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I am submitting herewith a thesis written by Bradley Cameron Pardue entitled "The Evolution of Early Franciscan Thought and Practice as Evidenced by the Rules and Testament of Francis of Assisi." I have examined the final paper copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

Robert Bast, Major Professor

We have read this thesis and
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Vice Chancellor and Dean of
Graduate Studies

THE EVOLUTION OF EARLY FRANCISCAN THOUGHT AND PRACTICE AS EVIDENCED BY THE RULES AND TESTAMENT OF FRANCIS OF ASSISI

A Thesis
Presented for the
Master of Arts
Degree
The University of Tennessee, Knoxville

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May 2004

Dedication

This thesis is dedicated to my loving and supportive wife,
Hannah Pardue. Thank you for your editing and, more importantly,
for your encouragement.

Acknowledgments

I wish to thank all those who have helped me complete my Master of Arts degree in History. In particular, I would like to thank the members of my thesis committee, Dr. Robert Bast, Dr. Thomas Heffernan, and Dr. Thomas Burman. A special thanks for the guidance of Dr. Eric Saak. I would also like to thank the Medieval and Renaissance Curriculum Outreach (MARCO) for its generous financial support of my project.

Finally, I would like to thank my family, for their support, and my fellow graduate students in the Department of History, with whom I have shared the last two years of graduate school. Thank you all.

Abstract

This thesis is an examination of the early thought and practice of the Order of Friars Minor (O.F.M.) and of its founder, Francis of Assisi, in light of the rules that he produced for his followers. Building on the work of David Flood, careful textual analysis of the earliest extant rule, the *regula non bullata* (1221), is directed at reconstructing the stages of that text's development. The *regula non bullata* is then compared with the official rule of the Order, the *regula bullata* (1223). Continuities and alterations between these two texts are considered and the sources of change are explored. This comparison will focus on five major themes: admission to the Order, discipline of the brothers, the prohibition of money, care for the sick, and missions among the Saracens. Much of the existing Franciscan historiography has characterized developments in the decades following 1220 as structural rather than substantive, insisting that the ideals of Francis were maintained. The analysis presented here calls into question this conclusion and argues that the historiography has incorrectly represented the changes that Francis' Order underwent through the process of institutionalization.

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List of Abbreviations

I Cel	*First Life of St. Francis* by Thomas of Celano
II Cel	*Second Life of St. Francis* by Thomas of Celano
LP	*Legend of the Perugian*
ML	*Major Life of St. Francis* by St. Bonaventure
RNB	*First Rule* [*regula non bullata*] of Francis of Assisi
RB	*Second Rule* [*regula* bullata] of Francis of Assisi

I. The Rules: Public and Private Documents

On November 29, 1223, Pope Honorius III issued the bull *Solet annuere* that approved the official Rule of Life of the Friars Minor, a document that is today known at the *regula bullata*. This rule has continued to guide the Order down to the present. Papal approval of the Rule standardized the form and content of a document that had until that time been quite fluid. Although interpretations could and did change over time, the Rule as a written institutional text has since remained unchanged. Nevertheless, it is important to recognize that for Francis the *regula bullata* was just one among many, and certainly not the last, effort on his part to explain the gospel life to which he believed himself called.

The purpose of this study is to examine the ways in which Francis' personal conception of the apostolic life was altered through the process of institutionalization. Through analysis and comparison of the rules that Francis produced for his Order in 1221 and 1223, I will consider the nature and extent of these developments. I am not directly concerned with judging alternate or subsequent developments by and within the Order. Instead, I take issue with representations and explanations for these developments in the existing historiography. The documents selected for this study are particularly suited for such an examination for they are a clear expression of the tension between individual conviction and corporate organization. With the exception of the *Testament*—and even here the ambiguity remains high—these documents are neither purely public nor purely private. As private documents they were the product and concern of Francis throughout

his life. Yet, as soon as they were produced they became public, the property of the Order as a whole with the Roman Church as its guardian and guide.

Almost all existing scholarly studies have examined Francis primarily as the founder of a great religious order. His rules have likewise been read as public rather than private documents. In light of subsequent historical developments, this is certainly a justifiable avenue for research. Yet before he was the father of the Franciscans, Francis was a young merchant's son struggling to understand how his life ought to be lived. The passion with which he threw himself into his religious life and the charisma with which he spoke to others quickly gained him followers. While the rapid growth of the Franciscan Order must have profoundly affected the path that his life was to follow, it did not alter the original and highly personal religious adventure in which he was engaged. How effectively did the Rules preserve these ideals as the Order grew and changed? I will argue that the existing Franciscan historiography, in its efforts to justify the subsequent development of the Order, has frequently failed to answer this question accurately.

Francis Bernardone was born in the Umbrian town of Assisi in 1181.[1] Although christened Giovanni, he was renamed Francesco by his father, Pietro, a cloth merchant who traveled frequently to southern France on business. His youth was one of privilege, pleasure, and dreams of military glory. A year spent imprisoned in the neighboring town of Perugia after one of the period's many wars between largely independent city-states

[1] The basic facts of this sketch are drawn from the biographies listed in the bibliography.

(c. 1203),[2] as well as prolonged illness and strange dreams, appear to have marked the beginnings of his conversion. In 1206, tradition holds that while praying in front of the crucifix at St. Damian's below the town, the young man heard a voice instructing, "Go, Francis, and repair my house, which as you see is falling into ruin."[3] Francis' faltering attempts to obey this command led eventually to his dramatic break with his father before the Bishop of Assisi.

While attending mass at the Chapel of St. Mary of the Angels (the Portiuncula) on February 24, 1208, Francis heard a sermon on Christ's instructions to his disciples before sending them out into the world, "Do not take along any gold or silver or copper in your belt; take no bag for the journey, or extra tunic, or sandals or staff; for the worker is worthy of his keep."[4] It was also during this early period that Francis gained his first followers, among them Bernard of Quintavalle and Peter of Cattaneo. In 1210, Francis and eleven disciples set out for Rome in an effort to have their way of life recognized by the Church, then led by Pope Innocent III (r. 1198-1216). With the aid of Guido, Bishop of Assisi, and Cardinal John of St. Paul, a verbal sanctioning of Francis' rule was obtained. The next half-decade was an exciting time of growth for Francis and his band of followers. Clare (1194-1253), daughter of Favorino Sefi, Count of Sasoo-Rosso and an important noble of Assisi, joined Francis in 1212, leading eventually to the creation of the

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[2] For more on the cities of 13th century Italy see J.K. Hyde's work, Society and Politics in Medieval Italy: the Evolution of the Civil Life, 1000-1350 (London, UK: The Macmillan Press, 1973).

[3] Paul Sabatier, Life of St. Francis of Assisi, trans. Louise Houghton (New York, NY: Charles Scribner's Sons, 1895), p. 56.

[4] Matt. 10:9-10 (NIV). [NIV = New International Version.]

Second Order. The movement's first general council was held at the Portiuncula in May 1217. Missions were soon being sent to all corners of Europe.

In June of 1219, Francis set out with several companions for Damietta, the focal point of the fifth crusade, for Francis had long desired to preach to the Saracens. He was present at the taking of the city, after which he managed to preach to the sultan al-Kamil. He returned to Italy in 1220 to find that some in the Order had begun to depart from the holy poverty that he had intended.[5] It was at this date that Francis relinquished his position as general of the Order to Peter of Cattaneo. Following Peter's death in 1221, leadership passed to Brother Elias. In 1221, then again in 1223, Francis drafted a new rule for his followers from the solitude of Fonte Columbo, a hermitage near Rieti. In 1224, having retired with a few companions to mount La Verna, his biographers report that he saw a vision of a crucified seraph and received the stigmata. In 1226, as his health was failing, Francis dictated his *Testament* while at the hermitage in Cortona. He died at the Portiuncula on Saturday, 3 October 1226. Pope Gregory IX officiated over his

[5] Thomas of Celano describes a particularly strong example of the introduction of property in the Order. As Francs was returning from Egypt, he learned that the friars at Bologna had constructed a structure that had already become known as "the brothers' house." When he arrived on the scene, Francis forced all those inhabiting the house to leave and he could not be calmed until he was informed that the house was the property of the Order's protector, Cardinal Ugolino. Ugolino would become pope Gregory IX in 1227, and his actions in 1221 foreshadow his later argument in the bull *Quo elongati* that property utilized by the Order did not constitute a violation of the Rule when such property actually belonged to the Church. Marian Habig, ed. St. Francis of Assisi: Writings and Early Biographies, English Omnibus of the Sources for the Life of St. Francis of Assisi. 3rd ed. trans. Raphael Brown; Placid Hermann; Paul Oligny; Nesta de Robeck; and Leo Sherley-Price (Chicago, Ill: Franciscan Herald Press, 1973), p. 412 [II Cel., 58].

canonization on 16 July 1228, and on 25 May 1230, his remains were translated to the new Basilica de San Francisco in Assisi.

Although Francis began to attract followers in 1208 or 1209, none of his writings date from this early period. The *regula non bullata*, which took its final form during the General Chapter of Pentecost 1221, is the oldest written articulation of the Franciscan way of life that historians possess. It is also the longest and most detailed explanation of the early Franciscan ideal. In his history of the Order, Lazaro Iriarte, O.F.M., declared, "This document [*regula non bullata*] reveals his ideals more clearly than any other . . . It also gives the freshest and most reliable picture of the life of the fraternity during the first ten years of the evangelical adventure."[6] Although the *regula bullata* is perhaps more significant in the subsequent development of the Order, this later document reveals significant changes and alterations to Francis' original ideal. These changes can only be understood after a careful analysis of the earlier Rule has provided a baseline for comparison. Although the RNB dates from fairly late in Francis' life, it was not constructed at one time but was subject to constant revision from the earliest days of the movement. It contains within itself the dialectic of the founder's thought and the Order's growth from the early days until within five years of Francis' death. Francis' other writings, particularly the RB and the *Testament* are best understood in reference to this earlier text.

