEv* is a polemical text and not a mere scholastic exercise. The vow of obedience is after all an institution that secular clergy do not promise, although they technically must answer to the bishop and the Pope. Their vow is thus by itself already a hand-up in relation to the secular masters. Still one may wonder what his thoughts may be where it concerns forms of obedience that are virtuous for virtue's sake and not limited to a proper role in the fulfilment of hierarchical propriety. The concept put forth in the current writing certainly resounds with the relegation of the universal component to the realm of humility and in particular piety.

Bonaventure then removes all doubt and affords an explanation for why it is so. To the objection that obedience to a great many of people is more excellent.<sup>571</sup> It is proper, he asserts, that one obey few through hierarchical obedience in accordance with a religious profession. Bonaventure's affirmation provides a sound argument for the immediate falling away of the mutual and universal dimensions of obedience shortly following the redaction of *RegB*. In a canonical framework and a classically trained mind there can be only one phenomenon to which obedience refers; namely, that of voluntary binding oneself to the will of a superior unless commanded to violate the rule or God's laws. Indeed, it is exactly in such a form that obedience appears in *RegB*.

The author then goes on to reassure his audience that his theology of the vow does not intend to espouse unquestioning obedience. In reality, there are two ways to approach the vow. Either one obeys in every instance and in all that is pleasing the superior's will, which is a reckless and foolish, or one obeys in consonance with the evangelical counsels as proposed by a sanctioned *norma vivendi* derived from the fountain of evangelical law (*a fonte legis evangelicae derivatam*). The latter of the two paradigms of obedience is consonant at least in principle with the early writings and a few subsequent to them. In such a manner, Bonaventure raises a similar flag of obedience to a wrongful command that *RegNB* and in a less prominent way *RegB* had. Here, unquestioning obedience to the superior's will is not only discouraged, it is condemned as a moral wrongdoing and a sinful act. As a supplement it should prove useful to note a passage in his rebuttals. Here, he argues that if one were to commit oneself to a stranger without a law, without a norm, without a predetermined rule it would be

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<sup>571</sup> Ibid. (...) *istud est verum per reverentiam et condescensionem, benignitatis et exhibitionem bonoris, non autem est verum per votum obedientiae et professionem regularem, quia secundum hanc certis personis debent certi homines subici, ut in omnibus vitetur confusio, et relictio ordinis observetur.*

of the utmost foolishness.<sup>572</sup> If one vows obedience according to a rule, there is no threat of danger. There are certain matters according to the rule, others alongside the rule, still others that go beyond the rule, and others still that are against the rule. The first matter binds even absent a superior's command, the second binds only provided that a superior commands it, the third does not bind unless one wishes to perform them out of perfection, and the fourth binds in no way. He then draws a parallel between obedience in religious life and obedience to divine law. Similar to matters that are against the law of God and jeopardise either our salvation or God's honour, no one is bound to obey a command to violate the rule.

Obedience when properly directed is suited to perfection, as it constitutes, expedites, and consummates the perfect fulfilment of the Gospel. It is thus a constant companion on the human journey to perfection insofar as it serves as a constituent part, the preparatory road, and the ultimate completion of perfection. It is a constituent part as it inheres the three evangelical counsels, the main constituents of Gospel perfection; it is the preparatory road because it facilitates one's journey through fellowship, assistance, and example, all of which are supremely ordered and directed by submission to the will of a single superior; and it is the ultimate completion as in it one attains abundant justice. The act of justice in turn is threefold in its effect. By way of justice one rectifies, orders, and compensates, for it comes about due to a rectified, ordered, and recompensed will. The perfect rectification of justice is the conformity of the will with the truth, which humbles all. Through it, one thinks less of oneself than of others and is humbled. One thus enters a type of servitude best accomplished in obedience to the will of another. Inner justice therefore also fights against pride and ambition.

At once, the rule of perfect justice also achieves perfect ordering, which consists not only in voluntary subjection of an inferior to a superior. Rather, it also and most importantly consists in subjection to an equal or even an inferior person. By superior, equal, or inferior Bonaventure means not superiority in terms of rank, but as far as spiritual excellence is concerned. The humility shown in such obedience is characterised by a threefold gradation. The first degree, adequate humility, entails subjection to a greater person. Abundant humility consists in subjection to a person of equal spiritual excellence, and in the subjection to a spiritually lesser person lies all justice (*omnia iustitia*), which corresponds to the degree attained by Christ. Of interest, the present passage is an instance in which the term humility is practically indistinguishable from obedience. Nevertheless, it is certain that he refers to inner disposition rather than an explicit act of obedience, for the paragraph culminates with the claim that justice so employed orders dignity and operates according to the law of grace, wherein a person

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<sup>572</sup> Q. IV, a. II, Resp. n. 13 (V, 188a-b)

while higher in rank may consider himself of lesser status. Perfect justice undertakes perfect recompense by imitation and interior participation in the actions taken by Christ who out of love lowered himself and became the absolute servant of mankind. Justice requires an integral obedience that encompasses not only the members possessed in poverty and chastity but one's very identity, which is to say the will abnegated in the vow of obedience. It thus follows that humans should fittingly subject themselves to the will of another out of an intense desire to pay recompense for the sacrifice of Christ.

In summation of the entire path and means of evangelical perfection, Bonaventure explains that obedience is the culmination of perfect fulfilment of the Gospel, in that the will is the greatest gift that a human being can possibly give. He goes on to elaborate on the concept of obedience as culmination and relates it to the other counsels.<sup>573</sup> As he suggests, the ultimate method of propulsion toward Gospel perfection lies in the obedience of the individual in binding himself to another by means of a vow. The three evangelical counsels oppose the threefold origin of sin in avarice, concupiscence, and pride. Yet obedience provides the highest and most noble compliment to all of evangelical perfection.

Bonaventure expounds upon his concept in his retorts to the interlocutory objections. When faced with the false dichotomy in the affirmation that obedience violates freedom, he argues that the burden of voluntary subjection, which derives from the will alone, is not contrary to the freedom of grace.<sup>574</sup> Even the burden of bodily servitude can stand alongside the grace of the Holy Spirit and the sacrament of baptism. He asserts the contrary position, whereby the burdensome nature of obedience is capsized as the yoke of obedience is light in the sense that it removes the burden of pride and arrogance that come about due to the love of one's own will.<sup>575</sup> To the objection that Christ never promised a vow, he responds that Christ's will was already perfectly confirmed, which is more excellent than a vow, and we access the confirmation by means of a binding, strengthening, and inviolable vow.<sup>576</sup> Neither did the Apostles promise vows of obedience.<sup>577</sup>

Yet their obedience was still equally valid, for one may speak of obedience in terms of an act, a habit, and a modality. They certainly undertook the act in a perfect display of obedi-

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<sup>573</sup> Q. IV, a. II, Concl. (V, 186b). (...) *in hoc potissime convenit consummatio perfectionis, ita ut inchoetur ab abrenuntiatione bonorum temporalium per paupertatem, proficiat in castificatione membrorum corporali-um per castitatem; consummetur; autem in dedicatione virtutum interiorum ei mentalium per voluntatis abnegationem et votum obedientiae, in qua proprie dicitur homo semetipsum abnegare, iuxta illud Domini, Lucae nono: Si quis vult venire post me, abneget semetipsum et tollat crucem suam et sequatur me; ubi praecipue et potissime votum obedientiae commendatur.*

<sup>574</sup> Q. IV, a. II, Resp. n. 2 (V, 186b)

<sup>575</sup> Q. IV, a. II, Resp. n. 4 (V, 187a)

<sup>576</sup> Q. IV, a. II, Resp. n. 8 (V, 187b)

<sup>577</sup> Q. IV, a. II, Resp. n. 9 (V, 187b)

ence to Christ in the will to endure hardships and even death for his sake. They exhibited a promptness to obey him in act that is unsurpassed. Though they lacked the modality of a vow, they showed abiding obedience to Christ. It was suitable for the time in which they lived to obey as they did. As prelates, they acted with the fullness of the Holy Spirit and governed others as just people. They first obeyed Christ and then Peter. Their form of obedience was thus appropriate for their time and circumstance. Interestingly, Bonaventure also addresses the matter of a lack of vows in the life of anchorites.<sup>578</sup> Anchorites, he explains, were chosen by their obedience. Only those monks who had already been proven in the observance of regular obedience were allowed to be anchorites, so that they might surely be trusted as suitable for the immediate rule of the Holy Spirit governing them interiorly. In that regard, no one could ever advance unless he had previously bound himself by voluntary subjection to obey another human being.

As regards obedience to the Pope, Bonaventure devotes a great deal of parchment space to the question, nearly twice that granted the first two articles on obedience. Bonaventure conceived and brought to expression a unique contribution to the questions of papal sovereignty and infallibility, at which he only hints in *PerfEv*. The features of Bonaventure's theory have been traced and examined much more ably and extensively than the current forum allows. Those interested should consult the commendable literature on the subject.<sup>579</sup> The studies are in agreement that Bonaventure formulated a unique expression of the doctrine. Nevertheless, the topic deserves attentive study and perhaps even a re-evaluation, especially since a principal work upon which much of their analysis rests – namely, *Quare Fratres Minores praedicent et confessionem audient* – is no longer considered authentic.<sup>580</sup> The doctrine bears minimally on the study at hand, so its points do not require retracing. The major points are, however, worthy of note. It is, in any case, clear that Bonaventure held obedience to the Pope as the fulcrum of the argument in opposition to his adversaries. It was the *pièce de résistance*, and he was sure to save the best for last. Despite the question's evident significance, a salient treatment is preferable to a lengthy one. Obedience to a Supreme Pontiff is prefigured in the Old Testament, commended in the New Testament, developed in canon law, and de-

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<sup>578</sup> Q. IV, a. II, Resp. n. 18 (V, 189a)

<sup>579</sup> Among the prespicuous studies available to scholars, see: Fidelis a Fanna, *Seraphici Doctoris D. Bonaventurae doctrina de Romani Pontificis primate et infallibilitate* (Turn, 1870); J. Ratzinger, "Der Einfluss des Bettelordensstreits auf die Entwicklung der Lehre vom paepstlichen Universalprimat, unter besonderer Beruecksichtigung des heiligen Bonaventura," J. Auer and H. Volk (eds.), *Theologie in Geschichte und Gegenwart* (Munich, 1957), 697-724; B. Tierney, *Origins of Papal Infallibility, 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages*, Leiden 1972.

<sup>580</sup> I. Brady, 'The Writings', 107-108.

monstrable by reason. For the sake of concision let us advance to Bonaventure's central claim in the synthetic concluding remarks.<sup>581</sup>

He begins with a premise that is almost self-evident given his prior arguments. Different human beings are constrained by many bonds to the submission of obedience to different people according to the diversity of grades, offices, and powers. From that proposition another follows; namely, that it is most suitable that the multiplicity must be reduced to a single supreme and first ruler in whom universal rule over all principally resides. Bonaventure's doctrine of papal sovereignty shines through somewhat here. Additionally, he affirms, such a single supreme and primary rule must be reduced not only to Christ himself, but also by divine law to his Vicar. It is most suitable for the reason that the universal order of justice, the unity of the Church, and stability in both demand it. Supreme power is bestowed not through a human statute, but through the divine statute by which Christ set Peter as prince over the Apostles, whom he established as princes over the world.

The order of universal justice requires papal sovereignty with regard to natural justice, civil justice, and heavenly or spiritual justice. Natural justice proves the need for papal sovereignty as regards the tendency in each genus that there be one primary member through which everything contained in that genus is measured. Civil justice likewise requires a supreme ruler, who can act as final judge and enforcer. Spiritual justice upholds the heavenly order, which requires that all spirits be arranged most ordinately and be under the obedience of one supreme Spirit. Thus just as the natural, civil, and spiritual orders perfect nature, adorn behaviour, and emanate from the celestial realm, it is likewise suitable that the ecclesiastical order be arranged in like manner, that is with a supreme sovereign according to the standard of obedience. Due to the presence of Christ's Vicar, the Church is made perfect to the extent possible in the present world and has been patterned after the heavenly Jerusalem. The celestial hierarchy is reflected in that of the Church. Similar to the manner in which the angelic beings are ordered by a hierarchy ascending to God as its supreme height, the Church partakes of a hierarchical arrangement with the Pontiff as its summit on earth. The latter derives its origin from the former as God is the author of both.

The unity of the Church also demands a Supreme Pontiff to whom all must answer. He commences with the proposition that a unity subsists in the Church not only according to the interior influence of the charisms, but also according to the exterior dispensation of the ministries. It thus follows, he claims, that Christ himself is not only the principal hierarch, head, and bridegroom of the Church and the one who interiorly rules the Church, vivifies it, and

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<sup>581</sup> Q. IV, a. III, Concl. (V, 193b-195b)

makes it fruitful, but also the one who exteriorly must also be the principle minister, holding the position of the first hierarch, head, and bridegroom, so that the Church might be preserved not only interiorly, but also exteriorly in unity. In short, the Supreme Pontiff undertakes such tasks in Christ's stead. With a lengthy quote from Cyprian, he contends that there is one episcopate, and each individual bishop is considered a solid part of the whole. The Church that extends itself far and wide through abundant fecundity is one, although its offshoots may be many. The diversity in the Church thus necessitates a centralised authority, who is the successor of Peter.

Furthermore, the stability of both papal sovereignty and Church unity demands a Supreme Pontiff. The more a power is united, the more infinite it is, he says together with Aristotle. The principle holds true with regard to permanence, influence, and pre-eminence. For permanent duration, powerful influence, and pre-eminent dignity the Church necessitates the existence of a Pontiff. As regards permanence, division spawns ruination and so too does greater unity provide an enhanced degree of firmness and strength. Thus the entire strength of the Church itself rests principally on the solidness of the one rock Peter. The stability of sovereignty and unity also concerns influence. The more power is united, the stronger it is. The more powerful it is in its efficacy, the more powerful it is in its effect. For that reason God elected to concentrate the sacrament on Peter, the head, alone from whom it flowed down to the other members of the body. The requirement for a supreme head also regards the Church's pre-eminence, as the more power is united, the less it is dependent upon others and therefore the freer it is. As such, the Supreme Pontiff confers a pre-eminence of dignity upon the entire Church in his guarantee of collective autonomy. In summation, therefore, papal sovereignty is in alignment with the order of universal justice in terms of natural, civil, and celestial realms. Its necessity flows from the law of grace, that is, the law of Jesus Christ, and is consonant with the law of nature and the written law, pontifical law and canon law. It is in harmony with what is visible and what is invisible.

In his rebuttals, Bonaventure specifies his position somewhat with particular regard for the theme of jurisdiction. The Pope has the plenitude of power, which was bestowed upon him not by human sanction but by God and by Christ.<sup>582</sup> It must also be said that the sceptre of a king is dissimilar to the Pope's mitre, as the sceptre does not emanate from evangelical law, as do the keys of the Pontiff, wherein carnal and spiritual pontifical rule concur in the same identical person.<sup>583</sup> More to the point, Bonaventure then addresses William's critiques of the

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<sup>582</sup> Q. IV, a. III, Resp. 7 (V, 196b)

<sup>583</sup> Q. IV, a. III, Resp. 8 (V, 196b)

mendicants and the Church's jurisdiction to delegate the right to preach.<sup>584</sup> William had claimed that the person who has ordinary power is unable to entrust it to another. To that Bonaventure responds that jurisdiction admits of three senses. The first type of jurisdiction is semi-full and is completely derived from another. Such a variety cannot be entrusted to another because of its very imperfection.

Now the second type, on the contrary, is most full, and since it is the highest, it can only exist in one person at one and the same time. Consequently, it is unable to be entrusted to another. In point of fact, the Pope cannot make other Popes. Finally, there is a certain intermediate power that is ordinary, but is not the highest, and indeed this power, since it is in a certain way perfect and multipliable, can be transmitted to another. The authority to which he refers corresponds to what he indicates a sub-authority. The delegation of the office of preaching resides among such authority. Once it is given, it is not lost, insofar as it is a spiritual power. However, he distinguishes, spiritual and corporal goods differ. When corporal goods are given, they are possessed less completely while spiritual goods, when they are distributed, are possessed more completely, as is exemplified by the gift of knowledge. Thus, although the Supreme Pontiff might communicate jurisdiction to others, he nevertheless does not suffer any diminution as a result. He never communicates it, nor is he able to do so, in such a fashion that it detracts from his power. On that sustained note Bonaventure concludes his treatise.

## Post-Accession Period

### *Epistola officialis I*

#### I. Textual Features and *Sitz im Leben*

Written in the first year of Bonaventure's generalate (1257) – mere months after his election –, this circular epistle, at times referred to as *Epistola ad omnes Ministros provinciales et Custodes Ordinis Fratrum Minorum*, his first of two encyclical letters<sup>585</sup> is available in twenty medieval manuscripts. The letter's epilogue demands that its contents be read aloud in full in each of the order's many convents. Its transmission suggests some degree of follow-through. In it, the minister general addresses the order's ministers, calling them to do their fair share in seeking the renewal of their sacred organisation's most central ideals and commitments. On an autobiographical note, he cites his reluctance to assume the office, counting it as a defect (n. 1). If the regent master had been at all reluctant to accede to the head of the order, his reticent bearing would not take long to taper off. Indeed, one may consider in the circular

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<sup>584</sup> Q. IV, a. III, Resp. 9 (V, 196b)

<sup>585</sup> VIII, 468-69

letter a sort of precursor to the promulgation of the *ConstNarb*. The letter's tone is candid, its form succinct and to-the-point, its language vivid and forceful. So too should its treatment seek to be. As discussed in the introductory section, Bonaventure elicits the group dynamics intrinsic to path-dependent institutional development in a temporal process when he confesses his own inability – indeed, the undesirability – to control the organisation and mould it according to his design.

