HERIBERT HOLZAPFEL OFM

HISTORY
OF THE FRANCISCAN ORDER

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Handbuch der Geschichte des Franziskanerordens,
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INTRODUCTION

One hundred years ago, in 1909, the Franciscan historian brother Heribert Holzapfel published the *Handbuch der Geschichte des Franziskanerordens*. He composed this manual of Franciscan history when Dionysius Schüler was Minister General of the Order of Friars Minor (1903-1911), on the occasion of the 700th anniversary of the foundation of the Order (1209-1909).

Heribert Holzapfel was born in Neckarsulm in northern Baden-Württemberg near Stuttgart, Germany, on 22nd November 1868, feast day of Saint Cecilia. His baptismal name was Joseph. His father, a shoemaker died very early. His pious mother raised her five children solidly and religiously. As a young student Heribert attended the Gymnasium in Landshut. He finished it as a Franciscan student after 7 years. In the meantime he had been accepted in the Order of Friars Minor in the Franciscan Province of Bavaria, and entered the Novitiate house at Dietfurt, 38 kilometres west of Regensburg, on 1st October 1884. After the Gymnasium he was called for military service in the second infantry regiment in Munich as a volunteer for one year.

Heribert then continued to study philosophy and theology in Tölz and Munich. He was ordained in 1891 in the cathedral of Freising by Archbishop Antonius von Thoma. After a short time of pastoral work in the friaries of Mühldorf and Dingolfing he became a rector of the seminary in Landshut for three years. He was then guardian and director of the friary of Pfreim. In 1897 he began teaching theology for the Franciscan students in Tölz and then in Munich, where he continued to live after 1900. On 8th November 1902, feast day of Blessed John Duns Scotus, brother Heribert acquired his doctorate in theology.

In the Bavarian Province brother Heribert occupied the post of master of clerics. For 12 years he belonged to the definitory, or council, of the Province. He was also responsible for canonical visitations of various provinces in the Order, including the provinces of Tyrol, Austria, Thuringia and Silesia. On 1st October 1934 Heribert celebrated his golden jubilee in the Franciscan Order.

For more than half of his life brother Heribert lived in the Franziskanerkloster of St. Anna in Munich. All the friars who were ordained after 1897 had been formed by him. He was very active as a priest, confessor, retreat director, and he entered into dialogue with atheists and communists.

Brother Heribert specialized in mediaeval studies. He published works on St. Dominic and the Rosary, the Manual on the History of the Franciscan Order, a study on the Portiuncula Indulgence, a historical study about the disputation regarding Rites in China, to name just a few of his many publications.

From 1912 to 1918 brother Heribert was Minister Provincial of the Bavarian Province. It was a difficult period, because of the Great European War. Heribert took care to open the friaries for the care of wounded soldiers.

Heribert Holzapfel died on 26th May 1936 in the clinic of Kopernicus house in Frauenburg, from an *embolus* after a car accident on the way to visit the bishop of Ermland. At that time Heribert was travelling from Munich to Berlin in order to start the canonical visitation of the Province of Silesia. He was buried on 30th May, vigil of Pentecost, after a funeral led by Cardinal Faulhaber.
The Necrologium of the Bavarian Province states that the best way to describe brother Heribert is that of the words of St. Bonaventure: *cum scientia pietas pulcherrima societas* (with the science of piety there is a most beautiful company). Brother Heribert was a pious man, and he was also a man of science. The aim of what he wanted in life was that of striving to attain what the Church states in the antiphon of the divine office of the feast of St. Francis: *non soli vivere, sed aliis proficere vult Dei zelo ductus* (he did not live for himself, but wanted to strive for the good of others, led by zeal for God).

The moment of the publication of Holzapfel’s *Handbuch der Geschichte des Franziskanerordens*, translated into Latin with the title *Manuale Historiae Ordinis Fratrum Minorum*, was one of the most fruitful in the study of Franciscan history. In 1877 the Minister General Bernardino dal Vago da Portogruaro had founded the College of San Bonaventura at Quaracchi, Florence, whose principal aim was the preparation of the critical edition of the works of Saint Bonaventure. The task was undertaken by a group of Franciscan scholars led by Fedele da Fanna (†1881), and then by Ignatius Jeiler (†1904). The eleven-volume edition of the *Opera omnia* was published in 1882-1902 at Quaracchi. The same scholars also took charge of the publication of the writings of Saint Francis and those of the great medieval Franciscan masters like Alexander of Hales, John Duns Scotus and Bernardine of Siena. Since 1908, just one year before Holzapfel’s volume was published, they have been publishing the *Archivum Franciscanum Historicum*, with the aim of furthering historical research in Franciscan history. The College of Quaracchi was transferred to Grottaferrata in 1971 and is now in Saint Isidore’s Irish College in Rome.

The aim of the Manual, as stated by the author, was that of providing a comprehensive history of the Order of Friars Minor, in order to strengthen the sense of unity and religious discipline of the Order. One should read these words against the historical background of events unfolding in the Order of Friars Minor in 1909.

On 4th October 1897, solemnity of Saint Francis, Pope Leo XIII (1878-1903) had published the Constitution *Felicitate quadam*, which marked the unification of the four branches of the Order of Friars Minor of the Regular Observance (Observants, Reformed, Recollects, Alcantarines) into one family, henceforth to be known simply as *Ordo Fratrum Minorum*, Order of Friars Minor. This unification had not been easy and was bound to find resistance from within the inner ranks of the Order, particularly by the group of ex-Reformed friars. The other Franciscan families of the First Order, namely the Friars Minor Conventuals and the Friars Minor Capuchins, were not at all happy with the turn of events, since they regarded the name Order of Friars Minor without any further additions as a usurpation by one particular religious family of the official name of the Order founded by Saint Francis.

Although the strong will of Leo XIII and of the general government of the Friars Minor succeeded in getting the unification through, problems cropped up once more during the pontificate of Saint Pius X (1903-1914). This time the protests regarding the name Order of Friars Minor arrived at the proper channels in the Roman Curia, and particularly in the Congregation for Regulars, headed by the Capuchin Cardinal José de Calasanz Vives y Tutó.

The year 1909 marked the 700th anniversary of the approval of the first Franciscan Rule by Pope Innocent III in 1209. For the occasion the German Franciscan historian Hebert Holzapfel OFM presented his *Handbuch der Geschichte des Franziskanerordens*,
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published with the permission of the Minister General Dionysius Schüler OFM on 23rd March 1909 and the imprimitur of the ecclesiastical authorities on 16th April of the same year. The volume was a milestone in presenting a comprehensive history of the Franciscan family, but it was met with criticism, probably within the framework of the turn of events at that particular moment. In fact, it was exactly on 4th October 1909 that Pope Pius X published the Apostolic Letter Septimo iam, in order to commemorate the 700th anniversary of the approval of the Franciscan Forma Vitae, but also to state that, since it was becoming clear that there were protests regarding the name Order of Friars Minor being given to one Franciscan family, he henceforth willed that the Order would be known as Order of Friars Minor “of the Leonine Union”. This name was hardly ever used in official Church documents, but it left a legacy of bitterness and a polemical atmosphere among the three families of the First Franciscan Order.

Holzapfel’s Manual of Franciscan History, however, was never meant to provide a polemical reading of Franciscan history seen from the eyes of the Observant tradition. Unfortunately it was thought that Holzapfel was out to prove that the Friars Minor were the true descendents of the original Order founded by Saint Francis. An attentive reading of the volume would show that Holzapfel was a genuine historian, although he could not refrain from being influenced by the polemical atmosphere in the Franciscan family during the early decades of the 20th century.

Holzapfel’s Manual became a classic textbook of Franciscan history and was immediately translated into Latin for use in the classrooms of Franciscan student houses in the Order of Friars Minor. It was followed by another documented history of the early period of the Order by the Capuchin Gratien de Paris, Histoire de la Fondation et de l’Évolution de l’Ordre des Fréres Mineurs, Paris 1928. Other historians who were not members of the Franciscan family presented their own versions of Franciscan history, chief among them the Anglican bishop John Moorman, A History of the Franciscan Order: From Its Origins to the Year 1517, Clarendon Press, Oxford 1968. In more recent times Duncan Nimmo published Reform and Division in the Medieval Franciscan Order from Saint Francis to the Foundation of the Capuchins, Capuchin Historical Institute, Rome 1987.


The most recent contribution to Franciscan history, by the lay professor Grado Giovanni Merlo, entitled Nel Nome di San Francesco. Storia dei frati minori e delle francescanesimo sino agli inizi del XVI secolo, was published by Editrici Francescane, Padova, 2003. It has now been translated into English by Raphael Bonanno OFM, In the Name of Saint Francis, published by St. Bonaventure University, NY 2009. Bonanno states that “as a layman, Merlo is not out to prove who the ‘true’ Franciscans are today, as was the case with past historians like Herbert Holzapfel, Raphael Huber and Lázaro Iriarte, all Franciscan priest-scholars representing respectively the OFM, Conventual and Capuchin traditions.”

My aim in presenting this English translation of the Handbuch der Geschichte des Franziskanerordens by the two Franciscans Antonine Tibesar and Gervase Brinkmann is that of celebrating this great Franciscan historian on the 100th anniversary of its
publication, in a crucial moment of the modern history of the Order of Friars Minor. For this brief introduction I am indebted to the biographical information on Heribert Holzapfel kindly forwarded to me by the friars of the Franciscan Province of Bavaria. I thank especially brother Maximilian Wagner OFM, Minister Provincial of the Bavarian Franciscan Province of Saint Anthony of Padua, for his permission to reproduce the English text, and brother Louis Bohle OFM, who lives with me in the Bethlehem friary, for his help in translating the biographical information sent to me from German into English.

Convento Santa Caterina “ad Nativitatem”
Bethlehem
4th October 2009, Solemnity of St. Francis of Assisi
FIRST BOOK

THE FIRST ORDER
Part 1

HISTORY OF THE ORDER
UP TO THE SEPARATION IN THE YEAR 1517

Chapter 1

INTERNAL HISTORY

Section 1
The Beginnings of the Order up to 1226

Paragraph 1
Chronological Conspectus of the Life of St. Francis (1181-1209)

Assisi! “Blessed art thou by the Lord! For through thee many souls shall be saved.” A traveler coming from Foligno, even today reads these words over the gate of the city; a token of the gratitude which Assisi pays to the greatest of her sons.

Christianity must have found followers quite early in this pleasant town perched on the top of a mountain, because already in the third century a bishop, St. Rufinus, is mentioned. The ancient cathedral bears his name; even up to the present day all baptisms in Assisi are performed in this church. There in 1181 or 1182, Francis also was baptized, receiving the name John, according to the wish of his mother, Pica. But the father, Peter Bernardone had, by reason of his many business trips to France, acquired such a love for that land that upon his return, he insisted that the name be changed. The boy from now on should be called Francis.