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[6] Lazaro Iriarte, O.F.M. Franciscan History: The Orders of St. Francis of Assisi (Chicago, IL: Franciscan Herald Press, 1982), p. 22.

Francis concludes the *regula non bullata* by commanding adherence to the Rule and its precepts. He declared:

> In virtue of obedience, I, Brother Francis, on behalf of almighty God, and his holiness the Pope, absolutely forbid anything to be added to this Rule or subtracted from it; and I command the friars to follow this Rule and no other.[7]

Despite this stringent appeal, the *regula non bullata* never became the official rule of the Franciscans. Resistance from the ministers and criticism from church canon lawyers who desired more precise provisions prevented the document from receiving papal approval. Francis was encouraged to try again and he retired to the hermitage of Fonte Colombo in 1223. Finally, after struggles with the ministers and long consultations with cardinal Ugolino, the new Rule received papal confirmation on November 29, 1223, in the bull *Solet annuere*.

Historiographical Discussion

The writings of St. Francis, particularly the Rules and the *Testament*, are the historian's most direct source of information on Francis' conception of the apostolic life. Nevertheless, in his *forward* to David Flood's study *The Birth of a Movement: A Study of the First Franciscan Rule* (1975), Kajetan Esser O.F.M. said of Francis' writings that they were neither "widespread nor studied, even in the Franciscan Order."[8] Although Esser noted an increase in interest beginning in the 1930s, he acknowledged that much of

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[7] Habig, 53 [RNB, 24.4].
[8] Flood, p. *vi*.

this research had been "limited to the Franciscan family alone."[9] This trend has continued during the last three decades and Franciscan studies remain highly confessional.

The confessional nature of the historiography is particularly evident when one considers explanations of the relationship between the two Rules. With one notable exception, historians of the Franciscan Order have tended to describe the changes that the Order underwent between 1221 and 1223 as structural rather than substantive. That exception was Paul Sabatier, whom Lazaro Iriarte O.F.M. Cap. has characterized as the "father of Franciscan Studies."[10] Sabatier made significant contributions to the discovery and editing of manuscripts related to Francis, beginning two important collections: *Collection d'études et de documents sur l'histoire religieuse et littéraire du moyen âge* (1898) and *Opuscules de critique historique* (1901). He also played a central role in the foundation of the International Society of Franciscan Studies.

Sabatier's name is strangely absent from Kajetan Esser's evaluation of the existing historiography. Considering Sabatier's important contributions and the fact that he is an exception to Esser's observation that most Franciscan history is done by Franciscans, this may seem a strange oversight. Actually, this silence reflects a more general ambiguity towards Sabatier who is regarded by Franciscans as a maverick, an image that dates to Sabatier's own lifetime. Sabatier was educated at the Protestant faculty of theology in Paris and became the pastor of the Calvinist church of St. Nicholas, Strasbourg in 1885. Due to ill health he soon retired to Italy where he began to research

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[9] Flood, p. *vi.*
[10] Iriarte, p. *xxii.*

Francis of Assisi and the origins of his Order. Sabatier's most famous work, *Vie de Saint François*, was published in 1893. The following year, the book was placed on the Index of Prohibited Books.[11]

Some of the issues surrounding the condemnation of Sabatier's biography are the same as those under consideration in the present study, particularly the institutionalization of the Order evident in the writings of Francis. Were the changes that the Franciscans underwent between 1210 and 1223 merely structural or did the very nature of Francis' ideal suffer? Sabatier clearly believed the latter was the case. He concluded his work with these words, "Go and look upon it [the Basilica in Assisi], proud, rich, powerful, then go down to the Portiuncula . . . and you will understand the abyss that separates the ideal of Francis from that of the pontiff who canonized him."[12] Sabatier had equally biting criticisms of the changes evident in the Rule of 1223, which he claimed had completely lost sight of the apostolic life.[13] To those associated with the Order, Sabatier's condemnation must have seemed entirely justified.

Almost immediately, other Franciscanists began to argue for an alternate account of the early days of the Order. Writing in 1907, David Muzzey began his study *The Spiritual Franciscans* with the following statement, "When an idea finds acceptance in the world, it clothes itself in forms available for it and adapted to it. Socialization means

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[11] Lazaro Iriarte has explained this condemnation by stating that, "in spite of his critical honesty and literary expertise, the author had emphasized the spontaneity of Francis' movement, taking pleasure in stressing its contrast with Roman centralism as represented by Ugolino" (Ibid. p. *xxii*).

[12] Sabatier, p. 345.

[13] Ibid. p. 283.

institutionalization."[14] The focus of Muzzey's study, the Spiritual Franciscans, is important, for it provides insight into one of the key sources of tension within Franciscan history. In the early fourteenth century, a violent showdown occurred over the nature and role of apostolic poverty within the Franciscan Order.[15] This culminated in John XXII's condemnation of the Spirituals, a group of friars who held that Francis' original understanding of poverty had been completely undermined.[16] The ferocity of this conflict has left its mark on the Order and its history.

Following Muzzey's lead, Franciscan historians throughout the twentieth century have struggled to answer Sabatier's criticisms. In his introduction to Ignatius Brady's work entitled *The Marrow of the Gospel: A Study of the Rule of Saint Francis of Assisi*, Lothar Hardick, O.F.M., declared, "All too much of current writing on Saint Francis is permeated with the thesis of Sabatier, that the Rule was somehow forced upon the Saint and is at least a compromise in which he had to sacrifice what was dearest to him."[17] This is particularly noteworthy in a volume intended primarily for the instruction of friars

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[14] David S. Muzzey, The Spiritual Franciscans (New York, NY: American Historical Association, 1907), p. 1.

[15] For more on the struggle between John XXII and the Franciscan see Brian Tierney's excellent study, Origins of Papal Infallibility (Leiden: E.J. Brill, 1972).

[16] For more on the development of this conflict see David Burr's study, Olivi and Franciscan Poverty: The Origins of the Usus Pauper Controversy (University of Pennsylvania Press, 1989), which develops the arguments earlier put forward in an article for *Speculum*, "The Correctorium Controversy and the Origins of the Usus Pauper Controversy" (Speculum Vol. 60, No. 2 : 331-342).

[17] Ignatius Brady, O.F.M., ed. & trans., The Marrow of the Gospel: A Study of the Rule of Saint Francis of Assisi by the Franciscans of Germany (Chicago, Ill: Franciscan Herald Press, 1958), p. 3.

themselves. Hardick expresses the fear that the brothers will believe the Rules to be the least inspired of Francis' writings rather than the most inspired.[18]

To date, Hardick's fears seem to be unfounded. In his comprehensive history of the Order, published in English in 1983, Lazaro Iriarte, O.F.M. Cap., concludes, "The definitive Rule, with its much briefer and less emotional wording, does, however, preserve all the essentials of the earlier legislation, and asserts the evangelical vocation of the Order more strongly than ever. Really Francis has prevailed . . .[19] Even historians and biographers from outside the Order seem to be in agreement regarding the relationship between the two Rules. In his biography of the same year, E.E. Reynolds argued that while, "We cannot tell how far the Cardinal and the Pope modified some of the provisions [of the Rule] . . . in all essentials, it reflects the spirit of Francis."[20]

A closer reading of the scholarly literature, however, reveals that strong tensions remain. As the current study will show more clearly, careful textual analysis of Francis' writings does reveal significant changes between 1221 and 1223. Several approaches have been offered to explain the nature of these developments. Ignatius Brady, O.F.M., has suggested that all the various forms of the Rule were, in the mind of Francis, one entity developing over time.[21] This position requires careful consideration because while Francis may have seen his understanding of his calling to be fluid and open to the

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[18] Brady, p. 3.

[19] Iriarte, p. 23.

[20] E.E. Reynolds, The Life of Saint Francis of Assisi (Wheathampstead, UK: Anthony Clarke, 1983), p. 78.

[21] Brady, p. 20.

movement of the Holy Spirit this does not mean that the Rules actually approved by the Church were the progressive stages of this development.

Such an interpretation is apparent from a careful reading of Francis' *Testament*. Francis' statement, "The friars should not say, this is another Rule. For this is a reminder, admonition, exhortation, and my testament which I, Brother Francis, worthless as I am, leave to you, my brothers,"[22] seems to suggest that he saw an essential unity in his own thought. Nevertheless, the tone of the *Testament* is one of warning that the brothers have begun to depart from the purity of the early observance.

Drawing on the same document, Sabatier argued that there is an inherent tension between Francis' ideal and the Church. He pointed to the statement that "No one showed me what I ought to do, but the Most High Himself revealed to me that I ought to live in conformity to his Holy Gospel"[23] as evidence of Francis' desire for independence from Church control. Later "spiritual Franciscans" would come to believe that the *Testament* (i.e. the true record of Francis' revelation) was superior to ecclesiastical power. Sabatier went so far as to argue that the Rule and the *Testament* "proceeded from two opposite inspirations."[24] Obviously this is a charge that must be considered carefully. *Quo elongati* and the subsequent treatment of those who sought to follow the will of their founder demonstrate the profound transformations that the Order underwent as the Church consolidated its control even during the Francis' lifetime.

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[22] Habig, p. 69.
[23] Ibid. p. 68.
[24] Sabatier, p. 335.

Cajetan Esser has also attempted to explain apparent discrepancies between the various writings of Francis. He appeals to two of Francis' statements in the *Testament*. The first is: "And after the Lord gave me some friars, no one showed me what I ought to do, but the most High Himself revealed to me, that I ought to live according to the form of the Gospels."[25] The second, and most important, is: "God inspired me to write the Rule and these words plainly and simply."[26] He uses these statements to prove the authenticity and authority of the ***regula bullata*** over other earlier writings of Francis and his followers. He then goes on to make an interesting statement, one that should be quoted in full.