## II. Thematic-Theological Analysis

In his words, Bonaventure's fervour for renewal in the order, his distaste for the insubordination and indiscipline rampant throughout the order, and his resolute, single-minded will to awaken his brethren to their complacency is most palpable. The encyclical gives forth a sort of call to arms for the Minorite ministers. The content of his call was the manifold offenses committed in convents order-wide, offenses against regulations laid out in constitutions, which were directed at the proper observance of the rule. In brief, the encyclical concerns the fostering of a proper understanding vis-à-vis normative content, enforcement of obedience to the rule, and the rekindling of an inner dedication.<sup>586</sup> In a word, discipline, an ever-present dynamic in *ConstNarb*, was the name of the game. Indications of a lack of discipline take on a nuanced meaning when compared with *Trib. qu.* Whereas in *Trib. qu.* Bonaventure issued statements of an apologetic character as regent master in order to unveil the false premise of supposed abuses, here the minister general enumerates abuses in an attempt to implicate ministers for their complicity in such misdeeds and rally them to root out vice. Among the transgressions listed off by Bonaventure are the breach of poverty norms regarding money, constructions, the begging of alms, and all around excess, idleness, wandering about tending to bodily comforts, familiarity with women, the assignment of offices to unfit candidates, and burials and legacies. The letter represents an attempt to assuage the inobservant approach in particular to recruitment, ecclesiastical jurisdiction, poverty norms with stress on domiciles, and general complacency.

The fourth point issues a resounding call to task.<sup>587</sup> The passage constitutes a suitable summary of the letter's message. Importantly, in his litany of offences the author is sure to

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<sup>586</sup> R. Brooke makes a similar claim with exquisite elegance when she states "The abuses he listed were prohibited and denounced in the Rule, and in the ordinances and constitutions promulgated by his predecessors. The chief need was not for more laws, but for more energy on the part of the superiors, who must stimulate the friars to greater devotion and see that they knew and understood all the regulations they were supposed to obey." *EFG*, 275.

<sup>587</sup> *EpOff* I n. 4 (VIII 409b). *Otiosos stimuletis ad laborem; vagantes comaboeoa pescatis ad quietem; importune pelentibus imponatis gravitermosilentium; intentos exaltandis domibus profundius depriraatis; familiaritates quaerentes arceatis ad solitudinem; officia praedicationis et confessionis cum multo examine iraponatis; constitutionem olim faclam de testamentis et de novo de sepulturis 'faciatis arctius observari;*



underscore the inobservance of the order's recruitment policy in *PreNarb* I, ns. 3-4, which reappear in *ConstNarb*, with accent upon the illicit acceptance of laymen rather than their avowed clerically-oriented, learned, aristocratic model,<sup>588</sup> which provides transition into the other three primary inobservances mentioned. Two cases of abuse in the order concern ecclesiastical jurisdiction. The author reinforces the importance of not assigning offices of preaching and confession at whim, as it is a faculty bestowed upon the order by the pope and the Church,<sup>589</sup> which should be taken seriously and regulated according to the respective idoneity of candidates by ecclesiastical standards of preparedness. Also legacies and burials should not be taken over by Friars Minor lest they cause scandal among the secular clergy. Another central concern of the letter in terms of transgressions is the matter of poverty. Bonaventure is adamant when he addresses the unnecessary handling of coin, excessively persistent begging, the construction of lavish and extravagant edifices for the brothers' use, the inordinate and frequent changing of domiciles by communities, and general excess of expenses.

An added factor to the brothers' offences and a transgression in and of itself, he notes that numerous brothers had succumb to the sin of idleness, thereby inhabiting a sort of no-man's-land position between *vita activa* and *vita contemplativa* that was of detriment to all, and others had taken to wandering about aimlessly content with appeasing their bodily comfort. The complacency of such brothers, he states, leaves behind only scandal where it should leave good example. Bonaventure almost immediately then enters a discourse on those who, believing themselves to be wise in the ways of the world, make recourse to the line of thought that renders such infraction of regular and constitutional norms excusable. Such brothers argue that the order's enhanced size and its long-standing customs render what Bonaventure describes as a *maledictio* in the organisation not only easy and excusable, but even inevitable.<sup>590</sup> The minister general refutes the notion as absurd and contravenous to the spirit of Francis and, indeed, to the order's *propositum* more specifically.

Bonaventure's interest in regulatory strictness and enforcement shines through in the letter as he already begins to engage on several levels of the institution. It is perhaps not inconsequential that, despite Bonaventure's reassurance at the outset that he does not wish to

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*locorum vero mutationem nullatenus concedatis alicui ante Capitulum generale. Nara Notanion. de consilio Discretorum propter scandala vitanda iuxta praedecessoris inei mandatum hoc milii reservo, districle per obedientiam iubendo, ut nullus deinceps locum mutet sine raea licentia speciali ". Discant etiam Fratres modicis esse contenti, quia vehementer a sapientibus et rationabiliter formidatur, quod oportebit, eos modicis esse contentos, velint nolint.*

<sup>588</sup>

Ibid.

<sup>589</sup>

*PerfEv* Q. IV, a. 3

<sup>590</sup>

*EpOff* I n. 3 (VIII 409a)

burden the brothers with new regulations,<sup>591</sup> he then goes on to issue per obedientiam a novel regulation revoking the authority for a community to move houses unless they obtain his express permission to do so.<sup>592</sup> In the final section,<sup>593</sup> he rouses the ministers and the visitors as well and orders them to pay special attention to the matters listed off and to correct them where needed. In his frank yet gentle way the minister general then reminds the other ministers who the boss is when he states that if his directives go unheeded, then his conscience will not allow him to turn a blind eye. He is prepared to use the full extent of his powers to eradicate the transgressive practices so that the brothers may finally observe the rule that they have vowed and by its observance be saved. For the purity of the order above all is to be safeguarded.

### *Regula novitiorum*

#### I. Textual Features and *Sitz im Leben*

The novice manual referred to as *Regula novitiorum* – in manuscript rubrics as *De institutione novitiorum* or *Informatio novitiorum* –, is found in an impressive 40 medieval manuscripts with resounding attribution to the head minister of the order.<sup>594</sup> Despite its wide transmission, it would soon fall into disuse in light of more comprehensive literature such as David of Augsburg's *De exterioris et interioris hominis compositione* and Bernard of Besse's *Speculum disciplinae*.<sup>595</sup> Most likely composed around the same period as the chapter of Narbonne – thus ca. 1260 –, the writing reflects similar institutional and spiritual concerns as the updated constitutional redaction and presents a comparable programme for the novitiate year as previewed in ConstNarb I, ns. 7-11, which presents an overview of the disciplines and virtues to be put forth for the prayerful rumination and piecemeal assimilation of Minorite postulants. In fact, the redaction of constitutional legislation proliferated under Bonaventure further codifies the novitiate year, thereby attempting to put an end to difficulties encountered in various communities to implement a patterned year-long term of probation. Indeed, as the repeated re-issue of the bull *Cum secundum concilium* makes plain, the Minorites had tarried somewhat in seeking remedy for the want of “strict conventual discipline” reported of the early movement by Jacques de Vitry in 1220.<sup>596</sup> As MONTI notes, over time the novitiate year had begun to assume a determined, pre-existing posture along with other features of the order such

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<sup>591</sup> *EpOff* I n. 1 (VIII 408b)

<sup>592</sup> *EpOff* I n. 5 (VIII 409b)

<sup>593</sup> *Ibid.*

<sup>594</sup> VIII, IXXV-IXXX.

<sup>595</sup> Long ascribed to Bonaventure, Bernard's treatise appears in the Seraphic Doctor's *Opera omnia*, VIII, 483-622.

<sup>596</sup> For his letter of 1220, see: *Lettre 6, Omnibus*, 1609.

that a “traditional monastic model came to predominate.”<sup>597</sup> The *RegNov* is one example of novice literature in a series of efforts to facilitate a new recruit’s successful transition into and familiarisation with the daily rhythms of the brothers’ intense life, comprising a robust cycle of prayer, study, and eventually pastoral activity. David of Augsburg’s treatise for novices is demonstrative of the concrete manner in which the novice’s period of liminality between world and convent came to unfold and what meaning its various stages were assigned. However, David wrote for the benefit of novice masters. Bonaventure considered it useful to present a condensed, hyper-focussed manual for use by the novices themselves in self-orientation, concerted meditation, and heightened assimilation.

## II. Thematic-Theological Analysis

In a manner similar to David of Augsburg’s *De compositione*, the minister general seeks to garner familiarity with the exterior contours of their day-to-day life but also to instil a sense of inner motivation driven by movements of the spirit in virtue. In so doing, his pursuit in writing the manual is contingent upon the novice’s seeing with new eyes, with a clarified vision from within. In it, he indicates the end goal of the novitiate year, traces the trajectory, and identifies the specific means of following the determined trajectory. In a poetic play-on-words, the author commences his treatment with the primary goal of transformation in religious life in contrast to the deforming-effects of sin. It is the express pursuit of the manual to facilitate the reformation of the postulant’s attitudes and behaviours by refashioning their life according to the patterns there outlined.<sup>598</sup> Bonaventure is forthright with novices and their masters. The self-proclaimed teleology of the novitiate period thus becomes overt in *ConstNarb* I, 8.<sup>599</sup> *RegNov* then delineates an expansion upon each of the central virtues, incorporating prescriptions from *ConstNarb* and thereby operating as a companion to the normative requirements exacted by the group’s legal code. One may consider the instructional manual for novices tantamount to a sort of compendium of the most pertinent regulations from both rule and constitutions as well as of treatments on matters of virtue and of the spirit. The affective touch typical of Bonaventure’s work emerges as a central motif with particular attention to the development of the virtuous inner disposition appropriate for each facet of their communal routine.

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<sup>597</sup> Monti, *Writings*, 146.

<sup>598</sup> *RegNov* Pref. (VIII 475a-b)

<sup>599</sup> *ConstNarb* I, 8. *Ad quos informandos assignetur frater religiosus et circumspectus, qui eos doceat pure et frequenter confiteri, ardentem orare, honeste conversari, humiliter obedire, servare cordis et corporis puritatem, zelare sacratissimam paupertatem et ad omnis perfectionis apicem anhelare.*

The first point is unambiguous. He states, *spiritualia sint semper et ubique omnibus praeponenda*.<sup>600</sup> Bonaventure's resolute insistence upon the vital nature of the brothers' prayer life is a main feature of *RegNov* with particular accent upon the construction of identity in the choir and the undulation of spiritual underpinnings into the entirety of the brothers' existence. Humility features as a prime characteristic of the novice's prayerful acts. As an initial item, novices were to participate in the liturgy of the hours where even a somewhat passive, at times artificial involvement in their methods of prayer would accustom the body to offering good example by humility and the spirit too would soon learn to engage in the rhythms of communal worship.<sup>601</sup> With profound humility of heart and , novices were to recite the prayers of the Divine Office as well as other traditional devotional incantations, even if the recruit lacked knowledge of Latin and was thus unable to comprehend the words he uttered. The minister general thus bid of his postulants complete reverence and obedience in the absence of full understanding. The mere act of capitulating one's own self-importance constituted a lesson of ascetic value in itself. As a matter of course, the manual instructs novices to behave themselves while in the choir stalls. Additionally, even when outside of the choir postulants should learn to remain humble by busying themselves with prayer, reading, meditation, or simple acts of service. Here, Bonaventure establishes humility and love as a prerequisite for proper contemplation when he writes, *In oratione autera frequenter et morose permanes cum profunda cordis devotione et humilitate*<sup>602</sup> and *Sit autera oratio tua in excelsa caritate fundata*.<sup>603</sup> Enumerating the threefold path of preparation for beneficial prayer, he continues, *nemo ascendit ad Dei contemplationem, nisi prius descendat per sui humilitatem*.<sup>604</sup>

The next item in novitiate formation is proper approach to the confessional.<sup>605</sup> Here, performativity reigns, as corporal acts of humility once again serve to prepare the soul for its proper contrite disposition, whereby the postulant is to incline his body forward before his confessor and humbly kneel in a bowed shape, with his hood down in order to exhibit true shame and reciting a set of prayers.<sup>606</sup> In proclaiming his faults and shortcomings, he ought to lay especial focus on the transgressions of rule with accent on the three vows of poverty, chas-

<sup>600</sup> *RegNov* n. 1, (VIII 475a)

<sup>601</sup> *RegNov* ns. 1 and 2 (VIII 475a-479b)

<sup>602</sup> *RegNov* c. 2, n. 1, 476a)

<sup>603</sup> *Ibid.* (VIII 476b)

<sup>604</sup> *RegNov* c. 2, n. 3 (VIII 477b)

<sup>605</sup> *RegNov* c. 3 (VIII 479a-480b)

<sup>606</sup> For Bonaventure, the act of exterior and interior participation in a sacrament at all is itself an exercise of humility insofar as it is a sensible sign, albeit necessary for justification. *Item, nullus potest iustificari a culpa originali, nisi se ipsum .subiiciat Sacramentis, quae sunt signa sensibilia; subiicere autem se ipsum, signo sensibili non potest esse sine magna abiectioe; sed plus requiritur ad peccatum actuale amovendum: ergo ad hoc, quod aliquis iustificetur, requiritur non solum, ut interius, verum etiam, ut exterius humilietur. Perf. Ev. Q. I, a. 16 (V, 118b-119a).*

tity, and obedience and upon his imperfect or nonchalant recitation of the Divine Office. Such spatial practice aims to render the confessional the locus of making present one's lack of conforming with regulations and earnestly begging atonement, whereby fault in obedience to the rule and instructional regime is raised to the level of sin as disobedience of God's laws. If the conscience convicts him of anything, he should not hesitate to confess that, as well. After a lengthy description of specific instances in which the postulant must admit his falling short, he is to receive atonement and kiss the floor in humility.

In preparation for communion,<sup>607</sup> the aspiring brother must undertake three days of detailed observances in conjunction with cycles of liturgical prayer. In such a manner, he prepares himself to unworthily accept the blessed sacrament of humility and to better pursue a Christ-like life. Again spatial praxis cultivates humble disposition. It is no different in the refectory,<sup>608</sup> where postulants must cast their gaze downward and consider themselves lowly, speaking only when deemed necessary. The rubric on abstinence<sup>609</sup> contains general prescriptions on ascetical practices, but one proves of particular interest. He states, *Extra refectorium nunquam comedas nisi necessitate vel inflrmitate coactus, sed commune vitam semper in bono sequaris.*<sup>610</sup> Here, it is the *vita communis* that emerges as a spatial-disciplinary boundary for the novice's development. Bonaventure thus operationalises the performance of and incorporation into the brothers' common life itself as a means of engagement in and internalisation of the daily obedience exhibited by a good brother. Another spatially orientated praxis attentive to humility, ch. 7 indicates rules for sleeping,<sup>611</sup> where just before putting oneself to rest and just after rising one is to genuflect and humbly commend oneself to the Lord. Upon rising one must rush straight away to the church and surrender oneself to Christ before the altar.

Among the postulant's other daily duties are acts of service,<sup>612</sup> comprising assistance at Mass, performance of household chores, and visitation of the infirm. All three tasks are to be performed with a humble disposition and without verbose talk. As such, in evasion of idleness,<sup>613</sup> novices must always occupy themselves with prayer, reading, or works of mercy. It is worth noting that there exists a distinct parallel between Francis' early conversion and service of lepers (*LegMai/LegMin*) and the noviciate's characteristic temporary period of manual labour and service of fellow down-and-out brothers and sisters. It is thus plausible that Bona-

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<sup>607</sup> *RegNov* c. 4 (VIII 480a-481b)

<sup>608</sup> *RegNov* c. 5 (VIII 481a-482b)

<sup>609</sup> *RegNov* c. 6 (VIII 482a-483b)

<sup>610</sup> *RegNov* c. 6, n. 3 (VIII 483a)

<sup>611</sup> *RegNov* c. 7 (VIII 483a-483b)

<sup>612</sup> *RegNov* c. 8 (VIII 484a-b)

<sup>613</sup> *RegNov* c. 9 (VIII 484a-b)

venture actively modelled the conversion of Francis in his hagiographical writings on his programme for novices. That is to say, in Bonaventure's mind, Minorite novices ought to undergo a degree of the rigorous experiences had by Francis during his conversion and fostered in the literary verbalisation, whether liturgical or not, by the community through his hagiographical depictions. In such a fashion, the author also deems Francis' conversion normative for Minorite life. As indicated in the section on *Trib. qu.*, in addition to laying plain that novices have a highly conditioned, probationary status within the community, the *RegNov* also indicates the manner in which the Minorite agenda afforded lay and novices a similar standing with its concomitant tasks.