The education which his parents gave him, did not have for its object the acquisition of many learned sciences, since he was to continue the business of his father. Nevertheless his education was superior to the average education given to his class of people, and certainly was better than he gave himself credit for later on: besides Latin, which he had learned from the priests of St. George, he spoke French, though perhaps not perfectly. But neither the study of languages nor the parental clothing business could check the interests of the youth. A jovial, merry nature, he wished to enjoy himself in the circle of similarly minded companions, and he willingly took part in their youthful escapades. His liberal, lovable and knightly bearing soon made him a leader among his companions, which indeed pleased the ambition of his father, but also here and there caused scandal. Many a time his mother had to defend him against the charges of pious women of the neighborhood, who were shocked at the behavior of the young lads.
When war broke out in 1201 with the neighboring city of Perugia, Francis enlisted, but was captured by the Perugians and held captive for a year. After peace had been restored, he returned and resumed his former mode of life, until a severe illness led him to perceive the futility of his previous conduct. But his will was as yet too weak to embrace nobler aspirations, and this internal dissension induced him to seek new diversions and to make new plans for the future. Consequently, when a nobleman organized the youth of Assisi for an expedition to Lower Italy, Francis joyfully joined the company; but he came only as far as Spoleto. There a nocturnal vision admonished him to return immediately. This was in the spring of 1205.

The Legends do not inform us with the desired accuracy of what really happened during this night. All are agreed in this however, that it was an extraordinary occurrence, which marked the beginning of Francis’ permanent conversion. Although at the time, he did not completely break with his friends, still he no longer found any more true joy in their company; he retired into solitude, which he had hitherto studiously avoided. In a cave near Assisi, he had to go through severe interior struggles, until grace finally obtained the complete victory over rebellious nature. This soon showed itself in the heroic conquest of his aversion for lepers and in that he also became more and more the helper and the consoler of the other poor, for whom even earlier he had had a tender heart. On the occasion of a pilgrimage to Rome he wished to make an attempt whether he could be poor with the poor: he exchanged garments with a beggar and begged for alms at the church doors. His proud nature was conquered. But it was not yet clear to him, how the future would shape itself in his regard. Then one day, as he was praying before the crucifix in the little church of St. Damian, he heard a voice, as if the Lord was speaking to him: “Go and repair my church.” Francis applied this message to the half ruined little church. Accordingly he sold his horse and some cloth from his father’s shop, and paid for the restoration of the chapel with the proceeds. The priest of St. Damian, from fear of Francis’ father, did not indeed accept the money, but he permitted the youth to remain with him in solitude.

The father’s patience came to an end with this. He had long been displeased with the changed conduct of his son. Peter did not mind the prodigality of Francis nor his neglect of business, as long as he was a leader among the nobles of Assisi. It was too much for parental pride however, that Francis, the son of an esteemed citizen, should associate almost exclusively with the poor and lepers. At first the father thought to change the youth by force, but Francis hid himself and remained in hiding for some weeks. Finally however he was ashamed of his unworthy timidity and resolved candidly to inform his parents of his firm resolve to lead a life consecrated to God. Hardly had he showed himself on the streets in his poor garments, with face emaciated with his penitential practices, when the children ran after him, ridiculing Francis as a fool, until his father himself appeared on the scene and angrily dragged his son into the house and locked him up. After all efforts to bring him around had failed, Pica, in the absence of her husband, out of sympathy released the young man and he immediately returned to St. Damian. After his return, the father sought in vain with the help of the magistracy of the city to win over his son or at least to have him banished; Francis appealed to the Episcopal court, to whom alone he was subject, after his complete consecration to the service of God. Thus – probably in the spring of 1206 – there occurred that touching spectacle before the Episcopal palace; in the presence of a great crowd of people, Francis
handed over to his father all his clothes and the little money which he still had. Hastily and amid the murmuring of the spectators, Bernardone gathered up his possessions while Francis cried out: “Now in all truth can I say: Our Father, who art in heaven.” His conversion was complete.

For the next two years Francis, clad the poor garments of a hermit, but without belonging to any eremitical congregation, devoted himself exclusively to the service of the poor and the lepers as well as to the restoration of the chapels of St. Damian, St. Peter and St. Mary of the Angels or Portiuncula, which was to become his favorite church. There on one occasion he heard from the priest celebrating Mass the words of the Lord Mt 10,7ff: “And going, preach saying: the kingdom of heaven is at hand … do not possess gold nor silver, nor money in your purses; nor scrip for your journey, nor two coats, nor shoes, nor a staff; for the workman is worthy of his meat.” “This is what I have sought,” he cried out, and immediately cast aside purse, staff and shoes, changed the hermit’s garb for the poor clothing of the Umbrian peasants, and instead of a girdle took a simple rope. From a hermit Francis had now become a Minorite, in the first months of the year 1208.

Already on the following day he began to preach in Assisi. These were simple, sincere talks accompanied with the greeting: The Lord give thee peace! When after a few weeks, two esteemed men of the city joined him the rich Bernard of Quintavalle and the canon and doctor of laws, Peter Catani, he went with them to the little church of St. Nicholas, there to find out the will of the Lord by consulting the Gospel. They came upon the passages: Mt 19,21: “If thou wilt be perfect, go sell what thou hast and give it to the poor;” Lk 9,2: “And he sent them to preach the kingdom of God and to heal the sick, and he said to them: take nothing for your journey; neither staff, nor scrip, nor bread, nor money; neither have two coats.” Finally Mt 16,24: “If any man will come after me, let him deny himself, and take up his cross and follow me.”

Without hesitation Francis exclaimed: “That shall be our life and our rule. Do as you have heard.” Shortly after Giles of Assisi joined them, and they now began a life such as the world had hitherto never seen. As “the men of penance of Assisi” they went about, everywhere serving the lepers, preaching penance, and announcing the kingdom of God. They had no fixed abode belonging to them, but in the beginning they met in an abandoned hut in the country, called Rivotorto, not far from their place of prayer, Portiuncula. When their number had reached twelve, Francis journeyed with this little band to Rome, in order to seek the Pope’s confirmation for the rule which he had drawn up in a few words. Due to the intercession of the cardinal of St. Paul, John Colonna, Innocent III, after some deliberation received them graciously, orally confirmed their way of life, and permitted them to preach penance everywhere. By this act, the Franciscan family was juridically established: in 1209, on the 16th of April according to ancient tradition. One should however not think of an Order in the strict sense of the word at this time. It was a free organization of friars who were held together by a high religious ideal, namely the imitation of the apostolic life, and by a dominating personality: and it lacked any further fixed organization. Francis then, as later, expressly refused incorporation into an Order in the old sense: he did not wish to pour new wine into old sacks.
Paragraph 2
Chronological Conspectus (Continued) 1209-1226

Having returned to Assisi, Francis gave his society the name of Friars Minor. They should be lowly in their own eyes as were the ordinary people, and subject to all in mind and deed, in opposition to the Majores as the nobles of Assisi were called, who just at that time had after long conflict, concluded peace with the people’s party, the Minores.

In the following years, the friars continued their former activity, which extended to the preaching of penance and to labor of every kind. Their meeting place now however, probably since 1210, was Portiuncula; there they built themselves some huts in the neighborhood of the little church, which the Benedictines (Camaldulenses) of Mt. Subasio, had handed over to them. From now on they always met here, especially at Pentecost and on the feast of St. Michael, where they held chapters, i.e. they related their experiences and mutually encouraged each other to fidelity in their calling. Among the new friars, who were received in the beginning without any novitiate, but merely under the condition that they dispose of their property and observe the rule, the ones deserving special mention are: Leo of Assisi, Rufinus Sciffi, and Masseus of Marignano. These enjoyed the special familiarity of the saint.

In 1212 the society gained a woman’s branch when Clare of Assisi embraced a poor life, similar to that which the Friars led (See Second Book).

But soon preaching merely in Italy did not satisfy Francis any more. He wished his followers to announce the Gospel to all countries and to all peoples. On this account in 1212, he embarked for the Orient, but was cast upon the shore of Slavonia, and soon had to return again. His journey to Spain in 1213-1214, whence he had planned to cross over to Morocco, seems to have had just as little success.

It was probably in the year 1215, on the occasion of the Lateran Council, that he met St. Dominic, the founder of the Order of Preachers for the first time. From that time on the friendship between the two saints was uninterrupted and passed also to their two Orders. There were indeed many quarrels between them in the course of the centuries, occasioned by petty jealousy; but the Orders as a whole always took measures against the excesses of the individuals and have preserved the friendly attitude of their founders up to the present day. Shortly after the Lateran Council, Innocent III died at Perugia: Francis was residing there at that time. We must also place the granting of the Portiuncula indulgence at this time, July 1216: according to a tradition not disproven up to the present day, Francis had obtained this from the newly elected pontiff, Honorius III. Francis’ ambition to save souls was expressed still more clearly at the Chapter of 1217. Here the countries were divided for the first time into provinces of the Order: a provincial minister was placed at the head of each province. New missionary expeditions were sent to the Orient, to Germany and Hungary, to Spain and to France. Francis had reserved this last country to himself, but he was dissuaded from his plan by Cardinal Hugolino and had to remain two years longer in Italy. At the Chapter of 1219 however he could no longer be restrained; he put himself at the head of the mission to the Orient, while he sent other friars to Morocco where these very soon, January 16, 1220, died a martyr’s death – the first blood witnesses of the Order. Francis himself was not so successful. He did indeed preach boldly before the Sultan and made a deep impression upon the Crusaders in
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Egypt; but not obtaining marked success there he went to Palestine and remained there, until bad news from Italy called him back.

The vicars appointed for the time of his absence, Matthew of Narni and Gregory of Naples, had introduced changes which were entirely against Francis’ will, namely an alleviation of poverty, introduction of monastic observances, in particular more severe fasts. Another friar, Philip by name, had on his own authority made himself the procurator for the Clares, and still another, John of Conpello (of Capella?) sought to establish a new Order of lepers. Hardly had he arrived in Italy when Francis hurried to the Pope and obtained a Protector in the person of the Cardinal Hugolino, long his friend. By his efforts the independent proceedings of the two friars were brought to naught, and a year of novitiate was prescribed for the friars on September 22, 1220. In this way the danger of receiving unfit members was lessened; but, on the other hand, the freedom of departure was also done away with and so the society was forced to retain also such friars who had lost their ideals in the course of time.

At a chapter held in the same year, Francis appointed a Vicar General for the whole Order; this was first Peter Catani and after his premature death (March 1221), Brother Elias. The motives for this action by Francis are not entirely clear: his ill health, the thought that natures better bitted for organizing were necessary, perhaps also dejection that the development of the Order was taking a course not altogether according to his liking, - all these may have led him to take this step. It is equally unclear what authority these Vicars Generals possessed; they were sometimes called Minister Generals, sometimes known as the Vicars of St. Francis. The Saint acknowledged them as the exclusive rulers of the Order, and likewise as his own superiors, just as earlier he had at times appointed a guardian over himself, in order to subject himself to obedience. But it is very unlikely that he lost all power over his foundation. For it was he who independently appointed the Vicar Generals, who undertook to change the rule in the following years, and who in the last rule appeared as the representative of the Order and was acknowledged as such by the Pope.

However this may be, the care for the whole Order was, in any case, taken from him in great part by the appointment of Vicars. He could thus work at leisure during the winter of 1220-1221 at the new redaction of the rule, in which Caesar of Spire helped him, especially by enriching the text with biblical quotations. At the Chapter of Pentecost of 1221 the enlarged rule was probably published, and in addition the unsuccessful mission to Germany was again taken up, and under the leadership of the same Caesar was successfully carried through. A more fixed organization of the Third Order seems likewise to have been proposed in this year, 1221 (See Third Book).

For the rest, accurate reports concerning the activity of the saint for the next two years are lacking. We know only that he spent quite a long time in the hermitage of Fonte Colombo near Rieti and there prepared the rule, which received the papal approval in 1223. Shortly after this, the missionary expedition to England was decided upon so that about 1224, the friars were dispersed throughout the whole of civilized Europe.