> If Francis here asserts that the Lord himself had given him purely and simply to speak and to write, we must not understand this as a direct inspiration, revelation, or literal dictation of the Rule. Rather, with a faith and insight so deep that we today can hardly appreciate it, he saw God's hand at work in the help he received from others in the composition of the Rule. So deeply was he conscious of the workings of God in and through the ordinary circumstances of life, that for him the Rule was thus written with the help of God.[27]

This statement is a convenient means of stretching the revelation claimed by Francis as a justification for all that was added by others, even when it was not in keeping with Francis' ideal. Esser's use of the *Testament* to justify the contents of the final Rule reveals a willingness to appeal to Francis' later writings when it supports his interpretation but to disregard them when it does not. Francis had also instructed, "They should always have this writing with them as well as the Rule and at chapters they hold,

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[25] Habig, p. 68.
[26] Ibid. p. 69.
[27] Brady, p. 105.

when the Rule is read, they should read these words also."[28] This was later ruled nonbinding by pope Gregory IX.

In his recent book on the spiritual Franciscans of the early fourteenth century, David Burr has posed what he calls the "Franciscan dilemma."[29] This dilemma is simply another expression of the tensions that are the subject of the preceding discussion.[30] For Burr, the essence of this dilemma is fairly easy to explain: as the Franciscan Order grew it assumed new responsibilities within the Church and the fulfillment of these responsibilities demanded that the Order evolve. By the 1250s, the Order may have had as many as 30,000 members. The popes were quick to recognize the usefulness of the new mendicant orders and soon Franciscans became preachers, inquisitors, teachers, bishops, and cardinals.[31] Preparation for these roles required that Franciscans acquire a higher level of education and even that they hold property in some form.

Although he is primarily concerned with developments in the Order after 1274, Burr dates tension within the Order to the early period when Francis was composing the Rules. He suggests that, "The differences between the two rules says a great deal about

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[28] Habig, p. 69.

[29] Burr, David, The Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis (University Park, PA: The Pennsylvania State University Press, 2001).

[30] These tensions, while perhaps most easily seen in the historiography, are rooted in the texts of the Rules themselves. Francis' original conception of how the brothers ought to live and conduct themselves came to be frequently at odds with the needs of the Order as it spread to new areas and assumed new responsibilities. Both Franciscan self-understanding and historians' efforts to explain the development of the Order reflect these early tensions.

[31] Ibid. p. 5. The first Franciscan bishop was appointed in Milan in 1244. Bonaventure became a cardinal in 1273. The first Franciscan pope was Nicholas IV (r. 1288-1292).

what was happening [at the time]."[32] Unfortunately, Burr examines only one point of tension in any detail, the tension inherent in the hierarchical structure of the Order's leadership. In the RNB, the brothers were instructed to disobey commands that were not in keeping with the spirit of the Rule and of their own consciences.[33] This provision was absent from the *regula bullata* two years later. Burr sees the *Testament* of St. Francis as further proof of a tension between "the power that stemmed from holding the job of minister general and that which flowed from being the divinely inspired archetype of Franciscanism."[34] Perhaps it was only Pope Gregory IX's decision to rule the *Testament* nonbinding in 1230 that forestalled any immediate crisis within the Order. Even this fix was not permanent, as the events of the early fourteenth century clearly demonstrate.

The concept of a "Franciscan dilemma" is a useful one when comparing Francis' original conception of the apostolic life as it is manifest in the Rules of 1221 and 1223. Certainly such a dilemma existed. The following textual analysis will examine more clearly the contours of this dilemma. It will begin with some consideration of the history of the Franciscan Rule before it assumed a written form, a history shared by both the extant texts. These introductory considerations will be followed by a careful comparison of five key components of the early Franciscan way of life and their treatment in the *regula non bullata* and the *regula bullata* respectively. These comparisons will center on the following themes: admission to the Order, discipline of the brothers, the prohibition of money, care for sick, and missions among the Saracens. This analysis, grounded in the

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[32] Burr, p. 2.
[33] For more on this issue see discussion of RNB, Chapter 5, below.
[34] Burr, p. 3.

texts of the Rules themselves, will reveal the extent to which the early Franciscan way of life was shaped and institutionalized as the Order assumed greater responsibilities within the Church. While these changes may have been necessary, I will demonstrate that they were more than structural changes as many historians within the Order have maintained.

Methodology

Many scholars have noted the difficulty of discovering the historical person of Francis of Assisi.[35] The nature of the two Franciscan Rules, as both public and private documents, makes these difficulties particularly pressing. How can the historian determine where Francis is speaking and where other voices have intervened? This question goes to the heart of the historiographical debate just described. In my efforts to overcome these difficulties, I have made three important methodological assumptions. First, I argue that Francis' writings are the most certain source for his conception of the apostolic life. Second, when examining the Rules (as public/private documents) the use and frequency of scriptural quotation provides an important indication of Francis' involvement. Third, although they cannot stand alone, stories from the earliest biography of Thomas of Celano can be used to support conclusion drawn from Francis' own works.

My most important methodological assumption is that when seeking to determine what Francis intended for his Order and how it actually took shape, Francis' own writings

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[35] For example, Kenneth Wolf has noted that, "the authors [of the early sources] all operated in the midst of an intense and often volatile controversy about the precise meaning of Franciscan poverty, a controversy that cannot but have affected the way they chose to depict Francis' life. Kenneth Baxter Wolf, The Poverty of Riches: St. Francis of Assisi Reconsidered (Oxford, UK: Oxford University Press, 2003), p. 91.

are the most dependable source. Even Kajetan Esser, with whom I have most at issue, has said of Francis' Rules, letters, and *Testament*, "In them, the original intention of St. Francis has found its most notable expression."[36] This fundamental assumption that one must read Francis' writings carefully to understand the Order led me study the texts of the Rules initially, and it continues to inform all of my conclusions.

My second methodological assumption is perhaps more contentious, although I believe that it can be adequately defended. Esser himself has noted the important role that scripture played in the development and articulation of Francis' way of life. He describes the early Rule as, "an effort to form the individual and communal life of the brothers based simply on the gospel. For the references to the gospel always return. Francis and his brothers were men of the gospel."[37] This is in agreement with Bonaventure's description of the Rule in the 1210s. In his *Major Life* he declared, "This [the Rule] was based on an unshakable foundation, the following of the Gospel . . ."[38] Simple analysis of the Rule of 1221 demonstrates the validity to these claims. In its twenty-three sections, the RNB makes explicit reference to scripture 103 times. The Gospels are the major influence, with seventy-six references. This is in stark contrast to the RB, which contained only 10 scripture references.[39] Statistically, this is certainly a significant change.

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[36] Kajetan Esser, Origins of the Franciscan Order (Chicago, Ill: Franciscan Herald Press, 1972), p. 5.

[37] Flood, p. *ix*.

[38] Habig, pp. 650-651 [ML., 3.8].

[39] Scripture References
Rule of 1221: Old Testament (7), Psalms (3), Deuteronomy (1), Ecclesiastes (1), Isaiah (1), and Tobias (1); New Testament (96), Gospels (76), 1 Peter (5), I John (3), Romans,

Finally, I have strengthened my analysis through extensive reading of the earliest biographies of Francis that date from the thirteenth century, particularly those of Celano. In his recent study entitled *The Poverty of Riches: St. Francis of Assisi Reconsidered* Kenneth Wolf has examined the relationship between "perfect poverty," the theological virtue of Francis of Assisi, and "the poverty of the world," the lack of possessions of the beggar. Wolf's thesis is that the connection between these two states of poverty was often quite distant. While the validity of this claim lies outside the scope of the present study, Wolf's discussion of the early biographies of Celano and Bonaventure is quite useful. He concludes:

> The fact that the relationship between Francis' holy poverty and the poverty of the poor never became much of a lightening rod during the controversies that beset the Friars Minor after Francis relinquished control of the Order means that whatever information the early sources contain on this subject come to us more or less "untainted"—or at least not overtly influenced—by the specific political leanings of the authors vis-à-vis the poverty controversy.[40]

In his study of the origins of the Franciscan Order, Esser has made a similar argument. He writes, "One can accept without hesitation from among the sources originating within the Order itself . . . such of them as were written before the actual dispute over the observance of the Rule, that is, before 1230."[41] Foremost among these sources is the *Vita Prima* of Thomas of Celano. While hesitation and incredulity are important virtues of the

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Titus, and James (2 each), Acts, 2 Thessalonians, I & 2 Timothy, Hebrews, and Revelation (1 each). These numbers show a familiarity with Scripture as a whole, but a greater reliance on the New Testament, particularly the Gospels.
Rule of 1223: Old Testament (0); New Testament (10), Gospels (8), 2 Timothy (1), 1 Peter (1).

[40] Wolf, p. 105.

[41] Esser, p. 5.

historian, I believe that Celano's biographies do provide valuable information on the life of Francis.

II. In the Beginning: The Unwritten Rule

When Francis reflected upon the earliest days of his Order he declared that his inspiration had come directly from the Lord, that his earliest rule had had but one inspiration, the Holy Gospel. He explained in his *Testament*, "And after the Lord gave me some friars, no one showed me what I ought to do, but the Most High revealed to me that I ought to live according to the form of the Holy Gospel."[42] In the construction of his Rules he did not draw extensively upon the other religious rules then in circulation, the Rules of Benedict, Augustine, or Bernard.[43] Several times Francis was encouraged to accept one of these existing rules (as the Dominicans had done[44]) or at least to integrate some of the features of these texts into his own.[45] After Francis' death a much more profound influence was exercised by the older monastic rules.[46]

It has been said that the earliest Rule of the Order was nothing other than the life of the saint.[47] The construction of an actual written rule was the product of slow development with the members of the fraternity and within the mind of the Francis himself. As the *Testament* reveals, the Gospel always served as the Rule's foundation.

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[42] Habig, p. 68.