The manual then goes on to instruct postulants on proper manner of behaviour both within the cloister walls and without through avoidance of idle speech, temptation, judgment of others, bad company especially with the laity and observance of silence and poverty, the foundation of the entire spiritual edifice (*paupertas voluntaria sit totius spiritualis aedificii primarium fundamentum*).<sup>614</sup> Here, incorporation into the common spatial-disciplinary rhythms and separation from anything antithetical thereto is a key motive. Of importance for the question of poverty, the author lays special attention on the matters of books, furniture, and dress<sup>615</sup> where strict necessity should remain a constant guideline so as to avoid the pitfalls of superfluity and extravagance. Here, Bonaventure lists only two of the four items on which he would so harp later in his second encyclical, which is understandable as six years separate the two writings and, perhaps most importantly, business transactions involving domicial structures would hardly be a concern of novices entering the community and the consumption of food is already covered under the rubrics of comportment in the refectory and abstinence.

Expressly relevant to the present study and the surest way to embrace humility is addressed in the rubric on humble obedience.<sup>616</sup> The author begins with a stark proclamation. He states, *Quoniam ad viam salutis nihil est tutius quam per humilem obedientiam abnegare se ipsum*. In order to bolster the force of the teaching, he offers a terse exegesis of the Matthean verse (16, 24) on the self-denial of Christ's followers. Those wishing to deny themselves in *sequela Christi* according to the Minorite agenda and follow Christ to eternal life must deny himself within the framework of humble obedience. Prominent features of obeying humbly are the mortification of the flesh and total surrender. Through obedience, he reassures his recruits, one gains triumph over one's enemies and the favour of God who is more likely to an-

<sup>614</sup> *RegNov* cs. 10-13 & 15-16 (VIII 485a-587b & 489a-490b, respectively)

<sup>615</sup> *RegNov* c. 16, n. 2 (VIII 490a)

<sup>616</sup> *RegNov* c. 14 (VIII 488a-b)

swer the prayers of a humble servant. The model of obedience espoused by the early movement then redounds in the *RegNov* as it enjoins postulants of religious life to obey both superiors as well as fellow subordinates for the sake of God and in an active attitude of obedience. He is thus to rejoice rather than question his superior's motives in commanding. An adage of Gregory the Great on unquestioning obedience then disqualifies the writings as consonant with the *RegNB* but rather is more compatible with the order's official image of an obedient brother as adopted from *Memoriale*, which is to say a cadaver. He writes, *Non licet subditis discernere, sed statim simpliciter obedire*. It would thus appear that, at least for a novice, the only appropriate model of obedience was one of unquestioning, passive surrender to the will of his superiors. Nevertheless, in what would have perhaps been a scandal to the living Francis, the active dimension of the early movement's model of obedience comes through the words of a non-Minorite authority. Citing Bernard of Clairvaux, he hails the character of the perfect obedient religious.<sup>617</sup>

### *Sermones dominicales*

#### I. Textual Features and *Sitz im Leben*

The record shows that Bonaventure was an avid composer of homilies and sermons, the former a literary genre specific to 'live,' preached texts, the latter a broader category that comprises manifold textual sources written with or without the intent to be preached. The present section shall analyse his extant sermons with particular accent upon the *Sermones dominicales*. As a later text redacted as a comprehensive corpus, which bears similarities in method to the *collationes* and in style to other homiletic and scriptural literature, the Sunday sermon collection is thus representative of a mature reflection and methodical approach typical of Bonaventure's writings. The Sunday sermon collection appears in twenty manuscripts.<sup>618</sup> The Quaracchi scholars had fewer witnesses at hand when redacting their edition. Upon the discovery of new codices, BOUGEROL employed the definitive critical edition, which is the text used in the present study. At the aid of his personal secretary, Mark of Montefeltro, Bonaventure inscribed these and many other sermons upon the parchment before him as a lasting testament to a life transformed in obedience to and love of the divine. Recent interest in Bona-

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<sup>617</sup> *Verus obediens nescit nioram, mandatum non procrastinat, sed statim parat oculos visui, aures auditui, lingnam voci, manus operi, pedes itineri et totum se interius recolligit, ut imperantis exterius perficiat voluntatem.*

<sup>618</sup> *S. Bonoventurae Sermones Dominicales* (hereafter referenced as *SDM*), J.G. Bougerol (ed.), Grottaferrata 1977, 11.

venture and his role as homilist and preaching model<sup>619</sup> sets such precious words before us and grants us a rich vista of the intriguing thirteenth century Franciscan personality and his corpus of sermons. Thanks to accessible twentieth-century critical editions and recent vernacular translations, scholars may now avail themselves of a vast number of *sermones*, sermon fragments and schemata, and *collationes*, most of which originated during Bonaventure's tenure as Minister General. Evidence suggests that Bonaventure was an extensive traveler in that period, as he visited friars all across Europe at regular chapter meetings and on other occasions at convents in fulfilment of his pastoral and administrative duties. Bonaventure was sure to assess and attend to his brethren in person as often as practicality deemed fit. Sermons were a conducive form of communication for such instances. Hence, the prolific sermonal output during his generalate years.

As with many scholastics, however, Bonaventure's sermonal literature does not readily lend itself to a division based solely upon content or literary genre, as if one set of texts were of a didactic-theological nature, while another homiletic and spiritual.<sup>620</sup> Despite difficulties in categorisation, the *Sermones dominicales* do differ from his other sermonal collections in a number of ways. Without digressing into excessive philological detail, a brief redactional history and characterisation is in order by which to bring such differences to light. Contemporary scholars argue that Bonaventure never actually preached the sermons 'live' in their final form, in contrast to the sermons reported and compiled by Mark of Montefeltro. Rather, especially considering the sermons were transmitted as a single composite document and his self-proclamation,<sup>621</sup> one presumes that Bonaventure composed the *SDM* as a set of model sermons for the instruction and reflection of his brethren.

Scholarship has shown that Bonaventure likely composed the writing in its final redaction between 1267 and 1268, incorporating 12 *reportationes* from his secretary's compilation, which he then developed and tailored to fresh aims. The resulting collection was a set of 50 model sermons, as BERIOU notes, totally new in their content and refined in their composition when compared to those in which his *reportationes* are located, that is the manuscript of Mi-

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<sup>619</sup> The critical study of medieval sermons is still in its youth; that of Bonaventure's *Sunday Sermons*, just over a century old. Jacques Guy Bougerol writes in 1992: "I Sermoni Domenicali sono stati editi nel Tomo IX dell'Opera omnia Quaracchi 1901. ... Dopo dieci anni di ricerche e di scoperte, una nuova edizione è stata pubblicata, *Sancti Bonaventurae Sermones Dominicales* ad fidem codicum nunc denuo editi studio et cura Iacobi Guidi Bougerol, Grottaferrata 1977. ... Il Corpus dei 50 sermoni domenicali è una fonte nuova per la conoscenza di Bonaventura." See his introduction in *Le Opere di San Bonaventura*, trans., intro., and ed. Jacques Guy Bougerol (Roma, 1992), p. 22.

<sup>620</sup> Johannes Beumer SJ. „Die Predigten des Heiligen Bonaventura: Ihre Authentizität und ihr theologischer Gehalt.“ *Bonaventura 1274-1974*, 447.

<sup>621</sup> *SDM*, *Sermo* 40, n. 4, p. 407. ... *ego servus crucis qui praesens sermonum opusculum ad laudem nominis Christi et sanctae crucis honorem compegi* .... See also his 'Introduction,' 105-107.



lan (*Ambrosiana A 11 sup.*) and Paris (*Paris, BN. lat. 14595*), the former of which is a presumed facsimile of Mark of Montefeltro's collection.<sup>622</sup> On the point of style, Bonaventure composed the model sermons under the guise of the novel *Sermo modernus*, able to accommodate both lay and clerical audiences.

One might therefore be tempted to conclude that the model sermons are 'open' texts containing preachable material, though evidence indicates that it was not the deliberate aim of the sermons. In them, Bonaventure generally adhered to a threefold subdivision, each part with three considerations. They thus give us a glimpse of his homilies, some of which he adapted for the collection, and at once also of his University *collationes*,<sup>623</sup> which, though they were more extensive, were often structured in much the same manner. While some scholars maintain that Bonaventure wished to put forth a group of sermons as *materia praedicabilis*,<sup>624</sup> a discrete scholarly consensus spearheaded by T. JOHNSON is emerging and holds that Bonaventure composed the texts for the theological education and spiritual edification of his fellow Friars Minor. In other words, these were texts to be read, contemplated, and enacted, not in the first instance to be preached.

Comparable in genre to the *Tractatus* of the Church Fathers or *Sermones* of Bernard of Clairvaux (copious citations of each appear),<sup>625</sup> the *Sermones dominicales* indicate the methodical hand of a teacher. Following any cursory read of the sermons and their prothemes,<sup>626</sup> the graceful style and flow of Bonaventure's writing coupled with his diligence and sharp attention to theological and exegetical detail<sup>627</sup> combine to form an exceptional yet often overlooked text. On the point of content, the model sermons constitute a Christ-centred exposition of doctrine and instruction regarding Minorite prayer and preaching configured by the order's lectionary, the salvific moments played out in the liturgical Sunday cycle, and Bonaventure's

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<sup>622</sup> Beriou, 'The Preaching of Saint Bonaventure,' 263.

<sup>623</sup> On the atmosphere, function, and meaning of preaching at the University, see: J.G. Bougerol, 'La prédication dans les *Studia* des Mendicants,' in *Convegno dei Cellro di Studi sulla Spiritualita medievale*, Todi 1977, 251-280.

<sup>624</sup> Bougerol, 'Introduction,' 17-30.

<sup>625</sup> 'The Preaching of Saint Bonaventure,' 263.

<sup>626</sup> On Bonaventure's use of the protheme, see Timothy J. Johnson, "The Prothemes of Bonaventure's *Sermones Dominicales* and Minorite Prayer," in *Franciscans at Prayer*, intro. and ed. Timothy J. Johnson (Leiden, 2007), pp. 95-122.

<sup>627</sup> Bonaventure lists the attributes proper to a preacher in his *Commentary on the Gospel of Luke*, c. 9, ns. 1-28 (VII, 216a-224b) and again later in the *Sunday Sermons*. References to the writings of Bonaventure, unless noted otherwise, come from *Doctoris Seraphici S. Bonaventurae opera omnia*, 10 Volumes (Quaracchi, 1882-1902). On preaching and pastoral witness, he mentions that one must not only exhibit theological competence and eloquence in his sermons (*SDM Sermo 17*, n. 1, pp. 252-253), but the preacher must also encourage the realities of which he speaks by indicating the path toward holiness with both his life and words (*Sermo 16*, n. 1, pp. 243-244; *Sermo 17*, n. 1, pp. 252-253; *Sermo 48*, n. 1, p. 459). Indeed, he goes on to say that the preacher must be inflamed in charity toward God and neighbor, or else, as Paul says, his words are as a noisy gong (*Sermo 6*, n. 1, pp. 169-270; *Sermo 16*, n. 1, pp. 243-244; *Sermo 18*, n. 1, pp. 258-259).

own theological program. Of chief interest is a penitential theology rooted in the Scriptures with particular focus on the point of contact operative in the interplay between human compliance to God and divine mercy. Again, as Bonaventure suggests in several passages, the sermons fulfil a formational purpose, which emerges from his concern for both the personal salvation and proper ministerial performance of the friars.<sup>628</sup> His roles as regent master, general minister, and disseminator of the divine word thus converge here in a remarkable manner. In terms of form, Bonaventure follows upon the traditional lines of a model sermon collection as seen for example in Anthony of Padua's sermons, but content indicates innovative strands of theological and thematic significance.

## II. Thematic-Theological Analysis

### *Sermones dominicales Bonaventure's Spiritualised Theology of Obedience*

The Sunday sermon collection bespeaks a keen awareness that obedience to God is a fundamental duty of all Christians. Yet the omission of obedience to superiors, cause of wonderment for the modern reader, entails a shift, albeit a transitory one, in focalisation regarding the object of obedience, a shift unto Christ. For friars who had made extraordinary vows to order superiors and, in a rarity among religious rules, to the Pope, the conceptualisation of direct obedience to Christ constitutes a spiritualised model. A broad semantic spectrum arises with a perceptive read of the text revealing obedience-related phenomena, one which a mere lexical combing would overlook. In particular, the degree of overlap in the semantic fields of obedience and humility, in this text as in the monastic tradition as a whole, suggests an inter-relatedness which borders on an interchangeability of terms and concepts. Without pretence to an exhaustive study, one shall present salient, recurrent points of Bonaventure's theology in the model sermons initially with regard to obedience in general, then as regards obedience to Christ, and lastly with reference to the exemplary obedience of Christ.

In the theological vision of the *Sermones Dominicales*, the virtue of obedience operates as a principle of spiritual progress engaging and reforming the soul in the Trinitarian life of grace. Such a theology relates obedience not only to humility, but also to the theological virtues of faith, hope, and charity. For Bonaventure, obedience originates in and is sustained by humility. The perfect disposition toward God, humility serves to counteract mental pride, the origin and cause of all sin, which analogous to a tumour in the body, disorders the soul.<sup>629</sup> The swelling of pride in the soul separates one from God and generates consent to disordered

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<sup>628</sup> *SDM Sermo* 9, n. 13, p. 198: *Non enim placet nobilissimo regi Christo neque acceptatur in opera ministerii vas sordidum et immundum.*

<sup>629</sup> *SDM Sermo* 34, n. 1, pp. 367-8; *Sermo* 39, n. 13, pp. 404-5

affections, which in turn beget consenting works of evil.<sup>630</sup> Arrogance is thus proper to disobedience, which disregards divine power,<sup>631</sup> while humility, the soul's turning back to divine power, proper to obedience.<sup>632</sup> Bonaventure's emphasis upon the centrality of obedience confers a dynamic conceptualisation, whereby obedience pervades the journey of the soul from beginning to end. Faith begins in obedience, by the submission and resulting illumination of the intellect in believing in Christ<sup>633</sup> and exalts the human servant rendering him a child of God.<sup>634</sup> Humility animates the irascible power to avoid the vanity of honour and to maintain good works and the continual carrying out of precepts,<sup>635</sup> serving in generosity<sup>636</sup> and in the grace of hope<sup>637</sup> by which the soul advances toward salvation.<sup>638</sup> Charity, God's greatest commandment, regulates the concupiscent power supports and perfects obedience. Bonaventure underscores the link between obedience and love, lauding charity as the 'deifying virtue in which all precepts are radically grounded.'<sup>639</sup>

Bonaventure's thematic concentration upon direct obedience to God fosters a Christocentric spirituality of penance. His sermons for the *Sixth*, *Seventh*, and *Eleventh Sunday after Pentecost* offer insight into the intimate link between contrite prayer and humble obedience. The swelling up of mental pride prevents the human subject from moving to humble acts and subjecting oneself. By true contrition and open confession God cures the contrite soul with the grace of humility, whereby God inclines the ears of mercy to the prayers of a humble heart,<sup>640</sup> which provoke the mercy of divine condescension.<sup>641</sup> At the service of God, the penitent soul thus satisfies the Lord in deed and stands in justice undertaking deeds of penance and voluntary abjection out of the fear of filial reverence.<sup>642</sup> Moved and honoured by the penitent's fear of filial reverence, God opposes sin with grace, thereby freeing the soul from sin, and in particular, from obstinate arrogance and rebellious pride, which subjects to the harsh rule of the devil, rendering one unable to fight under the leadership of Christ. For no one can serve two masters who command two different things. Here, Bonaventure portrays the Christian soul in a cosmic drama between consenting to and serving Christ, the one true Master, and the devil,

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<sup>630</sup> *SDM Sermo* 39, n. 13, pp. 404-5

<sup>631</sup> *SDM Sermo* 35, n. 6, p. 375

<sup>632</sup> *SDM Sermo* 43, n. 6, pp. 428-9

<sup>633</sup> *SDM Sermo* 49, n. 9, p. 470

<sup>634</sup> *SDM Sermo* 50, ns. 3-4, pp. 474-5

<sup>635</sup> *SDM Sermo* 44, n. 14, p. 440

<sup>636</sup> *SDM Sermo* 50, n. 8, pp. 476-7

<sup>637</sup> *SDM Sermo* 49, *Prothema*, p. 465-6

<sup>638</sup> *SDM Sermo* 50, n. 6, p. 476

<sup>639</sup> *SDM Sermo* 44, n. 3, pp. 434-5

<sup>640</sup> *SDM Sermo* 33, ns. 11 & 13, pp. 365 & 366.