The last two years of Francis’ life were filled with sufferings of every kind. To his bodily ailments – he suffered from stomach and liver trouble and from a disease of the eyes – were added interior sufferings, occasioned chiefly by the party of minister provincials, who thought and governed not according to his liking, and wished to conform the Order more and more to the older Orders of monks. But the assertion is by
no means correct that Francis had become completely at variance with his foundation or that the Church itself had destroyed it for him. His whole later conduct and not least of all, his Testament, speaks against this.

The extraordinary occurrence on Mt. Alverna was the climax of his sufferings and of his joys; there in September 1224, in a wondrous vision, the stigmata of the Lord were impressed upon him. Despite the continuous pains which the stigmata caused him, Francis once more went on a preaching tour in the company of the Vicar General, Elias. Then he stayed for some months at St. Damian with St. Clare and there composed the much admired Canticle of the Sun. In late summer of 1225 at the wish of the devoted Cardinal Hugolino, he had to journey to Rieti for medical treatment. Since the treatment had no permanent success, the sick man was sent to Siena to a distinguished eye specialist; but the skill of this doctor was also fruitless.

In the spring of 1226 therefore, he returned to Assisi, where he was cared for and guarded in the Episcopal palace, because the citizens did not wish to have this precious treasure stolen by the neighboring cities. From his bed of pain, if not already earlier, he wrote touching letter to the Minister General, likewise to all the friars of the Order, in which he especially exhorts the priests to show the greatest reverence for the most holy sacrament of the Altar, a devotion which appeared to him to be a remedy for the infirmities of the Order. When a doctor from Arezzo coming to visit him, told him that his death was near at hand, he joyfully exclaimed: “Welcome, Sister Death.” Then he had himself carried to the Portiuncula, that he might die at the place where he had begun his life’s work.

Here he probably first dictated his Testament to his Friars in which he exhorted them to a faithful observance of the primitive mode of life. Then, together with those standing around him he sang Psalm 141: “With my voice I have called to the Lord,” blessed all his friars, those present and those to come until the end of the world, and following the example of the Lord, held a last repast with his followers. “Before the festival day of the Pasch, Jesus knowing that his hour was come, that he should pass out of this world to the Father, having loved his own who were in the world, he loved them unto the end” (Jo 13,1). Lying on the bare ground, strewn with ashes, but with a heart filled with sincere joy, Francis then gave up his wonderful soul to his Creator. “Mortem cantando suscepit,” says Thomas of Celano. It was Saturday evening, October 3, 1226.

Already on the following day, the body was carried to St. Damian where it was viewed by Clare and her daughters; from St. Damian the body was borne to the church of St. George and, according to the custom of the time, immediately buried. Gregory IX, the former Cardinal Hugolino, canonized his friend July 16, 1228, and ordered the construction of the magnificent church of S. Francesco in his honor; on May 25, 1230, the remains of the saint were transferred to this church. There they remained hidden in the lower church, until they were again found after much labor on December 12, 1818.
Paragraph 3

Historical Significance of St. Francis

Francis is not only a saint and a founder of an Order, but he is also a figure in world history. His influence rests upon the peculiar character of his piety, and upon its influence on the religious and cultural development of succeeding centuries.

Francis’ personal way to sanctity was nothing else but an imitation, as perfect as possible, of his Master, Jesus Christ. The Order has always recognized this, and books, written by Friars Minor, have brought it strongly forward, occasionally also in an unattractive manner, which did not escape severe censure. But can more be said, that is now being asserted by writers hostile to the Church? Francis is a second Christ, or better, a mirror of Christ. His importance for a critique of religion is incomparable. He is the one who, after Christ, possessed the greatest purity of conscience, the most perfect simplicity, and the most living consciousness of his filial relationship with his heavenly Father. In his life he was the most childlike and the most powerful exponent of the Gospel in Europe, he is perhaps the best hearer of the Sermon on the Mount. His life is a simple, living illustration of the thoughts of Jesus. The absolute devotedness which religion demands was found in Francis so that one stands before him as before a new revelation.

Such praise cannot be bettered even by the most faithful son of the saint. This only remains to be added that Francis attained this wonderful likeness to Christ inside the Church. He knew well that with his literal following of Christ, he was undertaking something new, something unusual; he would imitate, not the greatest founders of Orders before him, not Benedict, not Bernard, not Augustine; but he would imitate Christ; not behind cloister walls would he renew the apostolic life but in the world. But he did not do this in opposition to the Church, somewhat after the fashion of the Waldenses, whose influence upon Francis is often alleged, but never has been proven. Herein lies the greatness of the saint, that in the midst of a worldly Church, he understood how to go back to the source of all piety and still to give to the Church what belongs to the Church. Therefore, he cannot be considered as an exponent of modern subjectivism; for he did not start a religion himself but merely accepted what he heard in the Gospel with inexorable earnestness for himself and his sons. He did not shrink from the imitation of the divine Cross-bearer and on this account he merited the enjoyment of the beatitudes promised by the Master in the Sermon on the Mount: the happiness of true sonship of God. Therein he found his happiness and spiritual freedom, and therein he saw the invitation to consider and to love all other creatures as children of God, as his brothers and sisters. The innocence of Paradise seemed to have returned. The birds carry away the crumbs from his frugal tables; the pheasant, whose life he had saved, would not part from him and enjoyed his caresses. The rabbit, which he had freed from a snare, hid himself in his bosom. The birds, which he found in the field, remain quiet and listen with outstretched necks, to his sermon. “Sing, Sister Cricket, and joyfully praise God the Creator,” he said to the cicada, and she flew upon him and began to chirp. On Alverna, the birds greeted him with joyous song, and during the night at the hour of prayer, ‘Brother Falcon,’ who nestled in a tree near his cell, woke him up. And when he had come to his last hour, the
swallows began to circle around his cell and sing his requiem. So Francis saw in all nature the splendor of God’s power and majesty.

It was, however, not enough for Francis to reproduce the life of the Lord in himself alone. He desired also to announce to others that Gospel, by which he had been changed into another man. Here also let us hear voices which do not stand on Catholic ground. According to them the religious life of Western Christendom attained through Francis a warmer, deeper tone; in comparison with the earlier medieval times it became more personal, it increased its power over individuals. Francis was the religious genius of the second half of the Middle Ages. Italy around 1210 witnessed the rebirth of the enthusiasm of apostolic times. In crowds people ran to Francis, whose words consoled and freed souls. He applied the balsam of the Gospel to all wounds. To those who chafed under the yoke of an unjust rule, he held up the Kingdom of God as a reward for the reverses of this mortal life, if these reverses were patiently borne. He knew how to banish from souls the discontent which by degrees weans them away from the Church; he showed by his own example that a Christian, faithful to the Church, could enjoy ineffable gladness. He preached not freedom of thought, but the freedom of love. He restored to the Church the strength of the first apostolate. And his Order, despite the vicissitudes to which it has been subject, has known how to foster the deep and tender religious sentiments which Francis awakened. The distinguishing characteristics of Francis’ religious life: freedom of the spirit, love, piety, joyousness, and confidence, have for a long time been stamped upon Italian Christendom, a glaring contrast to Pharisaism, fanaticism, and sterile intellectualism.

In fact, Francis considered the internal mission in the Church as his greatest work. He wished, by word and example, to introduce a reform in the Church which would accord with the spirit of evangelical simplicity and sincerity. For him, the way to this was not criticism and polemics; fighting against the abuses did not seem to him the best way to obtain victory for truth; Francis way was personal example, and so in the sight of the people he lived the Gospel in all its purity. And he himself has become so popular because he popularized Christianity by his own simple, natural grasp and preaching of it which was dictated by his burning love. “Francis is the father of our popular mysticism, the friend of the pious who faithfully look to God,” observes a more recent biographer. Nothing illustrates more forcibly the influence of Francis upon the religious life that the fact that in his time, Christ dying on the cross was preferred by the artists to Christ triumphant. Valuable as the consideration of the Lord in glory always will be for religious life, still the common people have better understanding of the God Man bearing his cross, and they can more easily draw applications for their own life from this consideration. That Francis in this wise brought the Christian people closer to their Savior is a service that cannot be praised sufficiently.

But he wanted still more! As a soldier of Christ, a knight of the Redeemer, he wished to win the whole world for his Lord. On this account he twice made the attempt to bring the Gospel to the Mohammedans. He indeed did not attain his goal, but his example gave the impetus to that extraordinary mission activity which sprang up in the 13th century and extended into the Far East. Besides the Dominicans, it was almost exclusively his sons who devoted themselves to the evangelization of the heathen.

In still another sphere, the activity of the great saint must be mentioned, namely in social work. The present age has so much interest in this field that it should cause no
surprise if Francis is now especially honored on all sides on this account. But in what did the social activity of the Poverello consist? Briefly stated: he taught men not to demand rights but to practice virtue. That was for him the solution of the social question. It was fundamentally the method of Jesus himself: the rich should detach their hearts from wealth, should practice mercy and justice; the poor on the other hand should bear their poverty patiently and gladly, for blessed are the poor. It is easier to reach the kingdom of heaven by way of the cottage than by way of the palace. The message itself was not new, but the practical illustration of it that Francis gave was new. He willingly relinquished all the possessions which were his, and demanded that his disciples do the same, and this in favor of the poor. Such a sermon every one believed absolutely. By his destitute appearance he taught that poverty willingly borne makes men interiorly much more free and happy than wealth, which only too often fetters its possessors and takes form them true interior joy. In this however he was in no way opposed to the rich. The rich, to take care to say, are our brothers, for we have all been created by God. They are our masters, because they help us to do penance since they give us what is necessary. He did not preach opposition and hate against the upper classes but he preferred the little ones, the lepers, those neglected by fortune. To these he was a consooler and at the same time a model. Whithersoever he and his brothers came, they sought to smooth away difficulties and to bring peace between two warring parties; and in numerous cases their mere word restored order and contentment. Popes and rulers, cities and private individuals used them therefore with confidence as restorers of the peace.

Taking all this together, it is perhaps no exaggeration to say: “Next to Christianity itself the activity of the Franciscans has been the greatest stimulus to the people which history knows” and “the Church owes its preservation especially to the mendicants of the 13\textsuperscript{th} century.

A religious renewal however always influence the entire civilization of a people, and in particular its art and scientific studies. Not that Francis himself labored for the advancement of these things – nothing was farther from his mind than this – but in so far as he warmed and deepened religious life, he exercised the greatest influence upon the development of culture, especially upon poetry and art. Francis was himself a poet. True, only one song can as yet be attributed to him, namely the beautiful Canticle of the Sun. “But whoever could compose such a song deserves a place in the literature of the world. No one before or after him ever sang in that manner.” But poetry and music were not only a prayer and a necessity for him, they were also a weapon for winning souls. He sent out the friars as “Jesters of the Lord” to sing peace and joy into the hearts of the poor. He sang in rivalry with the nightingale until he had to acknowledge himself bested. His disciple, Vita of Lucca, was more successful; the nightingale in the forest silently listened while Vita sang, and only took out its song when the friar had finished. And is it anything else by the religious spirit of Francis that we hear ringing forth once more in the \textit{Dies Irae}, in the \textit{Stabat Mater}, in the songs of Dante?