[43] There is some debate at to whether the phrase, "Idleness is the enemy of the soul," in the *regula non bullata* (7.11) was drawn from St. Benedict's Rule. David Flood makes such an attribution in his analysis (Flood, p. 75) while Marion Habig does not (Habig, p. 38).

[44] See William A. Hinnebusch's work, The History of the Dominican Order: Origins and Growth to 1500, Vol. 1 (New York, NY: Alba House, 1965), p. 44-45. The Dominicans adopted the Cistercian Rule.

[45] Habig, p. 1088 [LP, 114].

[46] Iriarte, p. 107.

[47] Brady, p. 13.

The first piece of the puzzle fell into place on February 24, 1208.[48] Francis was in the habit of attending mass at the newly restored Portiuncula where a monk of the Abbey of Mont Subasio was officiating.[49] It was on this day, the festival of St. Matthias, that Francis heard the words of scripture:

> As you go, preach this message: 'The kingdom of heaven is near.' Heal the sick, raise the dead, cleanse those who have leprosy, drive out demons. Freely you have received, freely give. Do not take along any gold or silver or copper in your belts; take no bag for the journey, or extra tunic, or sandals or a staff; for the worker is worthy of his keep.[50]

It was these words that led Francis into the squares of Assisi to preach to others and to win his first disciples.[51]

Thomas of Celano likened the preaching of the saint to "a burning fire."[52] Another contemporary source, this one by Thomas of Spalato, provides a glimpse of how Francis appeared in those early days and what an electrifying effect he must have had on his audience:

> In that year, I was residing in the Studium of Bologna; on the feast of the Assumption, I saw St. Francis preach in the public square in front of the public palace. Almost the entire city has assembled there. The theme of his sermon was: "Angels, men and demons". He spoke so well and with such sterling clarity . . . that the way in which this untutored man developed his subject aroused even among the scholars in the audience an admiration that knew no bounds . . . men and women flocked to him.[53]

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[48] The date of this occurrence has been established with reference to where the given scriptural text fell in the calendar of readings. For further details see Sabatier's *Life*, pp. 68-69.

[49] Ibid. p. 68.

[50] Matt. 10:7-10 (NIV).

[51] Habig, pp. 246-247 [I Cel., 22].

[52] Ibid. p. 247 [I Cel., 23].

[53] From the *Historia Salonitarum* of Thomas of Spalato. Ibid. pp. 1601-1602.

Thomas of Spalato also tells us that he did not speak in the manner of a preacher, but as if he were in personal conversation with those in the audience. This personal conviction and style quickly won him followers. Of his first follower we know very little. Even his name has been lost to us.[54] But soon others joined Francis, among them Bernard of Quintavalle and Peter Catani. It is at this point that the biographers describe the next step in the unfolding revelation of what the Franciscan life was to be.[55] At St. Nicholas Church they are said to have opened the Scriptures three times and each time were given a new word. Sabatier has noted that this story has most likely been "worked over" to provide a miraculous explanation for Francis' discovery of the three verses.[56] Nevertheless, the presence of all three verses in almost all the original accounts, as well as their appearance in the Rule of 1221, suggest that they must have served as guiding principles for the saint and his followers from a very early date. The verses he 'discovered' were Matthew 19:21, Luke 9:1-6, and Mathew 16:24-26. These passages read as follows:

> Jesus answered, "If you want to be perfect, go, sell your possessions and give to the poor, and you will have treasure in heaven. Then come and follow me."[57]

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[54] Habig, p. 249 [I Cel., 24].

[55] Ibid. pp. 375, 647-648, 248 [II Cel., 15; LM, 3; I Cel., 24].

[56] Sabatier, p. 75.

[57] It is interesting to note the similar role that this verse played in the story of Waldo of Lyon, for the lives of Waldo and Francis parallel each other in a number of ways. Like Francis, Waldo was a member of Europe's growing merchant class. After hearing the legend of St. Alexius from an itinerant singer and the text of Matthew 19:21 from his local priest, Waldo took a formal vow of poverty during the feast of the Assumption in 1176. Waldo and his followers were recognized by Alexander III at the Third Lateran Council in 1179, although they were condemned for unauthorized preaching at the Council of Verona two years later. For more on Waldo and the Waldensians refer to Malcolm Lambert's excellent study, Medieval Heresy: Popular Movements from Bogomil to Hus (New York, NY: Holmes and Meier, 1976). Concern over the emerging profit economy, and particularly over the growing wealth of the

> When Jesus had called the Twelve together, he gave them power and authority to drive out all demons and to cure diseases, and he sent them out to preach the kingdom of God and to heal the sick. He told them, "Take nothing for the journey—no staff, no bag, no bread, no money, no extra tunic. Whatsoever house you enter, stay there until you leave that town. If people do not welcome you, shake the dust off your feet when you leave their town, as a testimony against them." So they set out and went from village to village, preaching the gospel and healing people everywhere.
>
> Then Jesus said to his disciples, "If anyone would come after me, he must deny himself and take up his cross and follow me. For whoever wants to save his life will lose it, but whoever loses his life for me will find it. What good will it be for a man if he gains the whole world, yet forfeits his soul? Or what can a man give in exchange for his soul?"

This will be considered more fully later, but it is very interesting to note if and how these verses appear in the final version of the Rule. Matthew 19:21, which is quoted word for word in the earlier Rule, is simply alluded to in the RB, "that they should go and sell all

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Church, was widespread during the high Middle Ages. Lester Little has termed this phenomenon "the spiritual crisis of medieval urban culture" in his work entitled, Religious Poverty and the Profit Economy in Medieval Europe (London, UK: Paul Elek Ltd., 1978), p. 17. The formation of the Cistercian Order by Robert of Molesme in 1098 was at least in part a response to the wealth and laxity of the existing monastic establishments. The twelfth century witnessed the emergence of a number of new lay and heretical groups who insisted upon individual poverty and criticized what they perceived to be a rich and corrupt Catholic Church. The Cathars were quickly condemned, while efforts were made to bring the Waldensians and Humiliati into the orthodox fold, the former in 1179 and the latter in 1201. What set Francis apart from those who came before him was his special ability to uphold the highest level of poverty while remaining orthodox. Earlier groups had failed to maintain this balance. For a more in depth analysis, see Francis Andrews' study The Early Humiliati (Cambridge, UK: Cambridge University Press, 1999), p. 39. As David Flood has noted, "according to the twelfth century sources, the adherents to these apostolic ideals almost inevitably entered into conflict with the organized Church" (Flood, p. 8). It was only under the rule of Innocent III, and through the new mendicant orders, that apostolic lay movements finally found a firm place within the Church.

that belongs to them and endeavor to give it to the poor."[58] More interesting, it is immediately qualified, "If they cannot do this, their good will is sufficient."[59] The other two passages do not appear at all. This absence has been noted, but with little comment.[60] This omission appears to me to be of great significance in tracing the evolution of the Order.

It was probably not until 1210, the year that Francis decided to seek the approval of the pope, that the Rule appeared in any written form. Here again it is necessary to consider the words of the *Testament*. "And after the Lord gave me some friars no one showed me what I ought to do, but the Most High Himself revealed to me that I ought to live according to the form of the Holy Gospel. And I had it written in a few words and simply and the Lord Pope confirmed it for me."[61] It is evident from the way that this text is worded that Francis gave responsibility for putting pen to paper to someone else. This is in keeping with his actions in 1221 (Cesar of Speyer)[62] and 1223 (Brother Leo).[63] It is much less clear how 'a few words and simply' ought to be understood.

It would appear that the basis for this first written text were the scriptures just discussed. The statement of Bonaventure in his *Major Life* provides support for this interpretation.[64] "This [the Rule] was based on an unshakable foundation, the following

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[58] Habig, p. 58 [RB, 2].
[59] Ibid.
[60] Brady, 17.
[61] Habig, p. 68.
[62] John R. H. Moorman, A History of the Franciscan Order from its Origins to the year 1517 (Oxford, UK: Clarendon Press, 1968), p. 51.
[63] Ibid. p. 56.
[64] For information on thirteenth century sources for the life of St. Francis please refer to the extensive discussion in the *Appendix*.

of the Gospel, and to this he added a limited number of other prescriptions."[65] That there were limited additions to this scriptural foundation is collaborated by the earlier description of Celano who records that Francis added "a few things that were necessary to provide for a holy way of life."[66] The existing evidence does not allow an exact determination of what may have been added to the Rule at this early date. Sabatier suggests that these additions may have dealt with manual labor and the occupation of the new brethren.[67] If so, these elements were destined to become chapters 7-9 of the *regula non bullata*.

There is general agreement among historians that the content of the primitive rule is embedded in the *regula non bullata*,[68] therefore it might be possible to reconstruct some of the contents of the earlier Rule by working back from the *regula non bullata*. David Flood, O.F.M. has attempted this.[69] "The Rule of 1221 is fundamentally the same as the 'formula of life' of 1210, expanded and completed through the experiences of the first decade of Franciscanism."[70] The Rule of 1223, clearly, was also a product of the same course of development. Nevertheless, the texts of the two extant rules reveal that this development sped up significantly in the two years between 1221 and 1223. It is therefore to a comparison of the two Rules that we must now turn.

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[65] Habig, pp.650-651 [ML, 3.8].
[66] Ibid. p. 254 [I Cel., 32].
[67] Sabatier, p. 89.
[68] Moorman, p. 15.
[69] I have built on Flood's work in two significant ways. First, I have attempted to determine, even in the RNB, which provisions most truly demonstrate the hand of Francis and which are a product of other influences. Second, I have compared the Rules of 1221 and 1223 more extensively to chart the Rule's continued development.
[70] Brady, p. 31.