<sup>641</sup> *SDM Sermo* 42, n. 12, pp. 424-5

<sup>642</sup> *SDM Sermo* 33, n. 13, p. 366

the father of deception and worldly delights. Christ is thus the ultimate authority in his perfection as ... *via, in exemplo per honestatem vitae; veritas, in documens per charitatem sapientiae; et vita, in praemio per aeternitatem gloriae.*<sup>643</sup> A passage from the sermon for the *Twenty-Second Sunday after Pentecost* celebrates obedience to Christ as Master in an exegesis of Psalm 24:5.<sup>644</sup>

Obedience to Christ assumes perhaps its most poignant significance in its expression regarding Christ's exemplarity, that is, in the recognition, exaltation, and imitation of Christ's own obedience. A perennial theme in the *SDM*, humility is a human virtue, but one which relates to the merciful condescension and humility of God, the highest manifestation of which is in the mystery of the Incarnation and most especially in the Passion.<sup>645</sup> Christ's salvific life and death exemplify and mediate the divine rules of justice and mercy by which God humbles the exalted and exalts the humble. For as the Pauline pericope declares, God exalted Christ for his voluntary abjection at the service of all, even to the point of death. 'Every action of Christ is for our instruction,' a constant refrain in the sermons, calls the friars to task that they might imitate Christ in his evangelical perfection through the interior cross of humility, poverty, and penance which materialize in works of love and ecstatic self-expression.<sup>646</sup> That is to say, imitation affects conformity and similitude.<sup>647</sup> Thus the *sequela Christi* evoked in the sermons is an inner *imitatio Christi* which articulates itself with the centrifugal force of grace empowering the soul to accomplish meritorious works. Nonetheless, just as God exalts the humble by the rule of mercy, God also humbles the exalted and prideful by the rule of justice as God did to Adam and Eve at the Fall. As a consequence, while obedience wins over the merciful nature of God and generates similitude to Christ, disobedience and arrogance of mind, the root of all sin, result in similitude to the devil, therefore dissimilitude with God.<sup>648</sup> In his descent and consent to the Cross Christ therefore instructs by example, endows, and transforms the willing to achieve union with God. He who descended with the mightiest power in order to strengthen and exalt human nature was himself the guide of exemplarity<sup>649</sup> and mediator, the embodied will of God. Christ is, in other words, God's sermon to man.

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<sup>643</sup> *SDM Sermo* 49, n. 10, pp. 470-1

<sup>644</sup> *SDM Sermo* 49, n. 12, p. 471. Dirige me (...) In veritate tua (...) Et doce me, *per praedicationis sive lectionis eruditionem*; quia tu es Deus, *creando per potentiam et ideo admirandus humiliter*; salvator meus, *redimendo per clementiam et ideo diligendus sinceriter*; et te sustenui, *serviando per oboedientiam diligenter*; *tota die, continuando per perseverantiam finaliter.*

<sup>645</sup> *SDM Sermo* 49, n. 6, p. 469; *Sermo* 14, n. 2, pp. 227-8

<sup>646</sup> *SDM Sermo* 43, n. 1, p. 426

<sup>647</sup> *SDM Sermo* 49, n. 2, p. 466

<sup>648</sup> *SDM Sermo* 45, n. 4, p. 442-3

<sup>649</sup> *SDM Sermo* 45, n. 9, p. 445

*Obedience, Sermones dominicales, and the Journey of the Mind into Bonaventure*

It appears that in the Sunday sermon collection Bonaventure's concern is less about order and ecclesiastical hierarchy and more about the actualisation of grace in reconstructing the broken-down hierarchical relations in the human body and soul introduced by sin.<sup>650</sup> The same perhaps applies to all of his sermons. The phenomenon suits the medium well. Nevertheless, Bonaventure certainly does not fail to address obedience to superiors with thematic emphasis in numerous other writings and even other sermons. Three potential, non-mutually exclusive motivations support the thesis that the spiritualised treatment of obedience was appropriate in view of a contextualised Bonaventurian vision. Such interpretive perspectives concern motivation of a personal, theological, and political nature.

The *SDM* collection is a personal text. It is a document of a personal character, of personal initiative, and with personal motivation. The usage of the personal pronouns *Ego* and *Nos* personalize the text. Situated within a context of intimate Minorite confraternity, it is presumable that Bonaventure had in mind specific experiences involving individual friars, conversations, and events when composing the model sermons. Bonaventure's ministry, life, and learning thus inform the sermons. The inclusive language of the sermons implies the intention to unite, not to divide, thereby invalidating the likelihood of possible aims to counter a doctrinal position or opponent. Since Bonaventure had already written extensively on the topic of obedience to superiors, perhaps the *Sunday Sermons* were part of an attempt to counteract the harsh, administrative tone of other writings. Notably, Bonaventure reports an atypical autobiographical reference in the sermon for the *Thirteenth Sunday after Pentacost*, which sheds light on the compositional context. Bonaventure recounts a scene in which Christ saved him from the stranglehold of the devil upon heartfelt remembrance of the Lord's passion. Choking at the hand of Satan, upon submission to Christ, air was then restored to his lungs.

Bonaventure's theology supports the specific elicitation of obedience in the *Sermones dominicales*. Since the liturgy, prayer, and penance were a priority in the sermons, Bonaventure sought to emphasise that which equalises all humans, that is, the presence of Christ in the sacraments of Eucharist and confession. In addition, Bonaventure appears to have been the first in the Franciscan tradition to insist upon such an intimate link between the obedience of Christ on the Cross and the obedience proper to the life of the friar. For Minorite friars well acquainted with the rule and its call to obedience it was proper also to meditate on the exem-

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<sup>650</sup> Z. Hayes, 'Theological Image of St. Francis of Assisi in the Sermons of St. Bonaventure,' in: F. de Asís Chavero Blanco, *Bonaventura: Miscellanea in onore di Jacques Guy Bougerol ofm*, vol. I, Roma 1988, 323-45, here 336. Cf. *SDM Sermo V*, pp. 163-9

plar of their obedience. Also, as Bonaventure explains in the *Sunday Sermons*, a linear, literal view of reality, as with the Scriptures, breeds spiritual tepidity, whereas reflection upon the intentions of the Creator brings about the miraculous transformation of preeminent power into obedient nature, just as Christ changed water into wine at the wedding of Cana.<sup>651</sup> Additionally, to be humble of heart was essential to both Minorite identity and salvation. Bonaventure writes in the evening collation following *Sermon V* on Francis (1255), *Hoc discite, id est ad meum exemplum sitis mites et humiles. Mitis enim est homo per affectum fraternitatis; humilis per affectum inferioritatis sive minoritatis. Unde esse mitem, hoc est esse omnium fratrem; esse humilem, hoc est esse omnibus minorem. Esse igitur mitem et humilem corde, est vere fratrem minorem*<sup>652</sup> Humility of spirit, a spiritualised renewal of charismatic principles, is thus a typifying feature of Minorite identity. He goes on to claim that, while it may not be for everyone to take the habit and profess the Minorite rule, it is nevertheless necessary for everyone who wants to be saved to be a friar minor in the sense of being meek and humble. Thus for Bonaventure, as for Francis, obedience understood more broadly appears to exceed the bounds of Minorite institution, in virtue of its status as an indispensable Gospel virtue to be exercised by all toward all. CUSATO observes that Bonaventure therefore reformulates the Minorite charism, thereby rendering what was for the early movement an active, service-based model of living into but “virtues interiorized for the sake of personal holiness.”<sup>653</sup>

Barring that CUSATO defines the charism in the rather narrow terms of poverty and humility, his point is clear and duly noted. In a previous article,<sup>654</sup> the present author concurred with CUSATO’s assessment. Yet, after further study and upon more mature reflection the assessment appears only partial, as it does not take into consideration the full undisputed corpus of Bonaventure, nor does it account for the process-centred dynamics that had been operational in the Minorite institution and the limiting effects that they exerted on the potential field of choices available to Bonaventure – or any minister general for that matter – in engineering their tenure for a given design. The current study dispusted three mislead premises upon which CUSATO’s and similar assertions rest. Firstly, the charism should not be limited to poverty and humility. Rather, it should be expanded, as the present study contends, to include a vaster conception, such as ‘self-*minoratio* and obedience to all.’ Secondly, Bonaven-

<sup>651</sup> *SDM Sermo* 8, n. 5, p. 187-8

<sup>652</sup> De S. Patre Nostro Francisco, *Sermo* 59 (V), no 14, *SD2*, 800-1

<sup>653</sup> M. Cusato, ‘*Esse ergo mitem et humilem corde, hoc est esse vere fratrem minorem*: Bonaventure of Bagnoregio and the Reformulation of the Franciscan Charism,’ in: *Charisma und religiöse Gemeinschaften*, 343-82, here 374.

<sup>654</sup> N. W. Youmans, ‘*Non sic erit inter fratres*: Internal Structures of Obedience in Early Minorite Relational Constructs,’ in: M. Breitenstein, J. Burkhardt, S. Burkhardt & J. Röhrkasten (eds.), *Rules and Observance: Divising Forms of Communal Life*, Vita regularis 60, Münster 2014, 3-42.

ture did not single-handedly reformulate the charism. The study evinces that it was a logical impossibility given the institution's path dependence.

### *Forms of Influence and Bonaventure's Tenure*

Biographical and theological insights into Bonaventure's thought and ministry lay fertile ground for reflection upon his vision not only as a theologian but also as a leader. His position of authority within the order entails the utilisation of power. Contributory thoughts of philosopher WARTENBERG assist in substantiating the claim that Bonaventure's spiritualised elicitation of obedience in the *Sunday Sermons* aligns with the overall employment of a transformative, rather than dominative, exercise of power. In WARTENBERG's paradigm, Bonaventure's is a hybrid style of leadership which shares features with paternalist and maternalist, or transformative forms of power. The minister general utilises and thereby endorses what WARTENBERG characterises as archetypically paternal and maternal structural power. Bonaventure proves himself capable of exerting influence among his fellow friars both in a paternalistic manner, 'power over,' by issuing commands and instituting punishment and discipline as well as maternally, 'power over' resulting in 'power to,' by encouragement, advancement of spiritual cultivation, and the delivery of personal counsel. Whereas the first implies strategic constraint of the other to the other's benefit, the second aims to exert self-transcending power in order to elicit power in the other, to operate in favour of the other's ultimate autonomy and to empower them.

In an effort to configure the life of the friars with an institutional identity – what PIERSON terms layering –, Bonaventure had indeed gone to great lengths, taking measures to ensure the success of his undertaking. He understood the relationship between the inner mechanism of spiritual fervour and commitment and outward observance of their life, and he was insistent that a variety of renewal was imperative. *Dum disciplina negligitur, insolentiae crescunt*, he writes in a distinguishing passage of his second circular epistle.<sup>655</sup> Nevertheless, in addition to wide-sweeping normative and hagiographical endeavours, the ambitious travel itinerary, extensive preaching activity, and literary initiatives intrinsic to his generalate years entail a vested interest in ministering to the friars as well as demanding obedience.

While the harshness of previous texts could imply Bonaventure's wish to obscure the role of the individual's conscience in obedience and indeed in religious life, his ministerial labours speak to the versatility and personal investment with which the General Minister tended to his flock. The *SDM* therefore represent Bonaventure's reiteration of ministerial,

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<sup>655</sup> *dum disciplina negligitur, insolentiae crescunt, ac per hoc interior negligentia circa exercitacionem virtutum exterius procedit in scandalum per eorum patentera ruinam* (*EpOff* II, n. 3, VIII, 470b)

maternalist influence among his brethren. A parallel with God's attributes of justice and mercy, recurrent themes in the sermons, provides a theological framework and implicit legitimacy claim for the General Minister's own exercise of power. Bonaventure expresses in the *Apolo-gia pauperum* that preaching is itself an exercise of power, which he considers a service to others, an act of merciful condescension. Therefore, in this way as in others, the content of the *Sunday Sermons* serves as a model for Minorite preachers as they undertake their apostolic ministry at the University and in the world.

### *Epistola officialis II (1266)*

#### I. Textual Features and *Sitz im Leben*

Present in six medieval manuscripts, which unanimously ascribe the writing to Bonaventure, the second *Epistola officialis*, or *Epistola ad omnes Ordinis Ministros provinciales*, circulated throughout the order immediately subsequent to the Paris chapter in 1266,<sup>656</sup> just under a decade since Bonaventure had taken charge of the order. As to my knowledge no further manuscripts have been found since, the Quaracchi volumes afford the definitive critical edition.<sup>657</sup> The chapter assembly gave way to discussion on the standing of mores and mentality in the order and Bonaventure sought counsel from the definitors as to the proper manner of procedure. Cognisant that the brothers' enthusiasm for upholding their life had waned and along with it their observance, Bonaventure again takes to the page in a scathing indictment of the state of the institution under his stewardship. The epistle reads as a sort of follow-up to the circular promulgated nine years prior; only this time, since what he had bid the ministers had not been accomplished, Bonaventure considers it a personal offence and a constant thorn in his side.

It is at the Paris assembly of 1266 that Bonaventure is said to have uttered a resounding discourse, proclaiming that he would have gladly "consented to be ground to dust" for the sake of the order if it would mean that they would attain the purity of Francis and the companions.<sup>658</sup> He had invested a great deal in the order's success and wellbeing and realised what was at stake. Yet, despite his painstaking efforts to enkindle a spirit of renewal in the order from the wisest minister to the most lowly religious postulant, comprising chiefly legislative, liturgical, and novitiate literature as well as extensive face-to-face visits to the order's many

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<sup>656</sup> While no manuscript offers a date, two of the six relay that the minister general had composed the letter on the occasion of the chapter in Paris, which could only have taken place in 1266, given its occurrence on only one occasion during Bonaventure's regency. See: Monti, *Writings*, 225, n. 2

<sup>657</sup> VIII, 470a-471a.

<sup>658</sup> See: Burr, *Spiritual Franciscans*, 78.



convents, his close watch on the general condition of his confreres had yielded less than desirable findings. It had become undeniably clear to the minister general in the intervening years that laws and legends, regardless of how masterfully crafted, would not suffice.

He needed superiors who could assure him that a disobedient attitude would incur the proper correction and swift punishment merited and that such lax behaviour would not be tolerated. As such, he addressed a copy of the letter to each minister and customised it with their name in the *salutatio*. Bonaventure's embattled state is in full display here. If his first encyclical featured relative transparency and discontent, the second instalment occasions downright candour and scorn. His writing is curt and direct; so too shall be the treatment below.

## II. Theological-Thematic Analysis

An air of drama marks the letter's opening statements where he laments of the brothers' many deviation which infect the order's integrity, lower their high standards of perfection, and obscure the radiance of their sanctity (n. 1, 470a). Chief among Bonaventure's concerns regarding misconduct and abuses are their dealings with poverty norms and their relations with secular clergy, including members of the hierarchy. Once again, importunate begging and the erection of extravagant structures has besmirched the name of the brothers as men of poor means (n. 2, 470a-b). He states in a biting word-play, *murorum curiosa constructio destructionem generet morum* (n. 2, 470a). Also, as before, the mounting lavishness of the order's books, clothing, and food had served to undo their hard-earned reputation (n. 5, 471a). Another main reproach of the letter is the unsteady relations with secular clergy and in particular with ecclesiastical prelates. Not only do the brothers continue to traipse on the territory of the secular clergy apropos burial rights and testaments (ns. 2 and 4, 470a-b and 471a respectively), they also commit the indefensible error and sin of preaching to the laity against their superiors, the prelates of the universal Church (ns. 2 and 4, 470a and 471a respectively). Such wrongful behaviour violates the rule and their life. The only appropriate response to such insolence is punishment administered swiftly and harshly. The author even reiterates the ministers' authority to haul recalcitrant brothers off to prison or to expel them altogether from the order if need be (n. 4, 470b).

Worthy of note, Bonaventure identifies a problem of interior origin in his diagnosis of the order's ailment. The root cause of such abuses, he boldly explains, is that the chapter's legal promulgations have been trivialised and ignored by the brothers, and ministers have not done their fair share in the service of enforcement (n. 3, 470b). What stems from that is an

interior lack, for which he blames the ministers. He states, *dum disciplina negligitur, insolentiae crescunt, ac per hoc interior negligentia circa exercitationem virtutum exterius procedit in scandalum per eorum patentera ruinam* (n. 3, 470b). The exercise of virtue, he suggests, springs forth from inner dynamics, and if neglected can produce clamorous results in the exterior realm. As such, he sincerely beseeches the ministers in the name of the sacred marks of Christ penetrating their founder's flesh to inspire their subordinates with a burning passion for prayer and devotion and to undermine their indiscipline with the strong grip of an enforcer (ns. 3 and 4, 470b). Reflecting the dual character of their Lord himself, Bonaventure writes of the two-pronged strategy for implementation suggested by the terms *pietatis simul et iustitiae lex exposcit* (n. 4, 470b). He entreats the brothers to cultivate prayer and observance of the rule.<sup>659</sup> As a consequence, even more so than his initial epistolary effort, the present writing relates how virtue and discipline were equally distributed, if distinct importance. As Bonaventure indicates with a greater magnitude of precision elsewhere, one complemented and even depended upon the other and vice-versa. Just as empty exterior acts were a demerit, likewise were inner thoughts lacking outer articulation. For Bonaventure, the order's leaders must fulfil their duty of service to the other brothers and play their part in fostering outer discipline and interior inspiration, otherwise they have failed in their charge altogether.

### *Apologia pauperum*

#### I. Textual Features and *Sitz im Leben*

Transmitted in 27 extant medieval codices of varied geographical and chronological provenance,<sup>660</sup> the work commonly referred to as *Apologia pauperum*, or *Apologia pauperum adversus calum(p)niatorem* in the manuscripts, is among the certainly authentic works of Bonaventure. The Quaracchi scholars availed themselves of seven principal manuscripts in their redaction of the *Opera omnia* critical edition, which is the definitive text consulted in the present study. Bonaventure wrote the work sometime in 1269<sup>661</sup> in response to polemic put forth in the midst of a second bout of clashes between the secular clergy and the mendicants at the University of Paris. Following Gerard of Abbeville's fiery, scathing sermon *Postquam consummati sunt dies octo* delivered in a Minorite church (*apud Fratres Minores*) on 1 Jan

<sup>659</sup> VIII, n. 4, 470b. *Et priraum quidem ad sanctae orationis stadium Fratres tuae curae commissos efficaciter incitans, ad Regulae promissae observantiam sinceram inducas pariter et compellas....*

<sup>660</sup> *Opera omnia*, VIII, LXVI-LXVII.