His influence upon painting and sculpture was perhaps even more pronounced. The sense of the supernatural was restored to the artists of the time due to the Franciscan movement. Art owed its rebirth to the union of nature and religion which was embodied in this movement. The natural consideration of Christ and his life, the tender conception of the Redeemer and his mother brought into rich artistic expression by the preaching and poetry of Francis and his sons, - these were the peculiarly dominating elements of the
new Christian art, which broke with the Byzantine method and brought living, spiritual forms into being. A proof of this contention is the fact that the first real examples of this new school of painting are the portraits of St. Francis, and that there is scarcely a saint who was so frequently painted by great artists.

The Gospel and nature were the leading elements in this new art and remained so until about 1400 when a further factor, antiquity, entered; in much of this later development, art showed a pagan stamp. Francis cannot be brought into relation with this Renaissance but only with that of the 13th century.

**Paragraph 4**

**Francis as Founder of an Order. Development of the Rule**

The first rule, which Francis presented to Pope Innocent III for approbation, is no longer in existence. In extent it limited itself to a repetition of the three monastic vows together with the biblical quotations about the most perfect abdication which had exercised a determining influence upon Francis and his first companions. The aim was: “to follow the doctrine and the footsteps of our Lord Jesus Christ by the most perfect imitation of the apostolic life.” The first Franciscans were, like the apostles, roving preachers, without fixed residence. They earned the necessaries of life by their labor, either continuing their own profession or turning to any honorable form of service, but always in inferior positions. If they could not obtain in this way what was necessary they, like other poor people, had recourse to the “table of the Lord.” Where someone offered them hospitality, there they remained; and this especially in the dwellings of the sick and the lepers, to whom they devoted themselves with the greatest tenderness. If one would speak of the dwellings of the brethren in those early days, he must think chiefly of hermitages, huts, or cells, to which they returned at intervals in order, by means of prayer and mortification, to gain new strength for preaching. Even these places were not their own property and had to be given over for the use of anyone who might care to lay claim to them. In this way absolute poverty was observed although at that time there was no basis in the law for their utter poverty. No one bothered about asking to whom the clothing and the tools of the friars belonged, because all their thoughts and endeavors were turned to higher things.

No one has left us a more vivid portrayal of the life of the first Franciscans than an eye witness, the celebrated Bishop Jacques de Vitry: “The Friars Minor are not concerned in the least about temporal things, but with great ardor and diligence they labor each day to withdraw souls which are perishing from the vanities of the world and to lead them along the paths they themselves are walking … They live after the manner of the primitive church of which it was written: ‘and the multitude of the faithful had but one heart and one soul.’ By day they go into the cities and villages that they may earn some reward by working; at night however they return to the solitude and hermitages and devote themselves to contemplation … I believe that the Lord, - and this is to the shame of the prelates who are as ‘dumb dogs not able to bark’ – wishes to save many souls before the end of the world by means of simple and poor men of this kind. They strive zealously to duplicate in themselves the religious zeal of the primitive church, its poverty and humility. Eagerly and ardently drinking the pure waters of the Gospel fount,
imitating not only the evangelical precepts but also the counsels, they strive in all ways to fulfill the Gospel, renouncing everything that they possess, mortifying themselves, and by taking the cross upon themselves, the naked ones are following the Naked One … They are sent out two by two to preach as before the face of the Lord and before His second coming … It is not allowed for any member of this Order to possess anything. They have neither monasteries, nor churches, nor fields, nor vineyards, nor animals, nor houses, - no possessions, not even a place to rest their head … If anyone invites them to a meal, they eat and drink what is before them. If they receive donations, they do not make provision for the future. They give a tunic and cord to those joining their ranks; as for the rest, they leave that to divine care. For the Lord gives a hundredfold in this life to His servants, who walk in this way; He keeps His eyes upon them, and in them we know to be fulfilled to the letter what has been written: ‘the Lord loveth the stranger and giveth him food and raiment’ (Dt 10,18) … This is the holy Order of the Friars Minor, and the religious life of apostolic men which should be admired and imitated.”

About ten years after the formulation of the first rule, the number of friars had increased beyond all expectation, so that the former statutes no longer were adequate. Therefore Francis drew up a new rule which was finished in 1221. It had 23 chapters and, besides numerous biblical citations, contained important regulations concerning the organization of the Order (37) and concerning poverty. The possession of books and tools was permitted. On the other hand, even acceptance of money was stringently forbidden, whether this money had been collected by a friar himself or through others; not even as a remuneration for labor could it be received. There is only one exception: money may be collected for the sick, if necessary. The rules concerning labor – and begging as a last resort – were retained. As yet, the friars did not have their own convents, at least not in the sense that outsiders could be excluded from them.

This rule of 1221 did not meet with approval because of its excessive length and confused arrangement of material. Neither was the papal approval for it obtained. Therefore the saint worked out yet another revision which was then approved by Honorius III on November 29, 1223, in the Bull Solet annuere; because of this method of approval it is called the Regula Bullata. The Regula Bullata again places this sentence in the beginning: “The rule and life of the Friars Minor is this, to observe the Gospel of our Lord Jesus Christ,” and closes with the repetition of the same challenge. As to poverty, in which we are here primarily interested, great changes had been made. The prohibition of money was stricter since even for the sick the friars are no longer permitted to accept money. Therefore the ministers and custodes must take care that help is brought to the sick through spiritual friends. There is no mention in the rule of guardians, since there were no permanent, juridically established residences. “As pilgrims and strangers” the friars should go through this world and they should appropriate to themselves neither a house, not a place nor anything. Labor remained a duty and the first means of sustenance; where the due reward of labor was not given, begging for alms was a second means of livelihood.

This duty of the friars to work for a living was emphasized just as forcibly by Francis in his Testament of the year 1226. In the meantime however the development of the Order had been making rapid strides, especially regarding the acceptance of permanent residences. The saint could not stop this development, but he feared that a diminution of his original ideal would follow from it. Therefore he wrote that all these
residences together with the churches attached must be in accordance with holy poverty, that the friars should live there as “pilgrims and strangers,” and that they should in no wise seek papal privileges in order to remain in one place, not even to practice their profession of preaching. During persecutions they should flee and do penance somewhere else with the blessing of God.

Thus we see how the saint always introduced new measures against the force of circumstances lest there should be any departure from his ideal, the poor, apostolic life. In consideration of the past development, he forbade any explanation of the rule and wished that the Testament be considered not as a new rule, but as an exhortation for the proper fulfillment of the *Regula Bullata*.

Practical utility is however stronger than the most admirable idealism. This fact is evident from the whole succeeding history of the Order. Shortly after the death of the Saint, the Order had itself freed from the obligation of observing the Testament, and from poverty as observed in the first years of the Order. A dozen times men and even whole congregations rose up within the Order – men who strove to reintroduce poverty in all its primitive rigor, and each time these attempts either were completely ruined in a comparatively short time, or they gradually returned to the ways of the milder observance. A person cannot understand these quarrels, which shook Francis’ Order in the course of centuries, if he does not clearly understand the import of the precept of poverty, which the saint had in mind. One might say that it is precisely because the spirit of the saint was ignored by many, that these attempts could be made again and again, and of necessity always came to a sorry end. The spirit quickeneth, the letter killeth.
Soon after the death of St. Francis, Elias of Cortona wrote a letter to the friars in which he informed them of the death of their father and gave them a description of the stigmata. He did this because of his office, since he had already been ruling the Order for about five years. Although very different in character from Francis, Elias was always very highly esteemed and admired by the saint, because he had a great talent for governing, which cannot be said of the saintly founder. Moreover there is nothing to prove that during the lifetime of the saint, Elias even manifested the disposition which he showed later. That statement, however, does not deny the fact that the changes in organization of the last years came principally from him and from ministers favorable to him, working together with Cardinal Hugolino. The change in his attitude dates probably from the General Chapter of 1227, where the friars chose as their General not him but John Parenti. John had been a lawyer earlier in life; he had also been provincial of Spain; he was a man of penance and mortification, but not big enough for the existing situation. Elias appears to have acted quite as he pleased even though he was no longer in supreme control. The independent spirit of Elias manifested itself principally in the manner in which he carried through the building of the basilica of St. Francis, even though this was done under the protection of Gregory IX. The Pope himself laid the corner stone and wished the Church to be called the “head and mother” of the Order. Because of this papal favor, the Fr. General could do nothing against the wonderful building which he must have considered contrary to poverty.

To celebrate the translation of the Saint’s body to the new Church, the Pope commanded a General Chapter to convene at Assisi in 1230. An immense throng of friars had come together in order to see their holy father once more. But to the great indignation of all, before all the friars had appeared for the celebration, Elias, with the cooperation of the civil authorities, had already buried the remains, and this so secretly that only a few learned of the site of the grave. What led him to do this is not clear. Perhaps it was chagrin that the Minister General, and not he, had bee commissioned to direct the translation; more probably still the reason was his displeasure at the order of the General that only those friars who were allowed to vote could come to the chapter; those who had no vote could not come. But Elias had especially invited all his adherents to show up, because he hoped with their help to become General. Despite the prohibition of the General, many of these appeared; they broke the doors of the Chapter hall and forcibly placed Elias in the General’s chair. In the face of this sad spectacle, Parenti was inclined to hand in his resignation, but the majority of the Chapter, under the leadership of St. Anthony, at that time provincial of Romagna, voted for John. The friars who had caused the commotion were dispersed among the various provinces to do penance. Elias himself retired to a hermitage and tried, by a show of penance, to win back the esteem of the Order.
Not satisfied with this, the Chapter sent a deputation of friars, St. Anthony among them, to Rome to complain to the Pope of the conduct of Elias, and to ask for an authentic explanation of the Rule and Testament. Without doubt this matter was treated of in the Chapter but as it seems, the friars there present could not agree whether they should seek a papal declaration or not. It was an affair of fundamental importance. Should the will of St. Francis, expressed in the Testament be respected, especially in the prohibition of privileges and explanations of the Rule? Should the prohibition of property and money remain in all its rigor? It is clear that those members of the Chapter who answered these questions in the affirmative, would not hear of any delegation to the Pope. The majority, however, decided against them, convinced that the healthy development of the Order made modifications in the matters just mentioned an absolute necessity. To this majority belonged St. Anthony and the Minister General, Parenti. It is of great importance for the correct appraisal of the movement to remember this.

The Pope, as was to be expected, entirely approved of their stand in the Bull Quo elongati of September 28, 1230. First of all he speaks of the “almost inescapable difficulties” which burden the consciences of the friars, then of the Rule of the Order, which according to the statement of the deputation contains “certain dubious and obscure passages and some things hard to understand”, an evil which however could not be remedied by the friars themselves since Francis in his Testament had forbidden any explanation of the Rule and all recourse to a papal brief. The Pope then explained that he knew the intention of the saint very well, since he had assisted him both in the drawing up of the Rule and at the granting of the papal approval. Notwithstanding, he considered it to be his duty, for the tranquility of the consciences of the friars to ordain as follows:

The Testament has no binding force since Francis considered in himself, had no power to make laws.

The brethren are not obliged to the observance of all the evangelical counsels, as could be adduced from the Rule, but only to the observance of those which are expressly mentioned in the Rule.

Recourse to money was made possible for the friars by the appointment of a Nuntius chosen by them, who should take charge of money alms given for the pressing necessities of the friars and who, as the representatives of the donors, should dispose of them according to the directions of the friars.

With regard to the question of property, it was stated that the friars could not possess nothing at all, neither personally nor as a community; however they had the use of household furnishings, books, and necessary residences. The property right of immovable goods remained with the donors, and the alienation of movable goods is invalid without the express authorization of the Cardinal Protector.