III. Comparing the Rules of 1221 and 1223

Admission to the Order

In terms of organization, Chapter 2 ought to be numbered among the most important of those in the *regula non bullata*, for it explains how members were to join the Order. Given this importance, it is interesting to note how few marks of the founder it bears. It contains only two scriptural references whereas other key passages such as chapters 1 and 14 consist almost exclusively of biblical quotations. Certain passages, such as that calling for the renunciation of all property (sec. 4) and reference to poor clothing as mandated by the Gospel (sec. 14-17), remind one of the Francis of the *Testament*. There he declared:

> And those who were coming to receive life, used to give 'all that they possibly had' to the poor; and they used to be content with one tunic, patched inside and out, with a cord and breeches. And we did not want to have more.[71]

The chapter commands that the novice "remain firm" in his desire to take up the Franciscan way of life, although the exact meaning of this phrase remains unclear. Having met the ministers and learned more of the life he wished to adopt, the initiate was to sell all his goods and distribute the proceeds to the poor. There is some allowance made as to how this ridding of goods should be carried out. "The candidate should sell all

[71] Habig, p. 68.

his possessions and give the money to the poor, if he is willing and able to do so in conscience and without hindrance."[72]

Even at this date, the text itself bears witness to an emerging tension between Francis and the Church, represented by cardinal protector Ugolino, the future Gregory IX. It is interesting that the words *divina inspiratione* appear several times in the Rule, first in 2.1 (joining the Order) and later in 16.3 (call to missions). This should be related to Francis' statement in the *Testament* that God 'revealed' to him what he ought to do.[73] Francis certainly continued to see this sort of inspiration as a valid guide for action. As will be further examined later, the only time that this phrase appears in the *regula bullata* is in Chapter 12, and in that case provincial ministers are warned to accept such promptings only with the utmost caution.

Writing of this section of the Rule, Sabatier declared, "It was in reality the laying of the strong hand of the papacy upon the Brothers Minor."[74] The watchful eye of the Church, and more concretely the watchful eye of cardinal protector Ugolino, is manifestly evident. "No one [or nothing] should be received contrary to the form and institution of the Holy Church."[75] Two things in particular ought to be noted. The first is the period of novitiate. This was, as the Rule itself explains, in obedience to the mandate of the Lord Pope, more particularly the bull *Cum secundum* (Sep. 22, 1220).[76] Francis had not required such strict rules in the early days. One wonders if the quotation of Luke

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[72] Habig, p. 32 [I Cel., 2.4].
[73] Ibid. p. 68.
[74] Sabatier, 246.
[75] Habig, p. 33.
[76] Ibid. p. 32 [RNB, 2.9].

9:62, "No one, having put his hand to the plough and looking back, is fit for the kingdom of God," in section 2.6 was an attempt to justify the pope's order rather than something originating with Francis. The second thing to note is the clothes allowed to the novice, "two tunics without a hood, and a cord, and breeches, and a caperon reaching down to the cord." Not much, certainly, but when compared to the statement in the *Testament*, it is obvious that the severity of Franciscan life had already begun to diminish.

The end of the chapter, sections 13-17, returns to the issue of clothes, quoting Luke 7:25 (NIV):

> The friars who have already made their profession of obedience may have one habit with a hood and, if necessary, another without a hood. They may also have a cord and trousers. All the friars must wear poor clothes and they can patch them with pieces of sackcloth and other material, with God's blessing. As our Lord tells us in the Gospel, Those who wear fine clothes and live in luxury are in the houses of kings . . .[77]

Except for the fact that the number of tunics has been brought into line with the previous discussion, this would appear to describe the general practice of the brothers since 1210.[78]

By 1223, in the *regula bullata*, provisions for admission to the Order had been tightened significantly. It is stressed that permission to receive new friars rests with the provincial ministers "alone, and not with others." They are to be carefully examined on points of faith[79] and their sexual history.[80]

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[77] Habig, p. 33 [I Cel., 2.13-17].
[78] Ibid. pp. 246-247, 261, 421 [I Cel., 22; I Cel., 39; II Cel., 69].
[79] RNB, Chap. 19.
[80] RNB, Chaps. 12-13.

Next they are commanded to rid themselves of their earthly possessions. The minister is then to "say unto these (new brothers) the words of the Holy Gospel, that they are to go and sell all their things and strive to pay them out to the poor."[81] As noted earlier, this is the only remaining reference to the three foundation texts that date from the early days of the Order (Matthew 19:2). It has been moved, however, from the beginning of the first chapter in the *regula non bullata* to the second chapter of the later Rule. Also, it has become merely a paraphrase. To further demonstrate the evolution of the Rule it should be observed that the passage is immediately followed by a qualification, "Which if they could not do, a good will suffices for them."[82] This provision seems to provide more leeway than the one found in the *regula non bullata* only two years earlier.

In the remaining sections of Chapter 2 the *regula bullata* addresses the issue of clothes in a manner much in keeping with the Rule two years before. There are two clauses that should be noted. The first reads, "unless at any time something else (some other article of clothing) seems to the ministers to be according to God." The second states, "And let those who are driven by necessity be able to wear footwear." Consider again the words of the *Testament*:

> And those who were coming to receive life, used to give 'all that they possibly had' to the poor; and they used to be content with one tunic, patched inside and out, with a cord and breeches. And we did not want to have more.[83]

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[81] Habig, p. 58 [II Cel., 2].
[82] Ibid.
[83] Habig, p. 68.

Esser attributes the change in clothing to Francis himself. "In almost motherly care and love for his sons, Francis modified it [his position on clothes] in the final Rule, so that the professed also, if they so desired, might have a second tunic."[84] This argument raises the important question of authorial attribution. When Esser's statement is compared with the statement from the *Testament* it becomes problematic to attribute both positions to the same author in the same way.

Discipline of the Brothers

Another major concern of any growing organization, even an idealistic religious order, is the form that leadership and discipline will take. Chapter 4 of the ***regula non bullata*** institutes the office of the ministers (those who are to fill leadership roles) and provides more organization for the Order. It attempts to maintain a balance between servant leadership and obedient submission. The ministers are to be commanded by the scripture, "I have not come to be served, but to serve."[85] The other brothers receive two scriptural admonitions, one positive and the other negative, the first from Matthew 7:12, the second from Tobias 4:16. It seems reasonable to conclude that when Francis began to conceive of a leadership structure within the Order, it was these texts that served as his guiding principle.

The lack of references to punishment of any kind also suggests that these ideas date from an early period in the Order's history when Francis could deal with any

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[84] Brady, p. 126.
[85] Matthew 20:28 (NIV).

problems personally. A statement by Celano reveals two reasons why specific instructions for discipline were not necessary. He declares, "St. Francis most diligently examined himself and his brothers daily, even continually; and suffered nothing in them of wantonness . . . And indeed the others most fervently followed his example of such great mortification."[86] Even if the idealistic gloss of near perfection is removed, this passage suggests two significant principles: Francis' direct involvement and watchfulness as well as the personal conviction of his earlier followers. Only as the Order grew would these factors cease to play a major role in maintaining the highest degree of discipline.

Chapter 5 continues the thought of the preceding chapter, although it has been amended. Sections 1-11 have been added. Flood has pointed out that the *similiter omnes* with which this chapter begins does not link what is to come with what has just been said.[87] Rather it returns to the thought expressed at the end of Chapter 4. When experience showed that some brothers would fall away from the principles of the Order and that some would not be corrected simply, it became necessary to explain what ought to be done. Flood has also argued that the Rule even gives three examples of situations where such measures ought to be taken (5.2-3, 4-6, 7-9). I disagree. What follows is in keeping with what Francis would likely have instituted through his experience.[88] It appears to be based directly on a scriptural instruction like so much in early Franciscan

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[86] Habig, p. 264 [I Cel., 42].

[87] Flood, p. 30.

[88] Consider, for example, the discussion of correction in Francis' *Letter to a Minister*. Francis instructed, "There should be no friar in the whole world who has fallen into sin, no matter how far he has fallen, who will ever fail to find your forgiveness for

practice. After three admonitions (compare to Matthew 8:15-17) the brother is to be handed over to the minister. This firm but caring approach seems to be in keeping with what Francis intended for his ideal minister.[89] It is possible that 5.10-11, which quotes Mark 9:12 (NIV), is an even later insertion:

> And all the brothers, ministers and servants as well as the others, should beware not to become upset or angry because of the sin of another, for the devil wishes to corrupt many through the sin of one. But they should help as best they can the one who has sinned, for: "It is not the healthy who need a physician, but the sick."

This became necessary when brothers found it difficult to practice what Francis had prescribed.

It was only later that more specific provisions for official condemnation and punishment were instituted, as a direct result of the insufficient nature of the sections just discussed. Two particular sins, fornication and heresy, prompted the insertion of chapters 13 and 19, two of the chapters that have no scriptural references. Chapter 13 deals with the sin of fornication and with the authority of the minister to expel such sinners from the ranks of the Order. Chapter 19 deals with orthodoxy and expulsion from the Order. As David Burr has pointed out, the ministers need not be seen as evil or as power hungry.[90] Most were devout followers of Francis who sought to make his dream and his vision tenable for a large international religious order. Nevertheless, it may still be the case that they had begun to alter what was most unique about his way of life.

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the asking, if he will only look into your eye. And if he does not ask forgiveness, you should ask him if he wants it" (Habig, p. 110).

[89] Ibid. p. 511 [II Cel., 187].

[90] Burr, p. 9.

Chapter 6 of the RNB should be seen in reference to chapters 4 and 5. Brothers who feel that they are not able to uphold the standards of the Order should come to their ministers for advice before they fall into sin. This is not for the purpose of discipline and would seem rather to be the application of an existing method to the presence of new servant leaders. Instead of traveling to Francis, impossible for brothers living at a great distance, they should have recourse to their minister who would fulfill the same function. As if to prevent ministers from assuming an attitude of importance, the Rule follows these last commands with the statement, "And no one is to be called prior, but all should universally be called friars minor. And each should wash the other's feet."