<sup>661</sup> Variance in opinion is negligible. All are in favour of a 1269 date. Some (S. *Bonaventura ...*, v. I, pp. 11-16) prefer to hold to a diplomatic hypothesis of 1269. Others attempt to situate the work either in the late spring or summer of 1269 (S. Clasen, *Der heilige Bonaventura als Prediger*, «Wissenschaft und Weisheit» 24 (1961), p. 92) or even the autumn of the same year.

1969,<sup>662</sup> renewed grievances gave way to mutual verbal and literary assault. Gerard of Borgo San Donnino and William of Saint-Amour were a thing of the past. The Church had swiftly extinguished that fire. The mendicants found themselves in a new struggle over old themes. They were made to confront the likes of Gerard of Abbeville and Nicholas of Lisieux, each intimately familiar with the arguments put forth in the works of William of Saint-Amour. Indeed, Bonaventure acknowledges a degree of continuity between the teachings of his old and new adversaries, the works of whom he regarded as acts of insolence toward the Divine Lawgiver and his Vicar whose plenary power they contradicted in their judgment.<sup>663</sup> Certain works of Thomas Aquinas were also being disputed at Paris. Meanwhile, John Pecham, who soon joined in on the polemic, had replaced Bonaventure as regent master of the Parisian Minorite *stadium*, and another brother Thomas of York was engaged in the debate from his chair at Oxford.

Bonaventure's approach in writing the tract was reactionary. In many ways, his pursuit in *Apologia pauperum* built upon arguments made in *PerfEv.* as a sort of new-and-improved take on an old debate, although he comes at his topic from a slightly different angle, this time electing to discuss perfection in terms of the imitation and exemplarity of Christ. In the intervening period, Bonaventure had accumulated experience, written a great deal, and matured in reflection, and it shows. The work exudes the steady hand of a veteran author and apologist. Concerning the present application of Pierson's group-centred theory, *Apologia pauperum* represents a case in which its author, having been minister general of the Minorites for over a decade at this point, writes in large part in defence of an already well-established institutional identity with perhaps slightly renegotiated individual components and justifications with particular stress upon components supportive of Bonaventure's insistence upon a pastoral paradigm.

## II. Thematic-Theological Analysis

As alluded to above, in general the author writes as a response to Gerard of Abbeville's divisive claims, chief among which that prelates are by nature and by definition per-

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<sup>662</sup> His main points of contention comprise the exceeding perfection exhibited by prelates in relation to religious, the propriety of the Church possessing resources, the possession of money bags by the Apostles, and the legitimacy of administrative functions. He even insults the Friars Minor and their take on the stigmata. In a direct way, he attacks the mendicants when he says "O brother, you have been thinking with exceeding pride and have grown dull by thinking thoughts that are too high. You should have thought more humbly about your fathers and pastors." Karris, Sermon of Gerard of Abbeville, n. 14 in Appendix, *Defense of the Mendicants*, 382. For the original Latin, see: Bierbaum, 208-19. On dating Gerard's writings, see: P. Glorieux, *Les polemiques «contra Geraldinos»*, «Rech. theol. anc. med.», 6 (1934), 5-41 and by the same author «*Contra Geraldinos»*, *L'enchainement des polemiques*, «Rech. theol. anc. med.», 7 (1935), pp. 129-155.

<sup>663</sup> *ApPaup*, c. 1, n. 1 (VIII, 235a)

fect, while others must become perfect, if at all, and that poverty does not pertain to perfection, which are common threads both in his infamous sermon of 1269 and his treatise *Contra adversarium perfectionis christianae*. In a broad sense, Bonaventure sets forth a defence of the brothers' claim to evangelical legitimacy in terms of their rule and way of life with particular emphasis upon poverty. The work's prologue sets the stage for his treatise.<sup>664</sup>

He begins by emphatically asserting the desire to ascertain the truth of faith and morals, which likewise begets the intense wish to avoid that which is opposed to them. Rife with apocalyptic language and allusions, it begins to lay out a defence to a doctrine attacking their way of life, a doctrine which like so many in the history of the Catholic faith was pernicious and had begun to spread like a weed. Evoking botanical imagery, Bonaventure states that malicious seedlings must be rooted up that they not be allowed to grow and choke out the seed sown by the Lord.<sup>665</sup> Such a case has arisen in the last days, which despite the radiating brilliance of Gospel teaching, is nevertheless exhaled from the pit below and threatens to block out the resplendence of the Sun of Justice and darken Christian minds.<sup>666</sup> By that of course he means the doctrine put forth by the treatise of Gerard of Abbeville. The pernicious blot of his teaching should not be allowed to spread; rather, the serpent with its superficial appeal to piety should be revealed for what he is. He thus sets the debate in an apocalyptic battle over true doctrine.

He then outlines the work's fourfold structure on the basis of four lines of defence against Gerard's four-pronged attack, which aims first to topple the apex of evangelical perfection (*perfectionis evangelicae apex*), second to demolish its defences, third to subvert its very foundation, and fourth to defame the sincerity of those who are poor for Christ in order that they might appear loathsome to the world. The work thus offers up four responses, one to each of Gerard's attacks, each of which is divided into three points. Each chapter presents one of three points of an answer, which makes a total of twelve chapters. The numerology operational in the work is symbolic and should perhaps be looked into further.

What he puts forward thus emerges in large part as a systematic attempt to resolve an age-old rivalry between the Church's two elite groups, priests and religious. If Bonaventure vowed to unveil the true nature of Gerard's attack, he certainly showed follow-through. Reveals the intent to denigrate one form of life in the Church while exalting an-

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<sup>664</sup> *ApPaup*, Prol. (VIII, 233a-234b)

<sup>665</sup> *ApPaup*, Prol. 1 (VIII, 233b)

<sup>666</sup> *ApPaup*, Prol. 2 (VIII, 233b-234a)

other.<sup>667</sup> In principle, he therefore affirms the absolute dignity of all sanctioned forms of life within the Church. Whether he does not at once also affirm the precedence of the Minorites in relation to others is self-evident by any cursory reading of the document itself.

Under the rubric of claims refuted by Gerard that seek to topple the apex of evangelical perfection, Bonaventure includes highly Christological topics such as the lofty perfection of Christ's true condescension, the proper significance of perfection and imperfection and forms of exemplarity, and the integrity of evangelical perfection with its many-layered sublime state. Chapters 4-6 have a distinct ascetical tone, as the second aim of his opponent to demolish the defences of Gospel perfection is met with affirmative arguments regarding the perfect desire for martyrdom, the praiseworthiness of abstinence, and the commendable severity of fasting. Bonaventure then addresses inimical attempts to subvert the foundation of evangelical perfection in chapters 7-9, wherein the topics centre on poverty, particularly voluntary and penurious poverty, the licitness of Levitical and ecclesiastical ownership and wealth, and a false reason for renunciation as well as twelve prerogatives of penurious poverty.

The final set of chapters comprise responses to his adversary's endeavours to defame those made poor for Christ under the rubrics of religious life of those without a money bag over and against the right of ecclesiastical possessions, the Minorite profession as absent of appropriation of goods, whether mobile or immobile, and without ownership of money, either singly or in common, as well as the legitimate state and fruitful activity of the evangelising poor. Though topics explicitly related to obedience are comparatively few, they are notable and thus deserving of attention. The sections on the poverty professed and lived by the Friars Minor largely recycle arguments made elsewhere, above all in *PerfEv* with little nuance. Thus, where possible the matter shall be avoided in order to better focus the analysis upon the topic of obedience.

#### *Obedience between Virtus, Vita, and Votum*

Whereas the focus in many other writings analysed in the present study (*PerfEv*, *ConstNarb*, etc.) centre on obligatory observation of normative content, Bonaventure lends more

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<sup>667</sup> *ApPaup*, c. 1, n. 3 (VIII, 236a). (...) *in quo se ostendit vel impium, vel ignarum, dum vel scienter innocenti falsum crimen impingit, vel ex inconsideratione propria non advertit, quod diversi status in Ecclesia Christi commendari possunt laudibus praecelesis et propriis, non tamen dissonis, quaraquam diversis. Nunquam enim qui commendat virginitatem adversaries censendus est esse coniugii, aut qui laudat solitudinem adversarius dicendus est coenobiticae vitae. Certe sancta mater Ecclesia, quae in laudibus cuiuslibet Confessoris pie decantat: Non est inventus similis illi qui conservaret legem Excelsi, non propter hoc glorioso Apostolorum detrahit choro, vel candidato exercitui Martyrura, cum quilibet status suam habeat praerogativam, de qua potest sine aliorum iniuria specialiter commendari. Porro, si laus filiorum non diminuit, sed amplificat laudem patrum, commendatio spiritualium pauperum potius censenda est exallatio et gloriificatio quam depressio praelatorum.*

attention to the potential virtuous quality of the evangelical counsels in *ApPaup* as opposed to the vows and grants special attention to the gratuitous facet of virtue, which he refers to as *supererogatio* or in other words doing more than that which is required. Bonaventure forges numerous distinctions concerning perfection, vows, and virtues. With Ambrose, he initially asserts that a duty can either be ordinary or perfect.<sup>668</sup> Ordinary duty is an obligation of all Christians and subsists in observance of the Commandments. Importantly, he qualifies ordinary fulfilment of duty as imperfect, but not sinful. Thus perfect and imperfect are not antithetical as are virtue and vice. Rather, that which is perfect differs from that which is imperfect as a greater good differs from a lesser good. Alongside Demetrius, he argues that there is a sort of moral middle ground where duty ends and virtue begins. He states that evil actions are forbidden, good actions are commanded, suitable actions are allowed, and perfect actions are counselled. Whereas transgression in the first two categories encompasses all of sin, the other two categories are placed under human power, so that one may acquire a lesser glory by doing what is allowed and licit or a greater reward by rejecting what is allowed. In a manner similar to that in *PerfEv*, only a degree more pronounced, he thus insinuates at least in principle that the evangelical counsels are already perfect and virtuous. He then argues love is the origin, companion, and end of all virtue and distinguish obligatory content from that proper to supererogation and plenitude.<sup>669</sup>

For Bonaventure, the root, form, purpose, fulfilment, and bond of perfection is love, to which Christ, the teacher of all, reduced the law, prophets, and as a result all of God's teaching. Love appears at times nearly synonymous with duty and at others with virtue. However, as he explains, they are all related and united, in that they are in some way aimed at the fulfilment of love. He goes on to declare that love itself may assume one of three states. The first state is the lower and consists in the observance of the legal commandments. The second is the intermediate state, which consists in the fulfilment of the spiritual counsels. The third is the highest of all states and consists in the enjoyment of eternal delights. Hence, there is a threefold difference in perfection as laid out in Scripture. The first level of perfection is of necessity, the second level corresponds to the perfection of supererogation, and the third level is that of final plenitude. The first two differ from one another just as a precept differs from a counsel, and the third differs from the

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<sup>668</sup> C. 2, n. 15 (VIII, 243b)

<sup>669</sup> C. 3, n. 2 (VIII, 245a)

other two as merit differs from reward.<sup>670</sup> Regardless of whether precept or counsel all are directed toward the observance and fulfilment of love. Love is a threefold act, which consists in avoiding evil by emanating from a good heart, pursuing good by coming from a good conscience, and patiently bearing with adversity by stemming from unfeigned faith.

The threefold action of love proceeds from the habit of virtue.<sup>671</sup> It does so either by the law of a precept that is of necessary and universal obligation or by the law of a counsel that is of a voluntary and special obligation. The latter includes the first and supplements as much as the wayfarer is able to give. It then follows that the second way coupled with the first constitutes perfection, but the first without the second, although it may be in some way perfect, is imperfect compared to the first. Here, he elaborates on the Ambrosian citation on ordinary and perfect duty.

Speaking of evangelical perfection in the broadest sense, it is the intermediate state of perfection, which is to say the fulfilment of the spiritual counsels or the perfection of supererogation. Therefore, the intermediate state consists in conformity of the wandering pilgrim with Christ through that habit of virtue, whereby one avoids evil, pursues good, and endures adversity in a supererogatory manner. In these three actions the three parts of evangelical perfection consist. Avoiding evil necessitates avoidance of the threefold changeable goods toward which a disordered soul turns in sin.<sup>672</sup>

In Bonaventure's view, exterior, interior, and inferior are the natures of the threefold changeable goods from which sin originates, that is the lust of the eyes, the pride of life, and the lust of the flesh. The three must be avoided both as regards action and consent by way of opposing virtues and as regards their circumstance. Avoidance begets merit and bears fruit for attaining the salvation of perfection. Here, Bonaventure operationalises the three evangelical counsels as remedies for sin. In order to perfectly avoid lust of the eyes, he affirms, all temporal goods should be abandoned. As a means of perfectly avoiding the pride of life, one must relinquish his own will. The rechanneling of generative potency is the perfect means to avoid the lust of the flesh. Therefore, Scripture indicates, teachers of the truth affirm, and the holy fathers who founded religious orders confirm that the first part of evangelical perfection consists in triple supererogatory avoidance of the threefold origin of all evil. The second part of perfection consists in

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<sup>670</sup> C. 3, n. 3 (VIII, 245a)

<sup>671</sup> C. 3, n. 4 (VIII, 245a-b)

<sup>672</sup> C. 3, n. 5 (VIII, 245b)

the pursuit of the good, which is supererogatory.<sup>673</sup> According to the two aspects of life, the active and the contemplative, the supererogatory pursuit of good comprises condescending care for one's neighbour and lifting up one's mind to God. Supererogatory ascent of the mind to God is mindful that, in obedience to the law of mental cleanliness and peace, the soul perceives what is sacred and through ecstatic love experiences ecstasy into the splendours and ardours of God.

There are two main conditions in which supererogatory endurance of adversity can occur.<sup>674</sup> First, a person patiently endures adversities, which cannot be avoided according to God's law as all are bound to endure such things. Second, a person desires them with intensity and out of the fervour of divine love and endures them with joy. The six values correspond to the three evangelical counsels and the three theological virtues. Ascent of the mind to God is an activity of the virtue of faith. The faithful endure hardships in hope. In turn, love is exhibited by the condescending care for one's neighbour and the love fostered in ecstatic contemplation of God and the second gradation of enduring hardships.

The author then crowns the six components with the contention that Christ commended them in the Matthean beatitudes periscope (5, 1-9)<sup>675</sup> as did Francis in the rule (*RegB* I, 1 and X, 8-10) and God in the stigmatisation of Francis' flesh.<sup>676</sup> The author therefore integrates and even places in the fore a much more Francis-centric notion of virtue than in *PerfEv*. Importantly, while the six qualities enumerated above also feature in his hagiographical literature with discernible parallels, *ApPaup* articulates an explicit formulation of perfection and its chief modes of spiritual practice and performance as taught by and embodied in the person of Francis. Whereas the legends are by nature more narrative and enigmatic, *ApPaup* sets the record straight on the necessary and sufficient requirements for the virtuous life of Gospel perfection. In such a way, Bonventure details an agenda of specifically Minorite virtues and fuses vow and virtue into an organic amalgam in the teaching and person of Francis. He thereby equates Gospel perfection with Minorite identity in both its obligatory and virtue-attuned content.

Analogous to the words uttered after the labour of the six days of creation, perfection may be considered accomplished in the soul of the perfect man. Thus, parallel to the first three works, which lay the foundation of the world and to the next three that are its

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<sup>673</sup> C. 3, n. 6 (VIII, 245b-246a)

<sup>674</sup> C. 3, n. 7 (VIII, 246a)

<sup>675</sup> C. 3, n. 8 (VIII, 246a-b)

<sup>676</sup> C. 3, n. 10 (VIII, 256b-247a)



complement, the first three beatitudes fall under the vows while the next three are a matter of free choice.<sup>677</sup> One may glean from the above that for Bonaventure perfection did not only consist in fulfilment of the three evangelical counsels in love and most especially humility as it did in *PerfEv*. Here, there is a much more expansive view of virtue and achieving that which exceeds mere obligation even of the religious.

As a further specification on the practice of perfection, Bonaventure expounds upon the virtues in relation to obligation.<sup>678</sup> Supererogatory practices, he claims, pertain both to charismatic gifts and the exercise of the virtues. Perfection of a supererogatory sort necessitates the exercise of virtuous habits. Now the supererogatory practice of virtue may either be satisfied in two ways. Either such practice is satisfied by the will alone without any obligation, which is considered perfection of action and merit, or it may be satisfied through the will and reinforced by a certain obligation, whether derived from a professed vow or from the duty of some office. He defines such obligation-backed volition to achieve supererogation as perfection of state and order. In the latter case, a person's performance of actions of perfection is both dedicated and obligatory.