The right of the General to approve preachers remained in force, and was not to be exercised in union with the ministers at the General Chapter. An exception was made with regard to those of whose ability there was no question.

The Provincials had not the right to dismiss friars from the Order; similarly they were not allowed to entrust the reception of novices to the vicars of the provinces when they themselves went to the General Chapter.

In future, all the Custodes should not appear at the Chapter, but only one from each province, who should be chosen for this duty by his colleagues.
These are the principal regulations in the first explanation of the Rule. This explanation marks a mile-stone in the history of the Order. There are some who seek to represent both the request of the friars for an explanation and the granting of it by the Pope as an impious desertion of the ideal of St. Francis. That this view is not justified will be readily seen if one but considers the personages who joined in making the request, especially that strict General of the Order, Parenti, and St. Anthony. The resolution to take the step was made with regret. There was nothing else left for them to do if they did not want to permit the Order to be ruined or at least seriously impeded in its utility. Any Friar Minor, no matter how inflamed with love and reverence for his holy founder he might be, must confess after due reflection that Francis had overestimated the power of ordinary mortals. A St. Anthony himself saw this, as later also a St. Bonaventure, both champions of the mitigated observance in the Order. Both wished to hold fast to the ideal of the Order as far as possible; but both preferred to give up the means rather than the end, a precept rather than the usefulness of the Order. Because of this reasonable stand, the moderate school was in continual controversy with the extremists of the right and of the left. The former wished to hear nothing about any explanation of the Rule, but to hold fast to the letter of the Rule, even if through this the whole Order would be greatly hindered and even condemned to inactivity. Whether any friars took this position and whether they held it already in 1230 cannot be said with certainty. If there was such a party at this time, its members at any rate kept quiet. The first became a danger to the Order later on, when we meet them under the name of Spirituals. At the other extreme, there were friars already at this time who wished to go farther than the status given by the explanation of the Rule and advocated complete laxism. Elias soon became the leader of this group.

At the General Chapter at Rieti in 1232, Parenti resigned and from that time on devoted himself to the missions in Sardinia. His successor was Elias who had regained public favor by his penances. He was recommended too as an old friend of the founder, as the builder of the church of St. Francis, and also as the protégé of the reigning Pontiff, who wished him to be elected.

Elias possessed rich endowments which made him eminently capable of assuming the government. He had the power of ever going forward towards his objective without losing himself in non-essential details, energy, skill in business matters, and zeal for the spread and activity of the Order both in the care of souls and in knowledge. He favored the missions, wished the foundation of many residences in the cities where there was a rich field of labor open to the friars. He knew how to acquire the esteem both of the Pope and the Emperor. But there were also dark shadows in the character of Elias. First of all, his private life was not that of a Friar Minor. Indeed before his election he had been granted several relaxations because of ill health, but he carried these much too far. He had several riding horses which he used to go even for short distances; he had fine food prepared by a private cook; he ate alone, never with the community. He collected money not only for the erection of the new basilica but also for himself and was not immune to bribery. Even the study of alchemy was brought up against him. The statement seems strange to us that once, when corrected on account of his conduct, he explained that he was not obliged to the observance of the Rule of 1223, since he had not made profession of it. Since Elias was not alone in this opinion, it was decreed by the General Chapter of 1239 that all the friars should renew their profession according to the Regula Bullata.
By his administration, Elias soon incurred the hostility of the two other parties in the Order, the Moderates and the Ultra-conservatives. The latter were scandalized at the un-Franciscan life of the General, although it is probable that they were also disgruntled at the Bull of Gregory, *Quo elongati*, which was not to their taste. How far they let themselves go is hard to say since credence should not easily be given to the latter party historians. Still what these relate is not impossible. According to them, the adherents of the old ideal – later called Caesarenes – had broken from the community and betaken themselves to hermitages, whereupon Elias proceeded against them and imprisoned those who resisted. Bernard of Quintavalle fled from him and hid himself until the deposition of Elias. Caesar of Spire was killed by a guard on a supposed attempt at flight. This much at least is certain; the members of this party grimly hated the General and in their writings they gave a very one-sided and objectionable picture of affairs, especially regarding the relations of St. Francis to Brother Elias.

The General lost favor with the Moderates to whom he had previously belonged, because of his private life and his mode of government which only too soon developed into positive absolutism. The power of the General was indeed unlimited at this time, but the methods of Elias were absolutely opposed to the wishes of St. Francis. As a lay brother, Elias gave preference to lay brothers who were more willing tools in his hands than were the clerics; he frequently deposed provincials, in order to put his favorites in their places; he unnecessarily increased the number of provinces to 72 (cfr. par. 30) and by this means weakened the esteem in which Provincials were held; during his entire regime he never held a General Chapter in order to avoid being brought to justice. At the most, he permitted the brethren of Italy, whom he had carefully chosen and from whom he had nothing to fear, to assemble in Chapter.

But the provincials beyond the Alps, in France, England, and Germany, were not so easily intimidated. It was in these regions that bitterness against Elias was most intense, especially because of the Visitors sent by Elias. He himself never visited the provinces as was incumbent upon him according to the Rule; and the friars were prejudiced in advance against the Visitors he sent because such officials had scarcely ever been used before and it was doubtful whether they were permissible. But the friars would probably have borne this evil had the Visitors not been so harsh and insolent and avaricious, and if they had not undermined the authority of the provincials. The Visitors declared that according to the order of the General every friar was ipso facto excommunicated who hid anything at all from them, and that they were obliged to bring all complaints to the General. What wonder then that some of the provinces would not even grant entrance to the Visitor, and that the whole arrangement was regarded as the work of the devil.

The first defense measures against this regime were planned in Paris under the guidance of the famous teachers, Alexander of Hales and John de la Rochelle. These were apparently unsuccessful. Better fortune attended their colleague Haymo of Faversham, who won the English and the Germans over to his plan: to hold a chapter in Rome of the delegates from the provinces even against the will of the General and then to appeal to the Pope himself. Haymo secured the active support of his fellow countryman, Friar Arnulf. This friar was the apostolic Poenitentiarius of Gregory IX and as such knew how to win the Pope over to their side. After long discussions, the Pope sent them back to their provinces and instructed them to form a commission of twenty friars to consider
and work out the reforms. Then the Holy Father called a General Chapter at Rome in 1239 at which Elias was deposed and Albert of Pisa, Provincial of England, was chosen General. A number of laws were promulgated at this Chapter, expressing probably an epitome of the foregoing reform discussions. The constitution of the Order was changed from the very foundation: the independence of the General was curtailed, and the General Chapter was placed above him. Thus even today the Order suffers from the misrule of Elias!

**Paragraph 6**

*From the downfall of Elias until the election of Bonaventure*

*1239-1257*

Albert of Pisa was the first priest to be General of the Order and since that time no lay brother has ever been General. The conduct of the lay brothers, who had been so favored by Elias, brought matters to such a pass that Haymo of Faversham, successor of Albert who died in 1240, excluded lay brothers from all the offices of the Order and commanded that the admission into the Order of lay brothers should be limited. From this it seems that the clerics at that time were in preponderance in the Order – in authority if not in numbers – otherwise the command would have been carried out only with great difficulty.

In the meantime Elias, to avoid obeying the new General, joined Emperor Frederick II and was thereupon excommunicated by Gregory IX. But the Pope died in 1241 and Haymo, Elias’ chief opponent, died three years later. Elias now hoped to gain control once more, since a large part of the Order still favored him and the new Pope, Innocent IV, had not as yet taken any action hostile to the emperor. Elias appeared at the General Chapter held in Genoa in 1244 and tried to prove that he had been unjustly deposed. But the majority declared against him whereupon he again departed and was again excommunicated by the Pope and expelled from the Order. With his faithful followers, he went to Cortona, built a house and a church in honor of St. Francis. Here he resisted the repeated efforts on the part of the Order to induce him to return, fearing imprisonment. Shortly before his death in 1253, he was fully reconciled with the Church and died penitent, frequently repeating the prayer: “Lord, spare me, a sinner.”

Unfortunately a penitent death did not repair the harm which Elias had brought upon the Order while he was General. The Laxists had grown in numbers and influence during the regime of Elias. The Ultra-conservatives had become ever more inclined to follow a separate path. These extremists made the situation very delicate for the Moderates who formed the main part of the Order. Elias’ immediate successors, Albert and Haymo, did what they could to improve the spirit of the Order by their own good example and personal visitation.

In order to clear up certain controversial matters, Haymo requested opinions from the provinces on some points of the Rule. His own province, England, declared against any interpretations, wishing to have only the Rule as it stood. On the other hand France, about 1242, sent the famous “Exposition of the Four Masters”, composed by the Parisian doctors Alexander of Hales, John de la Rochelle, Robert of Bastia, and Richard. This exposition shows clearly how much uncertainty and speculation still prevailed in the
Order about some points of the Rule, as for example, who owned the movable goods of the Order (a definition on this point had not yet been obtained). The Four Masters advised further authentic interpretation of the Rule, but they decried dispensations, from which the ruin of the Order was to be feared. They pointed out as injurious privileges the Briefs of Gregory IX issued December 12, 1240 and June 19, 1241. In these the Pope for the first time expressly dispensed from precepts of the Rule, since he gave the provincial the right, without the intervention of the General, to approve of preachers, and to receive novices through delegates, which according to the Rule devolved on the general alone.

Of much greater importance was the exposition of the Rule, _Ordinem vestrum_, of November 14, 1245, which Innocent IV gave to the General, Crescentius of Jesi. In this exposition:

The Pope transferred the property rights of all movable and immovable goods of the friars to the Holy See if the donors have not expressly retained it;

He conceded recourse to money through the mediation of the Nuntius not only in pressing necessities, but also for the “convenience of the friars.”

How did the Order take this innovation? Under Crescentius, it seems that the majority were contented. The description of Crescentius furnished by the sources differs according to the party prejudice of the writers. In the eyes of the later Spirituals he was considered a lax superior. The reason for this is not far to seek. Already as minister provincial of the March, he had proceeded severely against members of the Spirituals because they had withdrawn themselves from obedience, dressed according to their own inclinations, and despised their confreres. When he was made General, seventy two of the friars opposed him and wished to lodge complaints against him at Rome, probably because of his conduct as provincial and because of the relaxations of the Rule during the last years. But Crescentius was in Rome ahead of them with his grievances, punished the seventy two by order of the Pope, and scattered them throughout the various provinces. The General however seems soon to have lost the favor of the Pope: the reason is not known. In 1247, when the General Chapter was held at Lyons in the presence of the Pope, Crescentius excused himself because of his old age although Innocent had commanded him to appear. He was replaced by John Buralli of Parma. Soon after this Chapter, Crescentius was chosen bishop of Assisi, but did not receive the approbation of the Apostolic See. In 1251 however, he was allowed to assume the office of bishop of his home town, Jesi.

John of Parma leaned decidedly more toward the stricter observance than had his predecessors. The Spirituals indeed considered him as one of their own, although, as a former teacher at Paris, he was favorably disposed to studies. In fact he said that the welfare of the Order depended upon two things: firm discipline and knowledge. This was not the exact position of the Spirituals. He departed still more from the Spirituals’ viewpoint by seeking many papal privileges, some of which were of a fundamental nature. Only a month after John’s election, the Pope at his request granted that the provincial in each province could appoint some God-fearing men who might take charge of all movable and immovable goods of the friars as the representatives of the Apostolic See (to whom the property had already earlier been assigned). These “Procurators” were to act in accordance with the wishes of the friars and could be deposed and replaced by others according to the desires of the friars. The Order, to be sure, probably at the Chapter of Metz in 1249 and upon the representations of the provincial of Ireland,
decreed that the ordinances of Innocent IV should be temporarily suspended in so far as they contradicted the explanations of Gregory IX. But the General in 1256 had all the privileges granted by both Popes renewed.