Although the *regula bullata* is much shorter than its predecessor, it has much more to say on the issue of internal discipline. Chapters 7 and 10 both deal with the sin of the brothers. Kajetan Esser has suggested that the place of Chapter 7 in the Rule can best be understood in relation to the discussion of sickness in the chapter immediately before it.[91] This seems to be an excellent explanation. Just as the outer man may become sick through disease, so the inner man is made sick by sin.

The chapter instructs brothers who have sinned to seek out a minister and/or a priest so that that sin may be confessed and absolved. In his *Admonitions* Francis had declared, "Nothing should upset a religious except sin."[92] What follows in Chapter 7 is an explanation of how confession and absolution ought to be carried out. The chapter ends with similar words to those found in RNB 5.10. The final Rule states, "They must be

[91] Brady, p. 165.
[92] Habig, p. 82.

careful not to be angry or upset because a friar has fallen into sin, because anger or annoyance in themselves or in others makes it difficult to be charitable."[93] The significance of this statement has already been discussed in the section dealing with the RNB. It is interesting, however, that this statement is affixed to Chapter 7, which deals with brothers who are repentant, and not to Chapter 10, which deals with rebellious brothers. Francis' instructions in the *Letter to a Minister* do not make such a distinction.

Chapter 10 deals much more directly than Chapter 7 with those brothers who do not keep the precepts of the Franciscan Rule or way of life. The principles of servant leadership from the *regula non bullata*, Chapter 4.1-6 and 5.12-15, are reiterated. Then obedience is commanded. "The subjects, however, should remember that they have renounced their own wills for God's sake."[94] There has been a slight shift here. The RNB declared, "My other beloved brothers must all obey them in all that concerns the salvation of their souls, and is not contrary to our way of life."[95] The RB has turned this from a positive into a negative statement. "And so I strictly command them to obey their ministers in everything that they have promised God and is not against their conscience and our Rule."[96] This is quite similar but the RNB had provided an important qualification.

> A friar is not bound to obey if a minister commands anything that is contrary to our life or his own conscience, because there can be no obligation to obey if it means committing sin.[97]

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[93] Habig, p. 62 [RB, 7].
[94] Ibid. p. 63 [RB, 10].
[95] Ibid. p. 35 [RNB, 5].
[96] Ibid. p. 63 [RB, 10].
[97] Ibid. p. 35 [RNB, 5].

The burden of proof has been taken from the ministers and been placed on the regular brothers.[98] Nevertheless, the rest of the chapter has much in keeping with what had been prescribed in the RNB. Weak brothers are encouraged to seek the advice of their ministers.

Before continuing to the last section of the chapter, it is necessary to consider for a moment the relationship of this chapter to Chapters 13 and 19 of the *regula non bullata*, chapters that also deal with correcting the sins of the brothers. Chapter 19 of the earlier Rule dealt with the orthodoxy of members and was probably introduced as a result of the Fourth Lateran Council.[99] In the Rule of 1223 this concern was incorporated into Chapter 2. The ministers are there instructed to, "examine them [new members] diligently concerning the Catholic Faith and the Sacraments of the Church." The earlier concern of Chapter 13, i.e. sins of the flesh, is dealt with in Chapter 11 of the *regula bullata*, which is a restatement of the principles found in Chapter 12 of the RNB. By the time the Rule of 1223 was drafted, contact between men and woman was heavily controlled.

> I strictly forbid all the friars to have suspicious relationships or conversations with women. No one may enter the monasteries of nuns, except those who have received special permission from the Apostolic See. They are forbidden to be sponsors of men or women lest scandal arise amongst or concerning the friars.[100]

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[98] For more discussion of this issue see Burr, pp. 2-3.

[99] Canons I and II issued by the council required that strict orthodoxy be required of all Catholics. Canon III then demanded that all Catholics maintain the highest respect for their local priest. This was an important provision in that disrespect and even derision of priests was a common indicator of membership in a heretical group. The Rule of 1221 reflects a similar interest. "We must regard all other clerics and religious as our superiors in all that concerns the salvation of the soul and is not contrary to the interests of our religious life. We must respect their position and office, together with their ministry" (Habig, p. 46 [RNB, 19]).

[100] Ibid. p. 64 [RNB, 11].

In the Rule of 1223, this theme of suspicion is addressed again and in greater detail (2.14-15).

The Prohibition of Money

It is generally known that the vow of poverty was one of the three traditional vows of medieval religious orders. Nevertheless, the Franciscans made poverty the defining ideal and most noteworthy characteristic of their way of life. As such, Chapter 8 of the *regula non bullata*, which deals with the issues of poverty and money, is among the most important of the Rule.[101] Celano informs us that Francis, "cursed money more than all other things."[102] The Rule reveals two key components to this attitude. Chapter 8.2-4 prohibits the brothers from accepting money for themselves, while sections 9-10 prohibit them from collecting or handling money due to their place of work. Flood has argued for this interpretation.[103] This second section ties in with Chapter 7.1-3, which describes working situations where friars might be called upon to come into contact with money.

There are two exceptions to this general principle. The first deals with sick brothers (sec. 3). This must be seen in relation to Chapter 10, which deals more fully with those who became ill. The second exception deals with the care of lepers (sec. 12). These

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[101] This chapter should be consider with reference to the foundational texts of Matthew 19:21 and Like 9:3, found in Chapter 1 and Chapter 14 respectively.

[102] Habig, pp. 417-421 [II Cel., 65-68].

[103] Flood, p. 28.

particularly outcast members of society held a special place in Francis' heart. This emphasis was a deep concern of Francis who understood the birth of his Order and his own spiritual development to be closely tied to the care of lepers. The *Testament* begins:

> This is how God inspired me, Brother Francis, to embark upon a life of penance. When I was in sin, the sight of lepers nauseated me beyond measure; but then God himself let me into their company, and I had pity on them. When I had once become acquainted with them, what had previously nauseated me became a source of spiritual and physical consolation for me.[104]

Lepers also play a prominent role in the earlier biographical narratives.[105] The extent to which such personal touches appear is a key indication of how involved Francis was in the creation of the Rule, first in 1221 and then again in 1223. It is very interesting to note that no such provision is made in the RB, even in Chapter 4 in which it would most logically appear.[106] The priorities of the Order had changed.

When the issue of property/money is raised in the *regula bullata* (Chap. 4) its treatment is much more limited. Yet, within these few lines, a tension that was to plague the Order for the rest of its history is already evident. The first clause is very much in keeping with Francis' early ideal. "I strictly forbid all the friars to accept money in any

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[104] Habig, p. 67.

[105] Ibid. pp. 241-243, 261-262, 317-318 [I Cel., 16-17. I Cel., 39; I Cel., 103].

[106] Another interesting explanation for the disappearance of lepers from the official Franciscan Rule may have to do with broader historical trends. R.I. Moore, in his study The Formation of the Persecuting Society: Power and Deviance in Western Europe, 950-1225 (New York, NY: Basil Blackwell, 1987), p. 63, has examined the growing fear of lepers during this period and their equation with heretics and Jews. Since the New Testament period, lepers played an important role in the practice of Christianity. Sometimes they were shown compassion, following the example of Christ. At other times they were feared and ostracized.

form either personally or through an intermediary."[107] This should be compared with the statement of the Rule of 1221.

> And so all the friars, no matter where they are or where they go, are forbidden to take or accept money in any war or under any form, or have it accepted for them, for clothing or books, or as wages, or in any other necessity, except to provide for the urgent need of those who are ill. We should have no more use or regard for money in any of is forms than for dust.[108]

Despite a change in tone and language, and despite the more concise and official coinage of the later statement, the original rejection of property is preserved. The brothers are to maintain both personal and communal poverty. This statement bears the mark of Francis' hand. The phrase that follows appears to have been added by the ministers when the copy of the new Rule was given to them to approve. They begin with the crack that Francis has opened to them and then proceed to widen it:

> The minister and superiors, however, are bound to provide carefully for the needs of the sick and the clothing of the other friars, by having recourse to spiritual friends, while taking into account differences of place, season, or severe climate, as seems best to them in the circumstances.[109]

In the years since the foundation of the Order many things had changed. Beginning in 1217, brothers had traveled north, crossing the Alps into the colder regions of Germany. They set foot on English soil in 1224. Surely, the ministers thought, some allowances must be made for changing circumstances. Again Esser attributes authorship to Francis when this is not strictly justified.[110] Early categorical statements that "no brother, no

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[107] Habig, p. 60 [RB, 4].
[108] Ibid. p. 38 [RNB, 8].
[109] Ibid. pp. 60-61 [RB, 4].
[110] Brady, p. 142.

matter where he is or where he may go, should in any way accept, or cause to be accepted, money . . . for clothes" could not be taken seriously. The Order had grown, as had its needs. The word necessity appears twice in the RB, as if the ministers sought to justify their exceptions.[111] It also appears in Chapter 2, in the discussion of clothing and when exceptions ought to be made. In 1223, money must certainly have seemed more "useful than stones."[112] In order to accomplish this slight of hand, the concept of the "spiritual friend" was introduced. Over time, less stringent friars would make more and more use of this institution to relax the severity of the Franciscan life.

Care for the Sick

Chapter 10 deals with sick brothers and their care. Flood has characterized it as "a concrete case arising in the normal life of the friars" and dedicates very little space to an analysis of it.[113] It is a later insertion, again the product of experience, which builds on themes only briefly mentioned in earlier sections. Despite the fact that it would appear to

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[111] The same language continues to be used within the Order when seeking to explain the shift towards a more settled way of life. Efren Bettoni writes, "One can also understand that the witness of the early days of the Order and those who were living in the light of the ideal of the Holy Founder became increasingly aloof and had difficulty seeing the necessity of many innovations especially since in many friars there was a pronounced tendency to go to extremes in this matter of innovations, thus placing the very originality of the Order in jeopardy." Efren Bettoni, Saint Bonaventure. trans. Angelus Gambatese (South Bend, IN: University of Notre Dame Press, 1964), p. 10.