Such obligation does not decrease perfection. Rather, it adds to further heighten it. From the moment it is not licit to go against the vow, it makes eternal what is temporal. One who assents to God in both action and will gives their total self and submits themselves to the divine law. As such, he makes something common to us all, which is to say human nature, divine. Anselm supports the notion that supererogatory virtue achieved under a vow exceeds the practice without a vow.<sup>679</sup> He argues that a religious vow places a person in the state of perfection, and it assists toward the practice, preservation, and completion of perfect virtue.<sup>680</sup> In such a manner, Bonaventure distinguishes vow and virtue and at once also gives religious life a prerogative over Christian life outside the binding obligations of a cloister. However, a threefold difficulty of religious life renders it extremely difficult.<sup>681</sup> Its difficulty is marked by the intense renunciation of the evangelical counsels, the subject's constant disposition to sin, which increases not merit but misery, and external circumstances. Still the origin of perfection is invariably love, and its work adds much to its completion.<sup>682</sup> He thus calls his brethren to an active model of

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<sup>677</sup> C. 3, n. 9 (VIII, 246b)

<sup>678</sup> C. 3, n. 11 (VIII, 247a-b)

<sup>679</sup> C. 3, n. 12 (VIII, 247b): *Hoc consilium magis in monastico quam in alio vitae proposito impleri sancti Patres intellexerunt.*

<sup>680</sup> C. 3, n. 14 (VIII, 248a)

<sup>681</sup> C. 3, ns. 15-17 (VIII, 248a-249b)

<sup>682</sup> C. 3, n. 19 (VIII, 249b-250a)

love and service of others.

Examples of such activity are found in the coming sub-thematic treatments. In fact, Bonaventure goes on to argue that observance of a vow without the exercise of perfect virtue is precisely not perfection. It is rather a perversion of religious life. It is not the sublimeness of perfection, but a sham of sanctity.<sup>683</sup> In the conception of virtue and vow in religious life, he confirms that one does thus not necessarily exclude the other, but the two also do not automatically coincide. Linking apostolic perfection, the counsels, and the vows, Bonaventure states that the apostles were themselves exemplars of perfection, as they lived out the evangelical counsels, which are not binding in themselves, but only to those who voluntarily profess to live by them in a vow.<sup>684</sup> He then discusses the supererogatory virtue of relinquishing one's own will in the case of coenobites and canons.<sup>685</sup> He thus begins to isolate and solidify the identity of mendicants in relation to other long-standing forms of religious life. As an order with a still relatively new profession, they had to cope with the reticence of hard-line traditionalists to recognise their legitimacy.

#### *Christ's Condescension and Minorite Preaching Ministry*

In keeping with his thoughts on the imitation of Christ, Bonaventure discusses the proper manner of serving others as an act of the utmost perfection on the example of Christ. Here, he emphasises works of mercy and in a particular manner the ministry of preaching. Gerard had alleged the critique that imitating Christ's condescension to the weak and imperfect – as the Minorites claimed to do – was antithetical to exhibiting the highest perfection.<sup>686</sup> Such condescension, asserted Gerard, is contrary to perfect justice. Bonaventure attempts to set the record straight. Condescension does not violate, but reaffirms the justice exercised by the Exemplar of perfection. Christ's works of mercy were thus in perfect harmony with his perfection. Such a claim blasphemes, in that it precludes that Christ is the fountain of mercy and the way of salvation.

Citing Augustine, Gregory the Great, and Hugh of St. Victor, he argues that Christ preferred to take on the role of the weak both inwardly and outwardly and act mercifully and nobly.<sup>687</sup> He urges readers not to conflate the weakness of the flesh with the fact that Christ assumed human weakness both in his use of a moneybag and in his dread of his passion. With his use of a money bag, Christ conformed himself

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<sup>683</sup> C. 3, n. 22 (VIII, 250b)

<sup>684</sup> C. 7, n. 20 (VIII, 278b-279a)

<sup>685</sup> C. 7, n. 22

<sup>686</sup> C. 1, n. 5 (VIII, 236a-b)

<sup>687</sup> C. 1, n. 6 (VIII, 236b-237b)

exteriorly to the imperfect, and in his fear of crucifixion, he took on a certain affection for condescension not only to those weak in the flesh, but also to those weak in the spirit. He thus contends that condescension to the weakness and imperfection of mortal human beings is not only characteristic of the stronger members of Christ, but also of the Head. In what is perhaps the defining passage of the entire work, he asserts with a citation of Hugh.<sup>688</sup> With the quote, Bonaventure sets up a two-dimensional meaning which both affirms the perfection of Christ in his condescension and establishes the Friars Minor as the perfect imitators of the apostles in the figure of Paul who did refused to receive payment from preaching the Gospel and freely became a minister of the word. He thereby legitimises Minorite imitation of Christ's condescension in the form of preaching ministry and refusing to use money pouches on the example of Paul. He therefore buttresses their claim to evangelical legitimacy with regard to their poverty and preaching activity. Cleverly, he also identifies their way of life with Paul, and thus with an apostle who was not Peter and not even part of the original lot. As a consequence, he grounds their life in the apostolic life but in an illusory manner. Both Paul and Christ feared death and condescended to others, but only Paul refused a money pouch and nevertheless continued to preach the Gospel.

Contrary to what Gerard asserts, Bonaventure intimates that it was suitable for Christ to condescend to be with humans, not in sinful acts, but in those weaknesses that are commonly related to our fallen nature and have no filth attached to them.<sup>689</sup> However, he reminds us, Christ' actions of condescension, just as those of another nature, apply solely to those in a certain state. In other words, they are to be imitated by the weak, as they are purely extrinsic. Christ's condescension as it features in *ApPaup* functions for the most part as a device to justify Bonaventure's conception of perfection, as indicated. Its content as present in other writings such as *LegMai* and *LegMin* is thus subordinated to the structure of his argument. The basic gist is there, however. Nonetheless, as indicated, Christ is to be imitated in those things which regard perfection.

The supererogatory or intermediate manner of perfect conformity to Christ comprises avoidance of evil by the three evangelical counsels, pursuit of good by condescending care to one's neighbour and ascent of the mind to God, and endurance of adversity either by passive

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<sup>688</sup> C. 1, n. 6 (VIII, 237b). *Habebat Iesus oculos et ea quae dabantur, suscipiebat, conforrans se imperfectis. Paulus autem noluit sumtus accipere de Evangelio, sed gratis factus est minister verbi, et invenitur Paulus aliquid maius fecisse quara Christus. Christus autem in numero imperfectorum inveniri voluit, ne praesumerent non accipientes, et confunderentur accipientes, et aestimaretur non esse Christianus, faciens quod noluit facere Christus.*

<sup>689</sup> C. 2, n. 8 (VIII, 241b)

endurance in observance of the commandments or in desire for adversity.<sup>690</sup> Under the rubric of the supererogatory pursuit of good, condescending care toward one's neighbour entails the supererogatory condescension of love and consists in the extension of tokens and kind-hearted gestures of love according to the law of justice and mercy. They should be extended with munificence and benignity both to one's friends and to one's enemies in satisfaction of the Matthean verses to love your enemies (5, 44) and to be perfect as God is perfect (5, 48).

Nevertheless, Bonaventure reminds his confreres, while the origin of perfection is love, it is work which does much to attain the completion of perfection.<sup>691</sup> He thus calls his brethren to an active model of love and service of others. Perfection is attained not in the habit of virtue in itself, but an exceptional labour. Examples of such activity are preaching, martyrdom, virginity, and edification of one's neighbour. Here, the author already begins to make a conceptual association between acts of love, service of others, and preaching. He even remarks that Francis proclaimed the six components of supererogatory practice of perfection in the rule (*RegB* I, 1 and X, 8-10), adding to the three counsels the condescending care of one's neighbour, the ascent of the soul to God, and enduring hardships. God also then confirmed them in the sacred piercing of Francis' flesh, a sign not of lofty things, but of condescending to the lowly. The theory may also come to bear on the theology of the author's representation of the stigmata in *LegMai*.

Interestingly, the component of condescending care is projected onto the rule, as there is no trace of such a concept imminent to the text. Even if there were, while the Minorite rule of 1223 also makes explicit reference to the brothers' preaching praxis, one is not associated with the other. On the other hand, the author references intensification of the vows by practices of the observance of the rule.<sup>692</sup> Chief among such practices is the edification of one's neighbour, which comprises offering examples of virtues, teaching the Scriptures, administering the remedies of the Sacraments, assisting in the guidance of souls, making just judgments, and performing corporal works of mercy. The acts by which one edifies one's neighbour appear to be of a typically pastoral nature. Still the final item on the list stands out, and appears somewhat incongruent with the brothers' life at the time as we know it.

Further on, Bonaventure then renders explicit the message to which he only alludes in other of his writings, which is to say that preaching is a form of *condescensio* and thus definitively replaces manual labour and works of mercy both as the brothers' chief activity and as the reoriented form of the universal, service-based component of obedience. He affirms une-

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<sup>690</sup> C. 3, ns. 5-7 (VIII, 246b-247a)

<sup>691</sup> C. 3, n. 19 (VIII, 249b-250a)

<sup>692</sup> C. 3, n. 20 (VIII, 250a)

quivocally that to preach is a greater show of piety than to perform corporal works of mercy.<sup>693</sup> Echoing what he had affirmed in *PerfEv*, he propounds of the special need in the Church of Gospel preachers filled by the mendicants on the sanction of the Church and the Holy Spirit herself.<sup>694</sup> Related to his remark on the mendicants and preaching, Bonaventure also responds to accusations that religious are unfit to instruct the faithful, for their proper place is in prayer.<sup>695</sup> With another time-sensitive comment, he declares that such texts were written when monks were largely lay and unlettered. They therefore no longer apply to the likes of the mendicants, who rather than partaking in manual labour, engage in study in order to enhance their understanding of the Scriptures and to enable them to enlighten the mind of their fellow man through preaching the word of God.<sup>696</sup>

### *Exemplarity and Imitation of Christ*

In addition to discussing Christ's condescension and the manner in which the brothers condescend in imitation of him, Bonaventure specifies in what sense Christ is an exemplar and delineates to what extent one ought to imitate Christ according to one's state in life. Numbers 7-9 of the first chapter formulate a working definition of perfect and imperfect acts. The categories of perfect and imperfect can be viewed in three meanings, that is by variety, by circumstance, and as it is in itself. That which is perfect by variety is a difficult and excellent action such as renouncing all possessions or entering religious life. That which is perfect by circumstance consists in an action that is difficult and adorned by appropriate circumstances, for instance, joyfully giving up one's wealth to the end of edifying one's neighbour. That which is perfect in itself consists in an action that is difficult and proceeds from highest charity, for instance, a movement of fervent and ecstatic love for God or of pure and total love for the enemy. The same can be said of imperfect acts. He then interprets the works of Christ within such a framework,<sup>697</sup> distinguishing interior and exterior works that relate to him and to others. All the deeds of Christ were perfectly in alignment with his own self and were taken in condescension to others out of the highest charity. Just as by assuming human nature Christ became humble and walked among humans while remaining in himself, so too he deigned to perform certain deeds through the condescension of his supreme love that were suited to our own lack of intelligence and imperfection, and he did so without jeopardising his own supreme perfection in the slightest. At the same time, he is sure to underline, the opposite of

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<sup>693</sup> C. 12, n. 9 (VIII, 319a-b)

<sup>694</sup> C. 12, n. 8 (VIII, 318b-319a)

<sup>695</sup> C. 12, n. 10 (VIII, 319b)

<sup>696</sup> C. 12, n. 12-13 (VIII, 320a-b)

<sup>697</sup> C. 1, n. 10 (VIII, 238b-239a)

such things may also be done in a praiseworthy fashion.<sup>698</sup> In view of certain circumstances regarding time and place, it may even be more praiseworthy to do the opposite. His insinuation is already quite evident. But he will go on to explicate it further on. True followers of Christ imitate him where appropriate according to the variety, circumstance, and act in itself and admire him in his perfect nature where inappropriate.

He then appeals to Jerome and states that certain precepts are not for all but instead are intended for the observance of the perfect.<sup>699</sup> In response to Gerard, who teaches that all of Christ's words and deeds are for the imitation of all,<sup>700</sup> he then goes on to delineate gradations and distinctions in the examples and words of Christ corresponding to the different levels and states in the ecclesiastical hierarchy.<sup>701</sup> It follows therefore that some things are proposed for imitation by prelates and not by their subjects, others for rational creatures and not to animals. While some are proposed for the perfect and not for the imperfect, others still are for the strong, and not for the weak. Yet the works of the counsels and of supererogation are not put forth exclusively for those who are already perfect, as Gerard seems to claim. They are for all who wish to ascend to the summit of perfection. It is, however, difficult and arduous road that is not for all, but only for a few.

The actions of Christ are manifold and varied, he concedes.<sup>702</sup> He repeats that all of Christ's actions are perfect in relationship to the person of Christ, but according to their proper nature some are excellent, some are mediocre, and some partake of condescension, as indicated. In Gerard's crudely literal interpretation, perfection entails a universal conformity to the works of Christ, and imperfection signals a departure from them.<sup>703</sup> Such a proposition is manifestly absurd, as it induces numerous incongruous conclusions, such that Paul would be considered imperfect because he refused to be accompanied by women as Christ was. Bonaventure thus sets forth the absolute negation of facile answers when it comes to imitation of Christ.

For Bonaventure, Christ is indeed the exemplar of perfection, but one must wisely discern in what manner it is so. Given that Christ is the uncreated and incarnate Word, there is in him a twofold principle of exemplarity, one eternal, the other temporal.<sup>704</sup> As the uncreated

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<sup>698</sup> C. 1, n. 11 (VIII, 239a-b)

<sup>699</sup> C. 2, n. 6 (VIII, 240b-241a). *Nunquid omnibus praeceptum est, ne duas tunicas habeant, ne cibos in pera, aes in zona, calceamenta in pedibus, ut vendant universa, quae habent, et sequantur lesum, sed his qui volunt esse perfecti? alioquin cur a Ioanne Baptista aliud militibus, aliud praecipitur publicanis.*

<sup>700</sup> C. 2, n. 8 (241b-242a)

<sup>701</sup> C. 2, n. 8 (VIII, 241b)

<sup>702</sup> C. 2, n. 10 (VIII, 242a)

<sup>703</sup> C. 2, n. 11 (VIII, 242a-b)

<sup>704</sup> C. 2, n. 12 (VIII, 242b-243a)

Word Christ is the intellectual mirror and eternal exemplar of the world's entire structure. He is also the incarnate Word in the reality of his assumed humanity and therefore is the exemplar and mirror of all graces, virtues, and merits. As Christ is the eternal Exemplar of perfection, diverse states, degrees, and orders are derived from him according to the various distributions of the gifts and the various manners of imitating him. To the diversity, the manifold perfection of Christ is distributed according to a multiform participation such that it is found at the same time in all things. In order to make his point clear in contradistinction to Gerard's teachings, he adds that Christ's perfection does not shine in any one of them in the fullness of its universal plenitude, but each state and degree, in accordance with its measure, receives the influence from Christ's exemplarity and moves forth to imitate it.

The manifold actions of Christ, he affirms, are of six types according to what they exhibit, comprising sublime power, the light of wisdom, the severity of judgment, the dignity of office, condescension to our misery, and the revelation of the life of perfection.<sup>705</sup> Those that pertain to perfection include the three evangelical counsels, works of mercy, and loving self-sacrifice for others. He lists them as the observance of poverty, virginity, subjecting oneself to God and other human beings, praying through the night, praying for those who persecuted him, and offering himself to death out of supreme love even for his enemies. An attempt to imitate Christ in all excellence would be impious. The actions pertaining to the severity of judgment and to the dignity of office concern those who preside as well as prelates. Those which regard condescension to the weak, as they are extrinsic actions, do not. Thus Christ is enshrined by supreme perfection and all of his deed were in tune with his perfect nature. Nevertheless, he is not to be imitated in all things, only in those that concern the attainment of Gospel perfection. The other deeds are either inimitable or relative to specific states.

After a great many distinctions regarding precepts versus counsels, ordinary duty versus perfect duty, and obligation versus supererogation, he concludes that Gospel perfection consists in conformity with Christ by means of the habit of virtue, by which, in a supererogatory manner, evil is avoided, good is pursued, and adversity endured.<sup>706</sup> The specificity of such perfection is elaborated above. As a side note on imitation of Christ, when faced with an argument on Christ's rejection of worldly kingship during his temptation in the desert, Bonaventure seizes the occasion to teach a brief lesson on humility.<sup>707</sup> Christ's renunciation of kingship was not an instance of pride as his opponent suggests, but an act of exemplary humility. Parallel to Francis' resignation motif in *LegMai*, Christ did not neglect humility and

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<sup>705</sup> C. 2, n. 13 (VIII, 243a-b)

<sup>706</sup> C. 3, n. 4 (VIII, 245a-b)

<sup>707</sup> C. 9, n. 10 (VIII, 297a-b)

piety even amid the shouts of those praising and honouring him. By refusing to accede to a place of worldly power, Christ spurred his disciples to imitate his perfect example of humility. In such a manner, affirms the author, so too should brothers flee from ecclesiastical prelacies for the sake of the virtue of humility, for it is in seeking the honours of prelacy that lie the roots of sinful pride.<sup>708</sup> Also, while inner humility must be fostered, exterior acts form an integral part of the cultivation of the virtue.<sup>709</sup> On the example of Christ washing the feet of his disciples, Augustine states that a gesture of humiliation made externally in the body contributes very much to the perfection of true humility in the heart.