Already a year before, October 21, 1255, John had secured authorization that upon the transfer of a residence, the friars might take along all movable goods and sell all immovable possessions with the exception of churches. This permission was as little to the liking of the Spirituals as that other privilege of April 5, 1250, whereby the churches of the Order annexed to convents – but not the churches joined to hermitages – should have the rights of Conventual churches together with the right of burial.

In the face of these facts it is difficult off hand to number John of Parma among the Spirituals. When the Spirituals claim him as one of their party, they had other reasons.

The personal holiness of the General could not have been one of these reasons, because in this respect many friars of the moderate observance could compare favorably with the Spirituals, though probably only a few were equal to John. The General visited on foot a great part of the Order and gave moreover the most beautiful example of humility and love of peace. The Pope called him an “Angel of Peace” and called upon him to undertake important missions. John also proceeded zealously against the excesses of individual friars who took from the novices part of their goods for the convent as well as against those friars who were idlers, or who tarried around the Curia and there sought for ecclesiastical positions of honor. Frequently he asked for papal letters which made the acceptance of such honors dependent upon his approval. He was not in favor of increasing the constitutions of the Order. He wanted the friars to observe the existing ones.

What especially commended the General to the Spirituals was his conduct towards the zealots who, under Crescentius, had been the victims of too strict discipline. John recalled them to their provinces and did not molest them further. He is even supposed to have praised them highly.

The Spirituals admired him even more for his true or apparent leanings toward Joachimism.

Joachim of Fiore in Calabria – a Cistercian abbot who died in 1202 – had circulated mystical ideas which culminated in the doctrine that with the year 1260 a new period, the era of the Holy Spirit, would begin. In this period a gospel of a spiritual kind would dominate the world; a gospel developed from the Gospel of Christ. The written Gospel of Christ would then vanish. The Church also would then become a spiritual Church, unchanged in essence but minus everything external and material. A future Order, led by the illumination of the Holy Spirit, in accordance with this eternal gospel, would announce the truth to the whole world and win the world to the truth.

Such ideas flitted phantom like through the minds of many in the Order – friars who by no means wished to break with the Church but who were ignorant of the consequences of such mental vagaries. But the danger of his break with the Church was ever at hand; therefore it is easily understood that the thinking elements of the Order opposed such dreamers and in this opposition found the active and ready cooperation of the Church. Among the important followers of Joachim in the Order there were numbered two friends of the General, the learned Hugo of Digne and the friar Gerard of Borgo San Donnino. The latter published a work in Paris in 1254 with the title,
“Introduction to the Eternal Gospel.” In this work he understands by the “eternal gospel” something altogether different from the gospel of Joachim, namely his own three principal writings, which are as it were, the canonical books of this third era, of which Joachim is the evangelist, and the Friars Minor the apostles. Gerard’s book was replete with inanities, so that even many of the adherents of Joachim would have nothing to do with it. With the exception of one friend, he did not receive the approval of his fellow adherents of Joachimism in the Order. Shortly after the appearance of the book, he was sent back to his own province in Sicily and was there imprisoned until his death. In spite of this, the work was blamed on the Dominicans and Franciscans by the University of Paris, which at that time was in conflict with both these Orders. Pope Alexander IV condemned the book in 1255, but espoused the cause of the unjustly accused Orders.

This disagreeable occurrence was to have unfortunate consequences for the General. He had confessed Joachimists as his friends and he himself seems to have been favorable to these ideas, which indeed had not yet been condemned by the Church and which hitherto had admitted an orthodox interpretation. At any rate he stood close to the Joachimists. Later on he was even falsely accused of being the author of the “Introduction.” His opponents in the Order, especially those who were not satisfied with his government, now used this occurrence to bring about his downfall.

John wished nothing so ardently as to resign, and for this purpose, before the regular time, he had convened a General Chapter in February 1257 at Rome, where the large monastery of Aracoeli had been given over to the Order by the Pope in 1250. Here, on John’s motion, Bonaventure Fidanza of Bagnorea, who was stationed in Paris, was chosen General.

It is very unlikely that the majority of the friars were in favor of deposing John. Likewise it cannot be decided with certainty whether the Pope induced him to resign his office because of his leanings towards Joachimism. Still, only a few months after his resignation, he was summoned before an ecclesiastical court which, under the direction of the Cardinal Protector and the General of the Order, was to investigate the case. The evidence was of such a nature that the judges believed they had to declare him guilty. It was due only to the strongly worded letter of recommendation of Cardinal Ottoboni, later Hadrian V, that John escaped without punishment. He now chose the hermitage of Greccio as his abode. Here he lived a holy life for his remaining years. He died in 1289.

Paragraph 7
The Generalate of St. Bonaventure: 1257-1274

Born in 1221 at Bagnorea in Tuscany, Bonaventure (John Fidanza) entered the Order in 1238 – according to others 1243 – and studied in Paris for a time under Alexander of Hales. He soon obtained a teacher’s chair there but owing to the conflict at the university he was able to obtain admission to the faculty as a Doctor of Theology only in October 1257, at the same time as his friend, St. Thomas of Aquino. In the meantime he had already been called to the highest dignity of the Order.

Several weeks after his election, Bonaventure obtained a renewal of the privilege granted by Innocent IV in November 1245. In April of the same year, he sent his first encyclical letter to the Order. In this letter he complained that the good name of the
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Order was being harmed more and more by the abuses in the lives of some of the friars. These friars were few in number but their actions were injuring the good repute of all. In particular he cited the following abuses:

- The excess of business concerns, which was leading to the destruction of poverty and to a careless handling of money;
- The indolence an idle wanderings of individual friars;
- The importunity in begging, which caused the people to fear the friars more than they feared highway robbers;
- The costliness of their buildings;
- Carless association with other people, from which arise suspicion and scandal;
- Giving offices in the Order to unworthy friars;
- The endeavor to acquire funerals and legacies to the great displeasure of the parochial clergy;
- The frequent useless removal of the friars, resulting in discontent and unnecessary expenditures.

As remedies against these evils he urged the friars to strive for the spirit of prayer, to expel unworthy members, and to be prudent in accepting new members. These abuses must be uprooted wherever they are found. As for new legislation, Bonaventure did not wish to make additional laws.

These acts at the very beginning of his term as General characterize the entire policy of St. Bonaventure. He defended firmly the traditions of the past; he upheld the privileges of the Order and asked for new ones only where these seemed necessary.

Convinced of the impossibility of leading the Order back to the position of twenty years previous, he made not the slightest effort in that direction. On the contrary he defended the necessity of studies, of the care of souls, of large houses for educational purposes, of exemption from the Ordinary, and similar things which gave the Order solidity. But he wished that within these limits discipline and order should reign, that the poverty of the friars should be safeguarded, and that the unrestrained freedom, which led on the one hand to relaxation and on the other hand to factions and lack of harmony, be held in check.

During the first year of his generalate, Bonaventure asked for two additional privileges. The first of these permitted the acceptance of legacies as well as of restitution money, where the lawful owners could no longer be found. The second concerned an inveterate vice which, in the course of centuries, was to cause very great harm to the Order, that is, the grant of papal privileges to individual friars, houses, or provinces. Bonaventure obtained from the Pope that no such privilege could be used without the express authorization of the General. For the same reason, the saint, like his predecessor, steadfastly defended his right to recall the friars who were staying with bishops. He also passed the law that no friar could accept such positions with bishops without the permission of the superiors of the Order.

How did Bonaventure carry out his program? The writers of the moderate observance give him unstinted praise; the Spirituals on the other hand, acknowledge indeed his personal holiness, but mourn the fact that despite all his good will, he did not show enough energy in the eradication of abuses.
With regard to this charge of the Spirituals, it is not to be forgotten that they considered many things to be abuses which the General regarded simply as a necessary development of the Order.

Bonaventure, by reason of ill health, could not, like John of Parma, distinguish himself so much for bodily mortification. In zeal for the regular life however and for the good of the Order, he certainly was not inferior to John. During his term of office, he left his usual residence, Paris, and traveled to Italy some ten times. This fact alone, in view of the difficulties of traveling at that time, showed great corporal exertion. According to the constitutions, he held a General Chapter every three years, and almost always he alternated between the two sides of the Alps.

The most important of these Chapters was the first, which he convened at Narbonne in 1260. Here the numerous ordinances of former General Chapters were arranged by him, and published as the Narbonne Constitutions. These have remained the model for all succeeding constitutions of the Order both in content and in form. The Narbonne Constitutions are arranged in twelve chapters in coordination with the Rule. Abstracting from the regulations in the Narbonne Constitutions which will be spoken of elsewhere, the following deserve to be mentioned:

The reception of novices, who wish to become clerics, depends upon their knowledge of grammar and logic;

Lay brothers for domestic service shall be accepted only in cases of necessity and with the special permission of the General;

The education of novices should take place in novitiate houses, under a special Master. After the novitiate is completed, the profession is made (in words which the Order has retained unchanged to the present day);

The color of the habit is gray, and should be neither perfectly black nor perfectly white, as was sometimes the case before;

A concession to old monastic customs is the prohibition against eating meat in the friaries; likewise the introduction of silence and the Chapter of Faults;

The reception of the sacraments was regulated; - the brothers are to go to confession twice a week and receive communion fifteen times a year;

When a friar remains for any time outside the cloister, he must always have a companion with him, who has to report any delinquencies to the superior;

Good but humane prisons are to be held ready for the punishment of unworthy friars;

Any friar, even the General, who works towards a division of the Order, is subject to a particularly severe punishment;

In order that the General might not occasion any schisms, he is not allowed to promulgate any laws for the entire Order except at the General Chapter and then only with the previous consent of the Definitors; for the same reason the General may not solicit any privileges by which the Rule may be harmed.

Besides these constitutions, further precepts were passed at this Chapter (Memoralia, Definitiones, Statuta, Ordinationes), the juridical value of which is difficult to appraise. In so far as they were not merely exhortations, they had the same binding force as the constitutions themselves since, according to the then existing law, papal approval was not demanded. They were often regarded as such with this consequence, that the uncertainty of the law was thereby increased and a continual revision of the
constitutions became necessary. Bonaventure put an end to the confusion for himself by abrogating all the decrees of preceding Generals, both written and oral decrees. Unfortunately a similar proceeding was often omitted at later Chapters, and since new precepts were given which partially contradicted the former ones, the unavoidable consequence was an increasing mix-up in the legislation of the Order.

Among these resolutions passed at Narbonne, one explained that the custodes and the guardians should be considered as prelates and should receive the cura animarum over their subjects from the General. This resolution was logical because of the existing exemption from the Ordinary, but the name of prelate would have pleased St. Francis very little.

The repetition in this General Chapter of the earlier resolution to exclude from the explanation of the Rule by Innocent IV those things which contradicted the explanations of Gregory IX had no significance because already in the year 1256 all the previous papal privileges in favor of the Order had been renewed. This must necessarily have destroyed the significance of the resolution passed by the Chapter.