[112] There is an interesting story in Celano that is relevant to this discussion. Peter Catani, recently appointed minister general of the Order, asked Francis to allow him the use of money that he might more adequately care for the needs of the many visiting brothers. Francis is said to have replied, "Away with kindness of this kind, dearest Brother, that would act wrongly against the rule for anyone's sake" (Habig, p. 419 [II Cel., 67]).

[113] Flood, p. 35.

have been a later addition, it bears many signs of Francis' touch, probably at the time that he sat down to compose the Rule early in 1220. It is similar to the discussion of punishment in Chapter 5. Chapter 9.13-14 instructs the brothers to take care of each other's needs, "The friars should have no hesitation about telling one another what they need, so that they can provide for one another. They are bound to love and care for one another as brothers, according to the means God gives them, just as a mother loves and cares for her son."[114] Chapter 8.3 and 8.8 recognize that brothers will become ill and require assistance. Chapter 10 deals with this situation.

The first two sections are what we might expect, although even they leave many things unexplained. It is made quite clear in the first section that brothers are to take great care of those among themselves who become ill. "If a friar falls ill, no matter where he is, the others may not leave him, unless someone has been appointed to look after him as they should like to looked after themselves."[115] This harkens back to the early discussion of service. "Whatever you wish to be done to you by other men, do this likewise to them."[116] This is certainly in keeping with the spirit of brotherly love Francis desired among the brothers. It does not, however, discuss how particular illnesses are to be dealt with or explain when and how money might be used in such situations. Given the

[114] Habig, p. 40 [RNB, 9.13-14].
[115] Ibid. [RNB, 10.1].
[116] Matthew 7:12 (NIV).

possibility of an exception granted in Chapter 8.3,[117] this must have seemed an important oversight to the ministers.

The next five sections (4-8), far longer than what has come before, help to explain the absence of pragmatic detail in the first two sections. The Rule, and it would appear Francis, here make a theological point about sickness. While others might flee from it, Francis saw it as coming from a loving God. Revelation 3:19 (NIV) is quoted, "Those whom I love I rebuke and chastise." Indeed, the sections begin, "I beg the friar who is sick to thank God for everything; he should be content to be as God wishes him to be, in sickness or in health."[118] One is reminded of several stanzas of Francis' *Canticle to the Sun* in which he greets even sister death.[119] Francis was not so much concerned with sickness as with the brothers' response to sickness. They are instructed, not to take all steps necessary to become well, but rather not to become angry about their current condition (sec. 7).

This section had undergone several significant changes by the time the Rule of 1223 was approved. Whereas it received its own chapter two years before, it is simply tacked on to the end of Chapter 6 of the RB, which also deals with property and begging for alms.

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[117] "If any of the friars collects or keeps money, except for the needs of the sick, the others must regard him as a fraud and a thief and robber and a traitor" (Habig, pp. 38-39 [RNB, 8.8].

[118] Ibid. p. 40 [RNB, 10.3].

[119] Ibid. p. 131 [II Cel., 217].

In the official Rule of 1223, care for the sick had simply become a subsection at the end of Chapter 6. This chapter draws from Chapter 8 of the earlier *regula non bullata*, the passage quoted earlier. The new statement reads:

> And they should have no hesitation in making known their needs to one another. For if a mother loves and cares for her child in the flesh, a friar should certainly love and care for his spiritual brother all the more tenderly. If a friar falls ill, the others are bound to look after him as they would like to be looked after themselves.[120]

When attempting to determine what changes the Rule has undergone during the course of its development it is not so important in this case to observe what has been added, but rather what has been removed. The ministers did not increase their ability to use money to tend to the ill. Nevertheless, the theological explanation for why sickness should be joyfully accepted has been removed. By 1223, sickness may already have become a more serious issue. As the Order increased in size, the number of elderly brothers must also have increased leading to more brothers living in a state of constant ill health. Just as importantly, the very severity of the Franciscan life could weaken the bodies of even young men. Francis himself provides an excellent example of this fact. When he returned from the Orient in 1220 he was already greatly weakened. Watching the slow and painful deterioration of their venerated founder, many of the Order's leaders may have believed existing practices insufficient for evolving circumstances.

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[120] Habig, pp. 61-62 [RB, 6].

Preaching among the Saracens

The final comparison deals with one of the activities for which the Order was to become famous, missions.[121] As has previously been argued, the missionary endeavors of the Franciscans can be traced all the way back to the time of Francis' conversion and were a foundational element in the Franciscan life.[122] Francis himself made several abortive attempts to preach to the Saracens.[123] It was not until 1219, however, that he succeeded in reaching them personally. When he undertook to compose Chapter 16 of the RNB these experiences must have been fresh in his memory.

> And so the friars who are inspired by God to work as missionaries among the Saracens and other unbelievers must get permission to go from their minister, who is their servant. The minister, for his part, should give them permission and raise no objection, if he sees that they are suitable.[124]

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[121] The discussion of missions in RNB, Chapter 16, is a development of the earlier endorsement of missions in Chapter 14. Chapter 14, like Chapter 1, must be among the earliest components of the Rule because it contains the foundational scriptural texts that date from the time of Francis' conversion. As in Chapter 1, this chapter begins with a simple introductory statement, "When the brothers go about in the world . . .," which is followed by two scriptures intended to guide the brothers' behavior. One of these verses is the foundational text of Luke 9:3. Chapter 16 is a particular example of that gospel mission proclaimed in Chapter 14. It is possible that this chapter may have originally followed directly after Chapter 14.

[122] Habig, pp. 252-253 [I Cel., 29-30].

[123] Ibid. pp. 274-277 [I Cel., 55-57]. In 1212, Francis attempted to reach Syria by sea but the ship on which he was traveling was waylaid on the coast of Dalmatia. After learning that it would be impossible to continue his journey that year, he returned home. Although it is difficult to determine exact dates, Celano describes a second missionary journey several years later, perhaps in 1215. This time Francis proceeded on foot to Spain intending to journey to Morocco. Again, he was unable to complete his mission, this time as a result of illness. Raoul Manselli, St. Francis of Assisi (Chicago, Ill: Franciscan Herald Press, 1988), pp. 214-215.

[124] Habig, p. 43 [RNB, 16].

Here Francis has given clear priority to missions over stability within the Order. The remainder of the chapter, eighteen sections, is devoted to a discussion of those on the missions' field and relies heavily on scripture (16 passages).

When one compares Francis' discussion of missions in the earlier Rule with that found in Chapter 12 of the *regula bullata* significant changes become evident. The form this section takes in the RB is markedly different in a variety of ways. First, it is much shorter, all but one scriptural reference having been removed. While only two years earlier Francis had instructed that nearly everyone who asked to be sent should leave without hindrance, the Church or the ministers found the opposite policy to be the most wise. The RB declared:

> If any of the friars is inspired by God to go among the Saracens or other unbelievers, he must ask permission from his provincial minister. The ministers, for their part, are to give permission only to those whom they see are fit to be sent.[125]

And what has prompted this transformation? It was a shift in emphasis from missions to stability. The friars must make every effort to remain "utterly subject and submissive to the Church . . . firmly established in the Catholic faith."[126] It is changes such as these that prompted Sabatier to conclude that the Church was seeking to make of Francis and his followers "submissive monk[s] in an Order approved by the Roman Church."[127] Indeed, it is on this note that the official Rule of the Franciscans ends. It encourages the brothers to "ask the Pope for one of the cardinals of the holy Roman Church to be governor,

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[125] Habig, p. 64 [RB, 12].
[126] Ibid. p. 64 [RB, 12].
[127] Sabatier, p. 250.

protector, and corrector of this fraternity."[128] The first man given this responsibility was Ugolino, cardinal bishop of Ostia, and the future Gregory IX. It was he who would guide the Order through its greatest period of growth and change, and it was he who would rule the *Testament* of the saint nonbinding upon Francis' followers.

[128] Habig, p. 64 [RB, 12].

IV. Conclusion: Franciscan Historiography and the "Franciscan Dilemma"

In light of the foregoing textual analysis, it is helpful to consider once again the traditional Franciscan evaluation of the Order's early development as expressed by Lazaro Iriarte: "The definitive Rule, with its much briefer and less emotional wording, does, however, preserve all the essentials of the earlier legislation, and asserts the evangelical vocation of the Order more strongly than ever. Francis has prevailed." [129] A careful comparison of the text of the two Rules makes this position difficult to maintain. Between 1221 and 1223 the Order's position and practice with regard to a number of key issues had shifted significantly. Admission to the Order became more difficult, provisions were introduced to allow the limited use of money in certain circumstances, and the freedom to go on missions was curtailed.

What had originally been a small band of mendicants had become a major international religious Order with wide ranging responsibilities by the time of Francis' death on 3 October 1226. Organizational and logistical changes were needed if the Franciscans were to meet their new obligations. Although Sabatier's criticisms may be too harsh, Francis certainly would not have approved all of the changes made in his name. Indeed, this need not be a matter merely of speculation. The *Testament* clearly indicates that Francis was concerned with the way that things were headed. He contrasted

[129] Iriarte, p. 23.

present circumstances unfavorably with the earlier days of the Order and warned against seeking new privileges from the pope.[130]

Much of the existing Franciscan historiography has chosen to explain changes within the Order by appealing to the so-called "Franciscan Dilemma." As David Burr has argued, later Franciscans who moved away from Francis' original ideal need not be demonized. They were simply adapting the Order to fulfill its new responsibilities, responsibilities worthy in their own way.[131] Sabatier perceived these changes and condemned them outright, seeing in Francis a proto-protestant whose ideas were corrupted by the Catholic Church. Here I disagree. Throughout its history, the Franciscan Order has done much to spread the message of Christianity and to ease human suffering. What I take issue with is the way that Franciscan history has been 'glossed' in an effort to represent these changes as merely structural rather than substantive. In his *Testament*, Francis had instructed the brothers not to gloss the Rule. Four years after his death, his desires were ignored when Gregory IX issued the bull *Quo Elongati*. This event marked both the Order's awareness of change and its progressive attempts to represent that change in a positive light, an effort still reflected within Franciscan historiography.