### *Ecclesial Obedience*

Arguments have important ecclesiological consequence. For an order that claims to live in *sequela Christi* according to apostolic poverty it was essential to distinguish between conformity to Christ and bestowal of authority to the apostles. It is so because the bishops and most of all the pope represent and act in the Church as the apostles. It was their rightful place as apostolic successors. To argue that the brothers lived as the apostles in conformity to Christ was to potentially undermine the authority of the bishops and thereby court suspicion from the ecclesiastical institution. The brothers had to exercise utmost caution in identifying with the twelve followers of Christ and be sure to distinguish themselves from heterodox and heretical sects that considered themselves their successors and even wished to do away with the priestly caste altogether. Gerard of Borgo San Donnino had thrown all caution to the wind and paid dearly. In *ApPaup*, Bonaventure thus seeks to systematically assuage any trace of doubt as to the Minorite's position in relation to the apostles. He argues that perfection does not have to be in line with that of the apostles, for perfection is proper to various states according to their requirements. As such, Levitical and ecclesiastical ownership of wealth is clearly not contrary to the perfection of poverty,<sup>710</sup> for prelates do not voluntarily profess a vow of poverty and thus are held to a different standard. He also warns, however, that neither is wealth recommended, for riches are a snare and trap for the soul. Another of his affirmations regarding the prelacy regards the unique claim of prelates to perfection. Perfection may be more excellent because of the office of the prelate, for here the loftiness of order is more eminently conferred for the purposes of purging, illumination, and perfection.<sup>711</sup> All the same, a heavy burden of labour is imposed on the prelate through the necessity of proffering example, word, and temporal assistance to his sheepfold. In this sort of perfection a

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<sup>708</sup> C. 9, n. 11 (297b-298a)

<sup>709</sup> C. 9, n. 12 (VIII, 298a)

<sup>710</sup> C. 8 (VIII, 286a-294b)

<sup>711</sup> C. 3, n. 21 (VIII, 250a-b)



prelate of the Church may lead a more holy life due to his elevated office, but he must also guard his flock with greater solicitude and feed them more abundantly.

To Gerard's claim that prelates enjoy a state of perfection while religious must become perfect, Bonaventure affirms that it is not required of a state of a prelate to be perfect in the sense outlined in the work.<sup>712</sup> In fact, the office of prelate presents its own set of difficulties and obstacles to perfection which are to overcome. Furthermore, religious life, he argues, offers a more sound remedy to our illness and, despite its many hardships, rescues one from the dangers and threats to the soul intrinsic to the honours and burdens of the prelate.<sup>713</sup> Bonaventure's treatise is also not without its critique of the clergy. He argues that Christ used a money bag in order to conform himself to the imperfect who are weak in the flesh.<sup>714</sup> Thus, while Christ's use of a money purse confirms his perfection, he identifies the use of a money pouch with weakness. There is thus an implied jab at the clergy who do not profess a vow of poverty and an assertion of prerogative concerning the Friars Minor, who are poor both singly and in common. As in *PerfEv*, Bonaventure leaves traces of a doctrine on papal sovereignty and infallibility. I, n. 3 He sharply condemns Gerard's doctrine and considers its very publication as a contradiction of the pope's plenary power as Supreme Pontiff and Vicar of Christ, a title representative of the authority conferred him by the Eternal Legislator. Bonaventure commends the mendicants as sons of obedience who are humbly subject to holy Mother Church.<sup>715</sup> With emphatic language, Bonaventure argues that the person who claims that such brothers should be expelled as false preachers, seducers, Gyrovagues, and people who make their way into houses must come under the indictment of a just condemnation as a despiser of ecclesiastical authority, as envious of the grace of his brother, and as an enemy of evangelical truth.

### Chapter Conclusion

Bonaventure envisioned and defended a comprehensive reconfiguration of the order's relation to obedience when compared to the conception of the early movement, taking into account the material available to him and the current state of institutional development in a path dependent system. Managed to hold true to the religious organisation to which he belonged at its current stage and to reconcile long neglected elements that were formative at the outset of the movement. As PIERSON declares of such processes, components of the initial

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<sup>712</sup> C. 3, n. 24 (VIII, 251a)

<sup>713</sup> C. 3, n. 25 (VIII, 251b)

<sup>714</sup> C. 1, n. 6 (VIII, 236b-237b)

<sup>715</sup> C. 12, n. 11 (VIII, 319b-320a)

period have sustain and tend remain in the organisation's collective memory. They therefore must be dealt with in some way. Bonaventure does just that with particular regard for the matter of service-based engagement and manual labour, the latter of which regards both the service-based model of obedience as well as poverty, in that the early movement was able to truly maintain poor ways via their self-sustaining work. In other words, he effected a degree of change on a vast scale by means of institutional layering in the form of re-charismatisation. In view of a path-dependent perspective of institutional development, Bonaventure's writings and regency prove less original or foundational than resourceful, systematic, and well-articulated.

Thus, despite Bonaventure's balance of the order's organisational arrangement with neglected charismatic components, a model second institutional foundation best finds its home in the period of institutional rewrites. In such a way, the minister general reconciled components of the initial period with sustaining power and remaining in the order's collective memory with the prevailing institution. Particular literary contributions comprise his *Legendae* (*LegMin/LegMai*) characterised by a prominence of performativity and imitability and return to the central importance of obedience. His *Sermones* on Francis and in particular *Apoloogia pauperum* unite the Minorite vow and virtue and define and defend an imitable, attainable image of perfection embodied in the order's founder. Francis thus served as the nexus of Minorite identity-formation and behaviour-orientation in a striking manner. Charismatic principles recuperated in Bonaventure's synthesis comprise the order's model of service centred in particular on the condescending practice of preaching. In terms of legal marginalisation of the rule, he took a traditionalist stance, as he upheld the collective ruling to reject bull *Ordinem vestrum*, which weakened the rule's standards especially toward poverty. The order also drafted and promulgated a new round of constitutions, comprehensive and binding order-wide, which solidified hierarchical control but prohibition against seeking papal privilege that contravene the rule much in the spirit of the *Test.*

## General Conclusion and Synthesis

The present study of conceptual history in the instance of the Minorite order has advanced and fostered a theoretical framework in which obedience, in addition to being an integral part of a proposal of religious life and a legal category, operates as a form of relationality insofar as it is a spiritually informed orientation toward self, God, and other. In the present hermeneutic perspective, obedience is thus viewed within a three-dimensional prism as an institutional mechanism, a principle of spiritual training and progress, and a relational construct. In short, it is simultaneously virtue, life, and vow. That is to say, obedience constitutes a formula for right living for the spiritually inclined in the setting of a formally arranged group, which is essentially threefold in nature. It consists in a self-sustaining mechanism employed by the institution, that is, a measure in support of the instilment and continuance of a given organisational arrangement, a spiritual-moral model that guides and directs the individual through aspects of daily life, and a construct that envisages a patterned manner of on-going relationship and interaction in a fluid social field. The study's relational as well as theological interpretation of obedience profits from a field theory of power outlined by T. WARTENBERG – as distinguished from an interventionist theory –, which does not restrict the practice of power and obedience to the scenario of active imposition by a superior agent into the affairs of a subordinate agent and the latter's successive compliance or incompliance, but instead opens up the conditions of possibility to comprise also the flux and interplay of interior and exterior realms over time. As a means to promote the structured diachronic analysis and evince the gradual change of organisational arrangements, a supplementary feature of the study subsists in lending resolute attention to the characteristics of institutional development as they form and condition the matter of obedience. The methodology fostered in the study also gives precedence to dynamics of process within the production and perpetuation of an institution over and against the contribution of singular agents. As a consequence, both the relational and institutional components thus benefit from a time-conscious and process-centred – that is, precisely not a static or agentic – interpretive perspective. In such a view, the prevailing Minorite institutional arrangement came about and succeed on account of public acceptance, market forces, and increasingly uniform enforcement. All the same, the study draws upon theological insights, which underscore that obedience is due ultimately to God and is thus both '*institutionstrascendent*' and '*-immanent*.'

The early writings display a thoroughgoing commitment to obedience in all of its various potential expressions. The charismatic principle referred to here as ‘self-*minoratio* and obedience to all’ pervaded the writings of Francis and the early movement. In contrast to certain classical monastic portrayals of obedience as a passive component of religious life, an extension of humility, the early Minorite movement proposed an active, vigilant model of obedience. The early community thereby assimilated the monastic tradition of obedience and radicalised it, adding to the spiritually-informed tradition of religious life an all-pervasive, service-based notion of obedience, charged with *kenosis*, the giving of self in favour of other after the example of Christ. The concept of obedience thus concerned not only the Gospel, their rule, or superiors. Rather, it entailed universal and even cosmic dimensions. Obedience mobilised the brothers to go into the world and serve the other. The writings of Francis and the early movement exhibit a radical understanding of and a characteristic predisposition toward the matter of obedience, which ranged from a standard institutional model of hierarchical relations through the mutual plane of human interaction and up to reverence and care for all elements of creation, be they human or otherwise. With the assistance of B. STOCK, the writings of the early movement have been examined not so much the enigmatic written word transposed from the mind of the charismatic leader, but more so as the production of a textual community’s very cultural meaning; a community that certainly enjoyed the inspiring presence of a charismatic figure and at once also collectively forged a simple Gospel culture and constructed a set of charismatic principles, which had its foremost articulation in ‘self-*minoratio* and obedience to all.’ The early writings amounted to an invitation into a realm of seemingly limitless virtue.

The core of the group’s charismatic principles has been described in terms of a fundamental commitment to obedience centred above all on the group’s organic statement of meaning *Regula non bullata*. The charismatic notion took on various forms of expression which span adherence to the will of a superior, spirited observance of the *vita*, and an active disposition toward *vita*, superior, and self, which includes a component of legitimate appeal to conscience. It called them to utmost surrender to the spirit of God via their Gospel culture and moved them to engage in charitable service on the loving, self-sacrificial example of Christ. As such, the early model set forth an active, service-based conception of obedience. It was, however, not without its nuances, intricacies, and at times seeming inconsistencies. The active model of obedience called for consultation of conscience in relation to superiors and stipulated both individual and joint vigilance,

which foresaw legitimate dissent and control of authority from below. An initial disjuncture with charismatic principles transpired in the canonical drafting of the *RegB*, which witnessed a subordination of such principles to the propriety of canonically sanctioned procedure. In particular, the redaction of the document undercut all traces of expansion of obedience to the horizontal plane. In reaction to the perceived compromise Francis undertook an explosive symbolic gesture and composed the *Test*, which envisioned a recall to the charism. Much of what would lead to tension in further generations would already appear in the paradoxical words of Francis' last wishes. Due to the fragility and paradoxicality of the charismatic notion, it thus proved impracticable, not to mention precarious in such a milieu as that within which the early movement had its genesis and into which the order itself emerged.

During the era of institutional interlude there were two chief sources of the utmost importance for the topic of obedience; namely, *Vita beati Francisci* and *Quo elongati*. Thomas of Celano's *VbF* represented the first official legend on the life of the order's founder saint, likely based in part upon the *Test*; *Quo elongati* was a papal bull which accomplished the curtailment of *Test* and the conditioned manipulation of regular norms, thus effectively initiating the legal marginalisation that would mark juridical interpretations of the Minorite rule. *VbF* proposed a semi-compatible rendition of obedience in the charismatic meaning and would prove normative in both an official and a non-official sense, as it would become a source upon which subsequent legends would draw for decades to come. *Quo elongati* magnified an already acute problem and was thus not issued without reaction, being met with a pattern of resistance, including the apparent reticence of minister general Elias of Cortona's to accept institutional change and the anonymous writing *Sacrum commercium*, a recall to charism much in the tradition of the *Test*. A likely response to the weakening of regular norms carried out by *Quo elongati* and the selective obedience to the rule that played part in its solicitation, the *SCom* proposed a fraternal vision of the early movement's inception, in which Lady Poverty and not Francis was front and centre and also had ecclesiological ramifications as an ostensible usurpation of the Church's necessary role in salvation. Four additional sources filled out the textual production of the period. Two legends the *Legenda ad usum chori* and *Legenda umbra* proffered an image of Francis for the liturgical consideration of the brothers. Largely depicted as a stigmatised saintly and local thaumaturg, the prayed image of Francis was scarcely imitable and thus much less an axis of orientation than a figure of reverence for the brothers. A third liturgical work, Julian of Speyer's *Rhythmic Office*, placed an

enhanced focus upon the performance vis-à-vis the Francis of the choir and his imitable quality. In conjunction with the office prayers, Brother Julian then composed another legend (*VJS*), which presented a more abstract theological image of Francis with a particular accent upon the virtue of *perfectio*. A rearrangement in the economy of virtues proposed in the legends already begins to depart from the centrality of obedience and to assume a preoccupation toward other virtues and an employment of obedience to other ends.

In the *long durée* of 1240-1260 and by the time the institutional concrete had begun to set the model of attitude and comportment in relation to obedience underwent a steady shift. Charismatic notions were subject to order-wide reprioritisation in favour of Lateran IV pastoral paradigms. The order's recruiting profile centred on erudite priests, and the social reference point was rerouted and fixed on edification of God's people with emphasis upon pastoral ministry. Where placelessness, equality, and spontaneity were values in the early movement, stability, qualification, and preparedness came to dictate the dance of Minorite life. Aside from select passages in Bonaventure's work, appeal to conscience all but vanishes from the record. The organisational arrangement codified in the various redactions of constitutional legislation became then the norm supported by the receptiveness and engagement of all parties, comprising subordinates willing to accept its legitimacy and norm-enforcing superiors. In terms of the power differential, although decentralising measures delegated the minister general's once supreme authority downward to lesser superiors, total subservience was still required to such delegates. Interpretation of the rule and commandable content were subject to the order's ever-tightening structures. A host of factors restrained even well-meaning superiors, who truly aimed to serve their brothers in the sense of the charisma, and precluded their doing so.

The hermeneutic lens of A. LEFEVERE on translation as a process of rewriting allows one to evince how the period of Minorite institutional rewritings features a vast array of rich literary documents that put on view the shifting textual landscape of Minorite obedience. At the behest of rising textual communities, authors of Minorite provenance began to translate their proposal and its conceptual underpinnings into a new language. If the Italian adage *traduttori son traditori* holds true, then the thoughts of LEFEVERE provide a solid basis to discuss the further disjuncture that occurred over the course of the ensuing years. The path having been freed from the obligation of normative obstacles such as *Test*, the order's constitutions set the new normative parameters for the brothers' vow of obedience. Following upon *Quo elongati*'s legal marginalisation of

the rule, juridical legislation formed a baseline for the brothers' duty of obedience. The brothers were subject to and further bound by mounting authoritarian rule, spatial stipulations, and mechanisms of control. The immense textual production put forth a virtual menagerie of concepts, motifs, and images of the order and its founder for the reflection of the brothers. Two commentaries written by prominent members of the community assigned the rule various meanings and bore out the practical ramifications of certain interpretations. Much in the way of *Quo elongati*, the *expositio* of 1241/2 envisaged the rule within the framework of a principally juridical-canonical perspective and sought to approach its varying norms and prescriptions, evaluating their normative weight and distinguishing them on a selective basis. Whereas it circumscribed the rule within the three vows, in terms of the order's governance, it suggested that the proclamation of a general chapter had precedence over that of a minister general. Hugh of Digne's commentary exhibited a willingness to struggle with the rule's implications and to give voice to the companions and early movement as well as to considered solutions to interpretive difficulties, whereby with the *RegNB* in hand he envisioned a reserved re-charismatisation of the Minorite institution.

Meanwhile, the narrative sources proper to the age of institutional rewrites proposed a spectrum of literary possibilities, ranging from considered recalls to the charism in *DeInc*, *3Soc*, and *CAss* to full-fledged official depictions as seen in *Memoriale*. The first of the series of legends, *De Inceptione*, set forth an updated account from that of *VbF*, which entailed conceptual recall to the origins and 'living reproach' in the figure of Francis. Above all the centrality of the movement's humble, fraternal, and service-based beginnings and the role of the general chapter were of central importance. *Legenda trium sociorum* and *Compilatio Assisiensis* then elaborated and intensified any recall or reproach contained in *DeInc*, each supplying further developments and supplementing its own particular interpretation. A trace of the early movement's radical message finds a place here in terms of the sacrosanctity of the rule as well as Francis' insistence that he have a lesser role in the order's governance and that the brothers have a lesser role in the ecclesiastical and societal milieu. However critical, such legends also exhibit a compromised stance toward charismatic notions as compared to that of the early movement, suggesting an effective yielding of ground to the monumental institutional edifice that had since set into place and become ever more pronounced. Assimilating and transforming motifs of prior legends', Thomas of Celano's official legend subsequently reformulated the image of the founder, thereby rendering him the living exemplification of the rule as it was to be lived in accordance with the current in-

stitutional constellation. Perhaps more so than any prior work, the Francis of *Memoriale* thus constituted the *forma minorum*. The legend also put forth imagery supportive of authoritarian structures as seen in the cadaver ideal and the revival of the monastic *vicarius Christi*. Even Thomas' legend, which provided a suitable companion to the emerging organisational arrangement, was not without its critique, albeit in veiled fashion, of the present state of affairs resulting from institutional change and the radical difference in mentality and behaviour espoused therein. On the Parisian University scene, professional Minorite theologians entered into a discourse comparatively more scholastic in nature and in their *Summa Minorum*, initiated by Alexander of Hales and subsequently brought to fruition by his pupils, sought to equip students with a basic understanding of theology as it regards various key topics. The chiefly legal approach to matters of the Christian religion and religious life in particular offered a new standard for Minorite views on authority, conscience, and moral sensibilities. Of particular significance was the thematic focus upon moments of discrepancy (*perplexitas conscientiae*), which resulted as a mere exercise in enhancing the recognition of false perplexity rather than inciting brothers to guard their consciences as the early writings had. In a legal framework such as that set up by the *Summa* there can and must be no ambiguity in the law and no conflict with a rightly-ordered conscience. The law of the Church and its orders extends from the divine law and is thus of divine origin. It is consequently absolutely legitimate by definition. Meanwhile, David of Augsburg accumulated experience during the course of his years-long involvement with Minorite novices and formulated salient thoughts and methods of instruction, which he systematically put to the page in his composite work *De compositione*. David's novice literature would do much to advance a classical conception of virtue with particular regard for monastic obedience. His thematic focus upon the cultivation of interiority with regard for obedience and inner prayer was heretofore unprecedented in the early Minorite canon.