During the following years, Bonaventure, in response to a petition of the General Chapter, wrote the “Legend of St. Francis” which was then approved by the Chapter at Pisa in 1263. The goal of Bonaventure in all his activity was the pacification of the Order and this purpose is also evident in his biography of the sainted founder. He passed over those aspects which could provide new inflammable matter for the conflicting parties; on this account the Legenda received such wholehearted approval that the General Chapter, held at Paris in 1266, ordered under obedience that all earlier biographies should be destroyed. This explains why the biography by Bonaventure held undisputed sway throughout the entire Middle Ages until the older sources, especially those of Thomas of Celano, were discovered later. The decree, which was issued by the General Chapter and not by Bonaventure himself, as his opponents stated, was unfortunate, but it is easily understandable and excusable in the light of the unrest then prevailing.

After the Chapter at Paris, the General again sent an encyclical to the provincials of the Order in which he repeats his complaints of the abuses already denounced in the first encyclical. These abuses, he wrote, are lowering the Order in the eyes of the people and still more in the eyes of the clergy. Regarding poverty he said that some carried it only in their mouths, but in deed they wished to know nothing of it: “It is a shameful and a vulgar lie for a friar to profess to be a follower of the highest poverty and at the same time to be unwilling to be deprived of anything: for a friar to be interiorly as affluent as the rich, and exteriorly to beg after the manner of the poor.” Those superiors, he continued, are burdened in conscience who permit such abuses and do not energetically carry out the existing decrees, by which they should be made impossible. If clemency help not, they should have recourse to expulsion in order that the whole Order may not be sullied by such members.

But we should not draw too far-reaching conclusions from such writings which merely wish to show up abuses and which prefer biting terms in order to strengthen the impression. A picture of the whole state of affairs cannot be given by painting merely the dark sides. To arrive at a correct evaluation of the Order at the time of St. Bonaventure, we should not overlook the fact that it was accomplishing exceptional work in all the fields of the ministry, mission activity, and studies. But as in all societies and at all times, so also in the Order at this time, there existed blameworthy transgressions.
Perhaps Bonaventure might have succeeded in removing them for the most part if he had ruled longer. But unfortunately he was called from his post by the Pope.

In 1273, Gregory X made him Cardinal Bishop of Albano and commanded him to accept this without any remonstrance; in 1265, Bonaventure had refused the archbishopric of York. He retained the government of the Order until the next General Chapter held at Lyons in 1274.

Bonaventure rendered noteworthy service at the General Council of the Church held at that same time. He won the esteem of all, especially of the Greeks. His sudden death on July 15, 1274, removed him from the work of the Council. The grief of the assembled prelates was sincere and touching. The Pope himself was present at the obsequies and commanded that all the priests throughout the world celebrate one holy Mass for the deceased Cardinal.

Among the many matters treated by the Council were the religious Orders, particularly the numerous mendicant Orders which had been founded since the last Lateran Council despite that Council’s prohibition against them. The Council of Lyons suppressed some of them outright, others it condemned to gradual extinction. These latter it forbade all participation in the care of souls. The Dominicans and Franciscans were expressly excluded from these decrees, because of their manifest usefulness to the Church.

Especially affected by the decree of suppression were the numerous societies which had borrowed one or the other feature from the two great Mendicant Orders, especially with regard to clothing and manner of life. These societies hoped thereby to make an impression on the people. However these groups opposed both Mendicant Orders and for the most part professed Joachimistic and heretical doctrines. To this class belong the Saccati, also called Boscarioli (wild men), who had arisen in the Provence due to the preaching of Hugh of Digne.

More important and more obstinate than the Saccati was the sect of the Free Spirit, or the sect of the Apostolic Men, or Brethren of the Apostles (Apostoli, Pseudoapostoli). This many-named sect was founded about 1260 by Gerard Segarelli, who had been refused admittance by the Friars Minor at Parma. The activity of the Apostolic Men soon became so dangerous both to church and state that the greatest energy and even recourse to military force was used to suppress them. The leaders, Segarelli (†1300) and later Dulcino (†1307) were burned at the stake. These sectaries were here and there erroneously enumerated among the Fraticelli (cfr. par. 12).

The news that decrees against the mendicants had been passed at the Council of Lyons spread also to the March of Ancona among other places. The report was considerably garbled. It was said that the Pope intended to force the mendicants to hold property in common as did the older Orders. This announcement brought the discord, already secretly existing among the friars there, into open schism. The majority held themselves ready to submit, in case such a decree should come, but some thought that it would not be necessary to submit to such a decree, since it was unjust. Although these sentiments never came to actual test since the rumor was not true, the Provincial Chapter of 1274 demanded satisfaction and retraction from all the friars who had spoken against obedience to the Council. The few who refused, among them Thomas of Tolentino and Peter of Macerata, were deprived of the habit and confined to hermitages. That was the
beginning of the great war between the Community of the Order and the Spirituals. For a better understanding of this conflict, some general remarks must be given.

**Paragraph 8**

**General Remarks concerning the Parties on the Order around 1270.**

**Private interpretations of the Rule.**

**The name “Spirituals”**

According to some the name “Spirituals” is taken from the 10th chapter of the Rule (observe the Rule *spiritually*). According to this each friar has the right to demand help from the superiors as soon as he considers his salvation to be imperiled for any cause whatsoever as, for example, by reason of his activity or surroundings.

According to others and this is more probable, the origin of the term is to be found in the method of speaking at that time, according to which a “Spiritual” man meant an interior, deeply religious person. This explanation seems to be more correct when he consider the parallel case among the Dominicans. The stricter party in this Order also called itself the Spirituals, until the name was forbidden as disturbing the peace of the Order.

Were the Spirituals of the Franciscan Order in reality what their name indicates? A general answer to this question is impossible. There were various groups among them and what was true of one group was not true of another. We can say this: among the Spirituals there were true saints; among them also there were unreasonable fanatics, friars who were disobedient, proud and even heretical.

This opinion seems closer to the truth than that which later found favor in the Order. The Observants considered the Spirituals to be their forerunners and tried to place them in the most favorable light. The Conventuals, on the other hand, erroneously considered the members to the Community as their allies and so took an antagonistic position against the Spirituals.

How long had the Spirituals been in existence? When did they start? A decision on these points is difficult. It is purely arbitrary to consider the opponents of Elias and Crescentius of Jesi as belonging to them, although in some points these were in agreement with the Spirituals. But we certainly can not say that they arose only in 1274, at which time the conflict actually broke out. They were certainly existing before that time, scattered among the hermitages of central Italy, perhaps also in southern France; little is known of them in the other countries.

All the characteristics of the later Spirituals did not make their appearance in 1274. Among such characteristics can be mentioned:

- The endeavor to observe the Rule of St. Francis literally, together with the Testament, without any papal declarations;
- A too exalted evaluation of the poverty of the Order, which for them is identical with the highest religious perfection, so that even the Pope cannot dispense from it. Considering the various papal concessions, this was bound to lead to conflict with the Church especially since among the Spirituals, Joachimism and other deviations from the teaching of the Church had found a footing;
• Indeed, various facts in the history of the movement almost lead us to think that the really distinguishing trait of the Spirituals is just this Joachimism; in relation to this, zeal for poverty is merely a partial cause, if not entirely a pretext.

Still many individual Spirituals deserve unstinted praise since they fought in holy conviction for a high ideal and even lost their lives for it. But the whole movement would certainly have been more beneficial to the Order if it had held aloof from many excesses, and had remained as a quiet leaven in the Order.

Opposed to the Spirituals stood the Community, which was itself divided into a moderate and a lax observance. The majority of the Order, under the leadership of the Generals, fought against the lax observance, as will be seen quite often in the following pages. It was therefore unjust to lay the excesses of these lax members at the door of the Order, as the Spirituals did with great delight. The Spirituals deliberately concealed what the Order was constantly doing against abuses, although they must have known quite well.

So it came about that the desired understanding between the moderates and a great part of the Spirituals became more and more impossible, and that the whole Community proceeded with all possible rigor against these extremists.

In doing so, the Community not infrequently exceeded the bounds of moderation, and meted out too severe punishments. But they saw in the Spirituals the destroyers of the Order, men who would not submit to the commands of their lawful superiors and who refused to accept the papal explanations concerning poverty. The Order did not think of departing from these explanations nor could it have done so, even if it had wished. The activity of the Order had increased to such an extent that it could no longer have remained in existence if the position of the Spirituals concerning poverty was maintained.

The Order, said the Community, was founded for the purpose of developing a rich activity and living for the home and foreign missions. If the Spirituals would only erect a province of their own, with all the obligations of such a province, for example, to educate the young, to care for the old and the sick, then certainly many of them would not cling to their opinions. But they have it easy, living as they are a personally strict life, in the bosom of the province and complaining about the others who must provide for them.

It is indeed striking that among all the leaders of the Spirituals hardly one can be found who might be regarded as a calm, sensible man. Practically all of them were more or less violent, immoderate, and in part untruthful. They laid claim to restoring the spirit of St. Francis; but not a trace of this spirit can be found in them unless you consider as such a love of poverty carried to the extreme of caricature.

Among the moderates of the Community, however, we find many earnest and outspoken friars whose holy lives condemned laxism as much as their clear vision rejected Spiritualism. They condemned both extremes, because either would have led the Order to its ruin. Outstanding examples of this observance, to which we owe all that is good in the Order, are St. Anthony, Alexander of Hales, John Pecham, David of Augsburg, Berthold of Regensburg, and not least, St. Bonaventure.

The official writings of St. Bonaventure already quoted show that he opposed laxism; a Spiritual could not have written more vehemently. But from these writings as well as from other numerous documents of the saint concerning the Rule of the Order, it is apparent that he considered the poverty of the Order practicable only with the help of the papal declarations. We are like the servants in a house, he says, who receive all that
is necessary from their master, but not as if it were their property. Our master even in temporal things is the Church; the friars in the Order find themselves in the same relation towards the Church as the individual monk in the other Orders stands towards his monastery. St. Bonaventure also preferred large houses to small ones, because in the larger houses better discipline reigns, and the education of novices, progress of studies, and care of souls can be more perfectly carried out. But he wished that these houses also rely on the providence of God, that they have no landed estates or any assured income. He minced no words with the zealots who, instead of fixed residences, wished to have the old wandering life: “If you say that we should go from house to house like strangers and pilgrims, may God have mercy on him, who first thought of this foolishness.”

Bonaventure’s contemporary, John Pecham, who became archbishop of Canterbury in 1279, took the same stand. He approved of the declarations of the Popes, but condemned all laxism relative to poverty, particularly a too great outlay in monasteries and the accumulation of supplies in cellars and granaries. He spoke against the opinion that the friars could accept inheritances, and he did not hesitate to state that many of them considered the simple use of money as not being forbidden.

David of Augsburg asserted the same thing for Germany but he did not express his own opinion clearly with regard to this question. He sought to console the many friars whose consciences were troubled by this money question with the words: “Our holy father Francis, filled with the divine spirit, wished not to injure the friars with this snare of perdition, but to obstruct somewhat the ways of avarice.” With candid sincerity this eminent ascetic stated that the rigor of the early times could not be observed any more on account of the great number of the friars, and because of the homes for the sick and houses of study. But even for these, he permitted no fixed incomes, since they are completely opposed to our state of life.

Hugh of Digne, in his explanation of the Rule, agreed with David on this point. Hugh raised no objections against the “nuntii” and “procuratores”, which is surprising in so far as he is generally enumerated among the Spirituals. But he came closer to the Spirituals in another work: “An Argument between a Champion of Poverty and an Enemy of his own Household.” In this book he scored the position of the laxists, who boasted of their lack of property, but will not bear of the “poor use” of things.