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[130] Habig, p. 68. "I firmly command all the brothers, by the obedience they owe me, that wherever they are they should not dare to ask either directly or through an intermediary for any letter from the Roman court to secure a church or any other place, to protect their preaching, or to prevent persecution of their bodies."

[131] Burr, p. 9.

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Appendix: Sources for the Life of Francis of Assisi

Thomas of Celano

The *Legenda Prima*, by Thomas of Celano (c.1185-c.1260) is generally agreed to be the earliest biographical source for the life of Francis. Pope Gregory IX commissioned the *Life* between April 29, 1228 (the date of the bull approving the construction of the new basilica in Assisi) and July 16, 1228. The final version must have been approved by May 25, 1230, because it does not mention the translation of the saint's remains on that date. The work has come down to us in 20 manuscripts, five complete and four relatively complete. Researchers discovered eight copies among the Cistercians, three among the Benedictines, and only one among the Franciscans.

Several aspects of the work ought to be noted and accounted for. First, Brother Elias is praised throughout the work. This should come as no surprise given the close friendship between Elias and Gregory IX at the time. Elias' fall from grace was still well in the future and the historian need not read particular sympathies into Celano's account. Similarly, the absence of explicit reference to Brother Leo and other early companions is not a product of any effort to write them out of the history. He does allude to them as holy men.[132] For more on this aspect of Celano's narrative see *Die Quellen zur Geschichte de Hl. Franz von Assisi* (1904), by W. Goetz.

Celano's work was the source for several biographical documents in the following decades. Sometime around the year 1232, Brother Julian of Speyer produced an abridged version of the life. Three years later he transformed the same material into a metrical

[132] Habig, p. 307 [I Cel., 102].

Office. An edited version of Julian's life is available in the *Anal. Boll.* XXI, 148-202. During this same period, John of Ceperano, although not a member of the Order, wrote a *Legenda* (know by its opening words *Quasi stella matutina*) that has not survived. Henry of Avranches, the court poet of Henry III, produced an abridgement of the *Legenda Prima* in Latin hexameter.

In 1244 the General Chapter of Genoa, at the suggestion of the minister general Crescentius of Jesi, requested that all brothers with information regarding Francis should provide it. The response was extensive and these materials were handed over to Celano to aid him in the production of a *Legenda Secunda*. Brother Leo and some of the other *socii* contributed their memories and Celano pays them tribute in his *Prologue* and in the concluding 'prayer of the Saint's Companions to him.' The minister general, who did not favor the most traditional element of the Order, restricted Celano's initial use of this material. The first section of the work, begun in 1246 and completed in 1247, bears evidence of this influence. It is largely biographical, providing additional information about Francis's youth and his conversion. In 1247, John of Parma became the minister general and Celano felt more at ease integrating the Leonine sources into his work. The portions of the *Life* written after 1247 are less strictly biographical and are more concerned with the way in which Francis manifests various virtues.

In the *Legenda Secunda*, Celano does not cast great emphasis on the miracles attributed to Francis. This can be explained, perhaps, in reference to his statement in the *Legenda Prima* that "miracles do not constitute sanctity, but only set it forth." Whatever his personal feeling may have been, he was commissioned in 1250-1253 to produce a

Tractatus de Miraculis. Both *Lives* and the treatise on miracles were published in a critical edition by Fr Edourad d'Alencon in the first decade of the twentieth century, *S. Francisci Assisiensis Vita et Miracula, additis Opusculis Liturgicis, auctore Fr. Thom de Celano* (Rome, 1906).

Legenda Trium Sociorum (Tres Socii)

A letter (dated August, 1246) from Brothers Leo, Angelo, and Rufino to the minister general Crescentius of Jesi (r. 1244-1247) prefaces the *Legenda Trium Sociorum*. This document consists of eighteen chapters, although the last two (dealing with the Stigmata and the Canonization) are not original because they rely on Bonaventure as a source. This document is printed as an appendix in the *Acta Sanctorum* and the best text of it may be found is the *Sancti Francisci Legendam Trium Sociorum*, ex. Cod. Fulg. Edidit Michael Faloci Pulignani (Foligno, 1898).

The *Legenda Trium Sociorum* is a hotly contested source. Despite its claim to be the work of the three companions [Brothers Leo, Angelus, and Ruginus], it bears many similarities to the *Legenda Prima*. The fact that the introductory letter states that the information will not be presented chronologically while the text is presented in just this way suggests that at the very least it has been heavily edited. In 1900 Fr Van Ortroy attacked the *Legenda Trium* as a clever fabrication in Anal. Boll. XIX, 119-197. Fr Cuthbert took a more moderate stance in his *Life of St. Francis* (New York: Longman, 1912), arguing that the three companions were clearly not the sole source of the work. Paul Sabatier answered some of these arguments in his *De l'Authenticite de la Legende*

de St Francois dite des Trois Compagnons (1901). Here he argued that the text as we possess it is merely a fragment, the rest having been suppressed by Crescentius. The missing sections can be found incorporated into the *Legenda Secunda*. This would place the date of composition for the *Legenda Trium* before 1247. Sabatier's arguments for both the authenticity and the fragmentary nature of the work have been further buttressed by the work of one of the leading English Franciscan scholars, A. G. Little in "*The Sources of the History of St Francis of Assisi*" [English Historical Review, XVIII (1902), 643-677] and his *Guide to Franciscan Studies* (London: S. P. C. K., 1920).

Speculum Perfectionis

Some of the missing fragments of the *Legenda Trium Sociorum* can be traced to the *Legenda Secunda*. They also bear some relation to the text of the *Speculum Perfectionis*. Sabatier was in the process of editing a collection of documents called *Speculum Vitae Beati Francisci et Sociorum Eius*, dated around 1345 and printed in 1504. During this process he noticed the striking similarity of 118 of its chapters. He later discovered a document entitled *Speculum Perfectionis* (MS Mazarin [1743] of 1459) at Paris that consisted of 116 of these chapters with 4 additional chapters interspersed. It was dated May 11, 1228 according to the Pisan reckoning, in our own system, 1227. Sabatier published a critical text, the *Legenda Antiquissima, Auctore Fratre Leone*, in 1898. Subsequent research, particularly the discovery of an earlier MS with the same month and day, but the year of 1318 have caused some to question when the *Speculum* was produced (consider the difference between MCCXXVIII and MCCCXVIII). The

work could not actually have been produced in 1318 because the *Legenda Secunda* uses 86 of its chapters. Its final addition must have been produced between 1247 and 1318.

Lemmens discovered a shorter text of the *Speculum* at San Isidoro, Rome, which he published in *Documenta Antiqua Franciscanna* I and II (Quaracchi, 1901). It contains 45 chapters from Sabatier's version. Lemmens argued that this must have been the material submitted by the three companions in 1246. The other materials are preserved in the same MS in a different text, the *Intentio Regulae*. Little discovered still another MS that contained 50 chapters in a form much closer to that of Lemmens than Sabatier. Further complexity is produced by the existence of a MS (1046) at the Municipal Library at Perugia, published in Archiv. Franc. Hist., XV (1922), which was discovered by Delorme. It is a copy dated 1311, but the original would appear to have been produced between 1239 and 1247. While it has some material drawn from Celano, much of it also clearly predated the *Speculum* and may have served as a source. Finally, a MS exists in the Vatican (4354) that contains 57 chapters. This document references a *Legenda Vetus*, perhaps the original version of the *Legenda Trium Sociorum*. The *Speculum* seems to be a collection of information from the three companions, but heavily edited and added to. It may have been compiled in 1318 in response to the stance on poverty taken by Pope John XXII.

In 1899 two Franciscans, Marcellino da Civezza and Teofilo Domenichelli, attempted to reconstruct the text of the *Tres Socii*. They used the sixteen authentic chapters of the work and additions drawn from Celano and the *Speculum*. They published the work as *La Leggenda di San Francesco scritta da tre suoi compagni pubblicata per*

la prima volta nella sua vera integrita. Although its accuracy is questionable, it suggests the form that the original work of the three companions may have taken.

St Bonaventure

The Chapter General of Narbonne (1260) requested that Bonaventure, who had become minister general in 1257, produce a new definitive *Life*. This may have been prompted by the use that those who argued for a more strict observance made of the sources that became available while John of Parma was minister general (1247-1257). The fall of Elias may also have contributed to the need for something to supercede the work of Celano. Between 1260 and 1263 Bonaventura produced his *Legenda Maior*, a very conservative work that does not even mention the *Testamentum*. He also produced a *Legenda Minor* for choir use. In 1266 the Chapter General at Paris issued a decree, alluded to above, that all earlier accounts should be gathered and destroyed. While the others have only survived in a few scattered manuscripts, 179 of the Bonaventura MS have been discovered. In 1280 Bonaventura's secretary, Bernard of Bessa, added a few new stories in a work known as the *Liber De Laudibus*, which can be found in *Anal. Franc. III.*

Other 13th Century References

Other sources include a letter by Brother Elias to the brothers at the time of Francis' death, and a description of his appearance by Thomas of Spalato (*Historia Salonitanorum* in *Acta Sanctorum, L. 842*). The French Bishop Jacques de Vitry also

gives us some information in his *Historia Occidentalis* (edited by John Frederick Hinnebusch, O.P. 9 Fribourg, 1972) in which he describes meeting Francis during the siege of Damietta. The same period is also described in the *Chronicle* of Jordan of Giano (ca. 1262).

Additional but limited information can be found in Thomas of Eccleston's *De Adventu Fratrum Minorum in Anglicam* (ca. 1258), Salimbene's *Chronicle* (1283-1288), Roger of Wendover's *Chronicle* (before 1236), and chapter 44 of Jacobus da Voragine's *Golden Legend.*

Vita

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