Bonaventure was not, nor could he have been a second founder if understood in the sense of a second institutional foundation. Decades had transpired since the death of Francis, and, if at all, a second foundation model would perhaps best find its home in the period of institutional re-writes. Nevertheless, Bonaventure at once managed to hold true to the religious organisation to which he belonged at its current stage and also to reconcile long neglected elements that were formative at the outset of the movement. Not surprisingly, the minister general adopted components supportive of the order's authoritarian structures such the motif of cadaver obedience and



identification of the superior with the divine in the monastic *vicarius Christi*. Nonetheless, as PIERSON declares of such processes, components of the initial period have sustaining power and tend to remain in the organisation's collective memory in some form or fashion. They therefore bid someone deal with them in some way. Bonaventure does just that with particular regard for the matter of service-based engagement and manual labour, the latter of which regards both the service-based model of obedience as well as poverty. He managed to relegate select components, which had once pertained to obedience, to institutionally appropriate realms such as that of virtue with a particular accent upon humility and piety.

Among other writings, humility features notably in Bonaventure's liturgical legend (*Leg-Min*) characterised by a prominence of performativity and imitability. Out of humility it is certainly commendable to consider oneself less than those above whom one is situated in order, Church, and society. However, canonical lines of propriety and concomitant hierarchical command structures must be maintained when it comes to obedience, as any other approach, in addition to being impractical, would induce confusion and insubordination. Seeking thus to propose an immanently imitable image of Francis in his *Legendae* and *Sermones* on Francis and unite Minorite vow and virtue in particular in his *Apologia pauperum*, Bonaventure defines perfection in terms of a sixfold achievement based on a pedimental structure. In his imagery, the three evangelical counsels of poverty, chastity, and obedience form the base of the mountain, which follows with the three theological virtues of faith, hope, and love. The twofold centre consists in condescending care of one's neighbour and ecstatic ascent of the mind to God, while endurance of hardship in turn forms the mount's apex. Notably, all three have their proper end and purpose in love. Just as the stigmatised Francis stood atop mount Alverna, so too could all brothers attain spiritual perfection in the context of religious life by ascent according to the ideal fostered in Minorite according to the rule. While the sixfold commitment cannot be said to present an overly simple or trouble-free agenda, at least the path to perfection – and along with it Francis himself – was distinct, comprehensible, and indeed able to be followed. For Bonaventure, Francis had intended that it be so when he laid out the brothers' life in the rule.

Additionally, with regard for the recuperation of charismatic self-*minoratio* he dealt with the order's new model of service – what he refers to as condescending care of one's neighbour – as an extension of Francis' holy call to the brothers in the rule. The most perfect manner of showing such piety according to Bonaventure is the proclamation of God's words, which is to say

preaching. Bonaventure thereby resolves the apparent disjuncture regarding the organisation's preaching mission, which in his view functions as a prominent legitimising factor of the brothers' life in many respects, and their humble origins as penitents and servants. To that end, he urged novices and ministers alike to undertake menial tasks on occasion. Lay members filled the role of the lowly in the order, as they were only to be accepted into the order in the event of manifest necessity and even then were restricted to housework in service of the other brothers. On the matter of legal marginalisation of the rule, the minister general proved somewhat of a traditionalist insofar as he upheld the collective ruling to reject bull *Ordinem vestrum*, which instated a further legal marginalisation of the rule departure from the strict standards of poverty set forth therein, and was at least in part responsible for the *ConstNarb* prohibition against seeking papal privilege that contravene the rule, perhaps a veiled allusion to Francis' *Test*.<sup>1</sup>

The thesis advanced herein submits that the concept of obedience therefore underwent a dynamic transvaluation in which emerging concepts constituted an amalgam of greater or lesser compatibility with the developing institution with exceptional challenge to the prevailing social order in its various stages of development. In that regard, the increasingly irreversible institutional changes dominated the discourse. Any attempts to undo the *status quo* fostered by the prevailing organisational arrangement on the basis of a charismatic recall – by they from well-meaning ministers or entire groups of rigorist adherents – came up against a wall of resistance, as a host of factors rendered reversal both progressively more undesirable as well as implausible. As a consequence, Minorite obedience was stuck between virtue, life, and duty. The charisma became lodged between the ethereal and the practical, and the resulting friction would produce creative and thoughtful syntheses unique in the order. As their duty became confined to a particular niche, the charismatic vision, that is their life, and conceptions of virtue had to follow suit. The vow of obedience shifted with the institution, was subject to the order's arising agenda, and became more precisely define and set in place in alignment therewith. As objective standards progressively tightened up, there was less and less room for subjective experience to reign free. Once the objective standards and structures have been established, the most one can do is to seek to instil an attitude, regardless of how systematically formulated, that brothers can dawn in the undertaking of their proper activities within the framework of the institution. Arrangements in the early stages of a developing institution are of a weighty and determining character. Precisely what Bonaven-

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<sup>1</sup> This is one of two instances (VIII 335 n. 1; 470 n. 6) which Duncan Nimmo calls “veiled allusions to the Testament.” See: *Reform and Division*, 72.

ture sought to accomplish was to reincorporate and redirect some of the long overlooked components of obedience in its charismatic phrasing. Where the virtue of the early days had been spiritualised and theologised in order to adapt to and accommodate for the changing landscape, Bonaventure sought to transform such notions and ground them in the order's current ethos and praxis. He attempted to reconcile the fully formed order of lettered priests with a portion of the charismatic spirit as he understood it. It was thus one of the great accomplishments of Bonaventure that he was able to merge virtue, *vita*, and vow in an intelligible manner. To the degree possible, Bonaventure attempted a re-charismatisation of the Minorite institution, even if the representation of the charism had been significantly reshaped.

In the spirit of process-centred analysis, the study may offer a response to SABATIER-esque assertions evocative of the dialectical conflict between Church and charism. During its beginnings, the movement held to the absolute value of their Gospel alternative, which gradually fed into the rule, and also of the Church. In its evolution, the Church remained of absolute value; the rule was incrementally but definitively marginalised and essentially replaced by alternative legal structure, while the Minorite Gospel alternative was also marginalised and rendered of relative value, if at all. The movement's charismatic principles were thus the casualty, not of a linear imposition of the Church upon the charismatic community, rather, of the victory of one cultural narrative over another. The period witnessed the triumph of a canonist, theological, hierarchical culture which pervaded in the Church and infiltrated the order over that of early movement. The former culture elaborated a reading of the Gospel through the lens of the rule, but read the rule through a lens of constitutional drafting and ecclesiastical procedure; the latter read the Gospel through the lens of their direct and immediate experience of it and their combined efforts to live it out.

By way of a diachronic synthesis, the study has traced five perceivable trends in the order's conception of obedience. The trends regard conscience, order-specific authority, *sequela Francisci*, legislation, and charism as such. The active, participatory conscience of the early movement transitions into the blank slate on which to inscribe a specific identity and plan of action as developed by the emerging institutional paradigm. Minorite constructs obscured personal responsibility in freedom of conscience and mutual responsibility in service and love. Occasional reference to joint duty and appeal to conscience is subordinated to hierarchical, institutional models. Already during the lifetime of Francis, the *RegNB*'s model of active conscience, universal

obedience out of love on the example of Christ, and the fraternal control of Minorite leaders disappears altogether in the 1223 drafting of the *RegB*. For subsequent developments of the institution two prevailing images serve as counterbalances, one to the other. The fullest extent of the institutionalised Minorite conscience lay in the image of a cadaver afforded in Thomas of Celano's *Memoriale* and subsequently adopted by Bonaventure in his *Legenda maior*. Conversely, *CAss* proffers a motif of *servus Dei* in which the true servant of God is as a canvas on which the brother allows the divine design to unfold as it should. Whereas the former regards utter passivity to superiors and the emerging Minorite programme, the latter promotes a more dynamic image, which carries particular charismatic significance as regards the conceptions of Francis and the early movement. A canonical model of conscience as an innate capacity in varying degrees of alignment with the divine law and at times in need of direction, came to reign in the thought of *Summa Minorum* and the theology of Bonaventure.

As for authority figures, the rising arrangements transformed the *ministri et servi*, who were called to govern without governance and subject to a capsised form of hierarchy, into a more absolute, conditionless office subject to the demands of the developing institution. The movement, which once had held to its subordinating ideal of 'self-*minoratio* and obedience to all' soon became a prestigious, dominant order, whose ranks filled with accomplices and enforcers of Church and order institutional policies. Once servants of the Lord's will, order hierarchy receive traditional monastic connotations (*praelati, superiori, vicarii Christi*) to match their mounting authority, thereby rendering them nearly categorical mediators and executors of the Lord's will and ministers perhaps only in name. *Memoriale* and *CAss* make clear the shift consequently adopted by Bonaventure. However, variations on the theme of authority provide a glimpse of conceptions from the early movement. *Memoriale* harkens to an image of an acephalous organisation in which the Holy Spirit herself serves as the minister general, and *CAss* opens with a compelling motif, which also appears in Hugh of Digne's *expositio* and is adopted by Thomas. A superior's authority in wielding a wayward command, proclaimed the companions, is as a sword in the hands of a madman. The image alludes to the early movement's *RegNB* and its fraternal control of authority clause. In any event, potentially democratic impulses in the order, such as the drafting of constitutional legislation, would favour the hierarchically-minded ruling class, by enhancing their claim to authority and demarcating their duties; exclusive chapters undertook their drafting. Before long, it was order officials, not the rule and much less the charism, who ruled the

roost within the framework of the policies and constitutions. Overall, the moral value of obedience to order authorities varied in proportion to the institutional hierarchisation of obedience structures.

In terms of what one may call a *sequela Francisci*, a figurative ‘reliquarisation of Francis’ transpires in large part. The order carried on proclaiming Francis as their saint, indeed an extraordinary saint, and with that placed him in the reliquary beneath the altar of the grand basilica. Emerging factions claimed their founder as their own, but insofar as it benefited them and their project. Invoking Francis granted evangelical and ecclesial legitimacy. Yet the pursuit to follow or obey Francis as he was falls by the wayside with time, even as the undercurrent of interest in a sort of primitive observance resurges on occasion. Representation in early Minorite art serves as a fine example of the shift in *propositum*, where side-by-side positioning of Francis, the founding saint, and Anthony of Padua evinces distinct predilection for the latter as clerically-oriented model friar. As indicated *Quo elongati*, which adjudicated that the brothers were no longer bound to obey the *Test*, represents a definitive moment in the institutional abrogation and marginalisation of Francis the charismatic. Sources depicted Francis as a representative of the charism, but reframed the charism and thus appealed to his charismatic authority in a way that suits ulterior aims appropriate for the institutional arrangement of the period. Even literature arising from the milieu of the companions employed the image of Francis as a ‘living reproach’ of the *status quo*. By and by, structures of minority turn into politics of minority, as the instrumentalised Francis became the mouth-piece for rival claims to authenticity. One camp claimed authenticity via charism, another via aims supporting ecclesially-sanctioned procedures and policies, i.e. study, preaching, and all manner of pastoral care. Importantly, legitimacy gained from the stigmatised Francis abides on both sides of the debate. Ever more the stigmata would constitute a symbol essential to the Minorite institution. Where actual *sequela Francisci* is wanting, a far removed, transcendent Francis often prevails. In contrast to what is often proclaimed of Bonaventure’s portrayal of Francis, however, he attempts to reintroduce an eminently imitable Francis who could be followed by means of mimicry in terms of specific virtues, spiritual praxis, and preaching.

As suggested, order legislation solidified the influence of the order’s elite ruling class. In principle, however, any further legislation beyond the rule itself was an explicit act of disobedience to Francis’ *Test*, which enjoined the brothers to understand the rule as God had revealed it to him (*pure et simpliciter, sine glossa*). The first half of the 13<sup>th</sup> century witnessed a fairly rapid

separation of charismatic principles and identity from the obligatory content of rule. *Ius particularis* and *generalis* contributed to the legal marginalisation of the rule, prime examples of which were *Quo elongati* and *Ordinem vestrum*. The decrees enabled the order to adapt the rule to accommodate for changing institutional mechanisms and the shifting Minorite landscape more broadly. Rule commentaries provided a theoretical framework within which to conceive changes to the *RegB*, that is, under the guise of explaining and clarifying the true intention behind it. Glimpses of primitive observance, while infrequent, are notable. The pre-1260 constitutions delineated the spatial parameters of the brothers' life and institutionalised the office of visitations, while the *Constitutiones Narbonenses* redacted and promulgated under Bonaventure held the brothers to a classical monastic system of discipline with punishments against those who ran afoul of the law but also graceful allowances in times of time. Whereas the pre-1260 constitutions remain of relatively uncertain force and dispersion, the Narbonne redaction held the brothers to an undeniable global standard and set their life within an unequivocal normative framework with order-wide validity. A continual reminder of pastoral control within the order, constitutional stipulations obliged guardians to read aloud each month to the entire community of their Minorite convents. The material for their monthly lecture was not the rule or the *Testament*, as was Francis' wish, but the constitutions. However, with the study's appreciation for piecemeal, group-dynamic change, what is usually presented in the optic of coercive hegemonic schemes and resulting decline receives a revision whereby Bonaventure no longer amounts to either a culprit or a hero figure. Rather, he was more likely a versatile figure, who afforded the already strong and balanced institution with modest amendment and focus both in spirit and in law.

As far as the charism is concerned, the original Minorite project constituted not a revolutionary reversal or an upheaval of the prevailing social order, which had also infiltrated church and order; rather, a Gospel alternative to the social order. As indicated, loving 'self-*minoratio* and obedience to all' after the example of Christ was the charismatic centre piece of the budding movement, and it urged them forth to engage with the world by means of poor service and lowly labour. The institutional thrust of official legislation, abiding inclination turned custom, and insistence of order leadership emptied Minorite life of its original charism and its corresponding principles and codified a wholly different experience. The underlying logic that buttressed legitimisation of emerging identities and praxes no longer centred on the demand that they live out the Minorite Gospel alternative, provided they formally observed their profession and offer good

example to their neighbour. Praxis, legislation, and governance saw a variety of transitional forms. From above, the order's *propositum* was transformed into an elitist endeavour. The range of voices at chapter was narrowed, lay brothers marginalised, and a focus upon lettered preacher as model friar instilled.<sup>2</sup> The order's mission statement, long thought to have been revamped by Bonaventure, was present in the early constitutions and allotted acceptance of only the most reputable priests for the edification of the Church.<sup>3</sup> A far cry from the charismatic principles of old, the new statement of purpose proclaimed the order maidservants of the Church who lived by the Church's pastoral paradigm and proper tasks; namely, to edify the faithful, which under the tenure of Bonaventure increasingly came to signify the proclamation of an edifying word in preaching. Interestingly, this new model of service (edifying the Church) provided the linchpin justification for mitigation of the rule in order to accommodate conditions appropriate to a studious enterprise (domicile, books, proper clothing, etc.). In order to preach, one must be a scholarly priest learned in the Holy Scriptures.

Upon concerted deliberation the issue of obedience proves of central import in the early history of the Minorite order. However, analogous to the phenomenon of dark matter in the natural science discipline of physics, obedience has in large part been a casualty of oversight, despite its fundamental, determining role in Minorite life and logic. Conceptual preference has instead been granted the thematic of poverty and has marked the past decades of academic labours in the densely populated field of 'Franciscan studies.' The study gives challenge to the prevailing master narrative, which holds that poverty was king in the early Minorite order. Even the logomachy of the theoretical poverty struggle regards obedience, insofar as all poverty norms contained in normative texts demand obedience. Additionally, a given attitude toward obedience gives rise to a particular stance toward a prescription and whether it is to be followed *prima facie* or with regard for exception and mitigating circumstance. In other words, each approach to the matter of poverty belongs to a corresponding approach to the rule and constitutions and to the charism more broadly. Where prior studies had frequently highlighted the importance of matters concerning the order's dwindling and downscaled commitment to poverty, the present study seeks to challenge the predominance of such a notion by subordinating it to the thematic of obedience and in its own small way uttering a call for at least a shift in thematic emphasis. With any hope, further studies

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<sup>2</sup> By the early 1240's, order policy had denied them any authoritative setting whatever, labeling them second-class members and debarring them the right to explain the rule in any formal capacity.

<sup>3</sup> *Const. Narb.* I, 3 & 4, p. 70.

will make note of the disparity of representation as regards obedience and its subsidiary counterpart poverty. Perhaps the study may serve in said manner as a model or counter-model for further research on subsequent periods within the same order. If the present exploratory investigation in conceptual history proves of any value, perhaps the groundwork has been laid for larger scale comparative scholarship with particular stress upon the process-centred methodology promoted herein. At the very least the study should wish to provide a helpful stimulus for further deliberation and discussion.



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