Entirely Spiritual in concept is another exposition of the Rule from this time, which bears the title: “A Brief Explanation and Most Accurate Application of the Rule, edited by Esteemed Fathers of the Order.” This holds fast to the old conception of money, a conception also adopted by the four Masters: “Money is anything which is received in order to be sold.” According to this money included grain, chalices, arms and horses. (Horses were often given to the friars at funerals, that they might be sold for the benefit of the friars). Several years later, this opinion was officially rejected by the commentary on the Rule Exiit qui seminat.

All these private explanations of the Rule agree in this that without exception they refuse all landed estates, with the exception of the monasteries and the gardens connected with them, and refuse as well all fixed income. The Order also defended this viewpoint before the Pope who, in 1276, thought that a convent should be established at Mallorca, for whose upkeep a fixed income should be provided.
Paragraph 9

The Generals from 1274 to 1289.
The Decretal “Exiit qui seminat”

Jerome of Ascoli Piceno had been sent on a special mission to Greece by the Supreme Pontiff. He had not yet returned from this embassy when the Order elected him General at Lyons in 1274.

Among the acts of the Chapter held at Lyons, the statute which forbade recourse to the laity under the most severe penalties is noteworthy.

“No friar may have recourse to persons outside the Order, be these persons princes or even prelates, in order to bring about through their mediation any changes whatsoever, either for the whole Order, for a single province, or for a residence of the individual friar.”

Had this decree always been faithfully observed, many disturbances would have been spared the Order.

Likewise the explanation which the General sought from the Pope and obtained November 25, 1274, was important for the question of poverty. According to this explanation, the friars without the intervention of the procurators or of the Apostolic See, could themselves take care of the exchange or alienation of movable goods. Such a wide authorization was dangerous, and was consequently limited considerably several years later by the Decretal Exiit.

The next General Chapter held at Padua in 1277 took severe measures against transgressions of poverty: some of the friars had introduced poor boxes and money collections.

Jerome must have resigned already at that time on the plea of inability and an excess of other work. Certainly his services were called upon frequently by the Pope for all manner of embassies. In 1278, Gregory X sent him to France, together with the General of the Dominicans, to undertake preliminary negotiations for peace with Aragon. In Paris both Generals found themselves forced to admonish their subjects to foster the ancient friendship between the two Orders. This friendship was threatened by foolish quarreling. Before he returned from this embassy, Jerome was raised, much against his will, to the rank of Cardinal. He was commanded to continue governing the Order until the next General Chapter. In 1288, despite his emphatic refusal, he was forced to ascend the Chair of Peter. He took the name Nicholas IV. He was the first Pope from the Order. Piety, disinterestedness, and unceasing activity for the rescue of the Holy Land are all with justice attributed to him.

In 1279, at the General Chapter of Assisi, Bonagratia of San Giovanni in Persiceto was elected General.

Before Bonagratia’s election, Nicholas III had sent a letter to the Order from which it is evident that the Order, despite individual disorders, stood high in the esteem of the Pope and of the Church. Among other things Nicholas wrote: “Therefore We rejoice in the Lord with worthy and full joy, when We look upon you, the followers of him who bore the burdens of austerity, spurning the delights of the world; in order that he might appear in splendor among the saints of God, and you, by professing his Rule, stand forth as noble followers of the testament of the Lord; not do We rejoice without cause, since the Church also rejoices, enjoying the odor of sweetness of your works.”
The newly elected General, probably at the will of the Chapter, soon went to the
Curia which was either at Soriano or Cimino during the summer months. He had two
objects in view. The first was to secure the appointment of a new Cardinal Protector.
The Pope appointed his nephew, Cardinal Matthew Orsini, to whom he gave the care of
the friars in these words: “We give you the best we have; We give you the desire of our
heart, the apple of our eye.”

More important was the General’s second object: a revision of the previous papal
explanation of the Rule. Nicholas III had been the Protector of the Order for a long time
and had even known quite a few of the companions of St. Francis. Considering his
favorable attitude towards the Order, the friars could hope for a fulfillment of all their
justifiable requests. The result justified this confidence. The Pope appointed able men as
a council, among them the two cardinals of the Order, Bentivenga and Jerome of Ascoli,
as well as the Protonotary, Benedict Gaetani (the later Boniface VIII), the General of the
Order, Bonagratia, and some picked friars. Together with these men, he devoted a large
part of his summer vacation to the requested revision, which was published August 14,
1279. It was the Decretal Exiit qui seminat.

The introduction extols the Order, which is faithfully following the footsteps of
the Apostles and scores its opponents who fight against the Order out of envy, and seek
to show that its way of life is not permissible or not possible.

Of the exposition itself, which not infrequently calls to mind the writings of St.
Bonaventure, the parts concerning poverty deserve a special attention.

The complete abdication of possessions, even in common, is meritorious and was
taught by Christ, although He at times accepted money, in order to be an example also to
the weak.

The “moderate use according to the Rule” should not be denied the friars.

All that is given to the friars, passes to the ownership of the Apostolic See, if the
donor does not himself retain the ownership. This is true for all movable as well as
immovable goods, also for those which the friars have bought with money alms.

Should any one give over a house to the friars for their use only, he himself
retaining the ownership, the friars must leave at any time according to the will of the
owner; only churches and cemeteries remain reserved in all cases to the Apostolic See.

The use of things by the friars must be in harmony with their poverty and should
exclude all luxury and excess, but should however in a reasonable way be regulated by
circumstances.

The question of money was considered with special minuteness since the friars
had the most scruples concerning this matter, and their opponents attacked them most
strongly on this point.

Loans are entirely forbidden.

But it is not against the purity of the Rule to appoint intermediaries, “Nuntii”, or
spiritual friends who may take the money from the donors and expend it for the real
necessities of the friars.

The ownership of money remains with the donor, even if he himself should not
think of it, and he can recall it at any time.

The friars have no authority in the matter and cannot prosecute an unfaithful
“Nuntius” in court, nor can they require a reckoning from him. Only in the form of a
request may they tell him of their necessities and ask that he should relieve these needs with the money alms.

They may not have more money deposited with the intermediary than is necessary for their present necessities.

The acceptance of legacies is permitted to the friars, provided there is no question of things whose use is forbidden to them, for example, landed estates. Should such estates however be given with the provision that they be sold and the needs of the friars be relieved with the money obtained from the sale, then the friars may accept them. The heirs should willingly hand over such legacies, although they cannot be forced to it by a court.

The exchange of movable goods for other movable goods can be made by the ministers of the Order themselves, by virtue of the delegation of the Apostolic See, to whom the ownership pertains. The sale of such movable goods however must take place through the Procurator, who is to be appointed by the Pope, or the Cardinal Protector in the name of the Pope.

Furthermore, the Pope renewed the right of provincials to approve preachers and to delegate trustworthy friars for the reception of novices.

The Holy Father also defined, conformably to the Bull Quo elongati, that only one custos from each province should appear at the General Chapter.

The Testament of St. Francis has no binding force.

All earlier papal explanations are to be considered null and void.

In conclusion: Nicholas commanded that this constitution, as the other decretals, should be taught in the schools, and forbade under sever penalties any contradiction and every explanation which did not conform to the evident meaning of the text.

The importance of this Decretal. Exiit qui semina has an apologetical character and was issued primarily for the protection of the Order against the attacks of certain adversaries. It did not give the Order itself a single new privilege; it merely defined existing ordinances more clearly and at times considerably increased their rigor. Where, according to the explanations of Innocent IV, recourse to money was permitted “for conveniences”, now it was limited to necessities. The procurators could no longer be appointed by the friars, but received their position from the Holy See. Lack of property is no longer a mere legal term, at least not in those cases where the residences of the friars belong to private persons. For now, at the request of the owner, the friars must leave the house. It is certain that, under the circumstances, stricter ordinances were not at all feasible. From this time, Exiit was numbered among the fundamental laws of the Order.

Still the Pope did not completely attain the end which he desired. Gifts and legacies for the friars were still unjustly held back, and the Order could not enforce their claims to these by going to court. Recourse to the Church or to the procurators appointed by the Church, for which definite ordinances were not given, proved to be practically impossible in many cases.

Martin IV sought to remedy this defect for the entire Order by his brief Exultantes of January 18, 1283, in the same way as Clement IV had already done for a single province. Pope Martin in this brief approved the Oeconomici or Apostolic Syndics. The ministers and custodes, according to the necessities of the individual friaries, should appoint upright men to receive money alms in the name of the Apostolic See and to dispose of such alms for the friars according to their request. These men are empowered
in the name of the Church to dispose of property left to the Order, to sign agreements concerning this property, and to take the affairs of the friars before secular or ecclesiastical courts. If the men appointed do not give satisfaction, the superiors of the Order can replace them with others. These Syndics were both the Nuntii and the Procuratores in the earlier sense of these terms. The Syndics now however were not merely representatives of the donors as were the Nuntii, but also vicars of the Apostolic See. Thus the reality of the high ideal of poverty as preserved in the Decretal Exiit was once more forsaken, and once more a mere legal term was substituted.

The General Chapter of Milan in 1285, which elected Arlotto of Prato as General, accepted the privilege of Martin IV, but warned against a multitude of legal litigations, which might follow from it and thus bring the Order into disrepute. The contention of the Spirituals that the Order had voluntarily renounced all claim to this papal concession at the Chapter held at Strasbourg in 1282 is incorrect for this very good reason that at that time the privilege had not yet been granted.

This General Chapter is noteworthy however in the internal history of the Order. At this Chapter, the writings of Olivi were considered for the first time.

Peter son of John Olivi of Languedoc had been attracting attention in the Order for some time by his writings. His opinions on poverty were not the cause of this attention for in these, as the reading of his works shows, the does not depart from the conscientious friars of the Community. Rather it was his views on certain dogmas and his Joachimistic opinions which stamped him as a leader of the Spirituals and incurred for him the dislike of the Community.

Without doubt disagreement with these teachings of Olivi was a welcome opportunity for the lax friars to proceed against this troublesome preacher of more strict poverty. This motive however is not found among the moderate observants in the Community. They let themselves be guided exclusively by the thought that the Order could not tolerate such teachings for its own welfare. The memory of the conflicts which Gerard of San Donnino had stirred up was enough warning for the moderates.

Therefore the Chapter at Strasbourg requested the General to have the writings of Olivi examined by Franciscan teachers at Paris. The examination turned out unfavorably; a number of Olivi’s opinions were denounced as errors, and the reading of his books was forbidden. In the beginning, Olivi seems to have submitted. Soon however he published writings defending the condemned opinions. An understanding must have been reached at the General Chapter of Montpellier in 1287, because the newly elected General, Matthew of Acquasparta, sent Olivi to Florence as a teacher in the college of the Order. From Florence he went, several years later, to Montpellier in the same capacity.

The Chapter of Montpellier was a stormy session, although the reasons for this are not clear. According to some, the friars wanted to have a General who was not an Italian; according to others, the storm was caused by the Spirituals who were opposed to the Decretal Exiit. A book published at that time by Nicholas, the provincial of France, condemned the entire decretal as contrary to the will of St. Francis who had forbidden all glosses. Matthew, the General, energetically proceeded against this spirit, but he could not uproot the evil as was soon apparent. Added to this, Matthew was created a cardinal scarcely a year after his election as General. This was unfortunate for the welfare of the Order, since the quick change of Generals made a thorough visitation of the provinces impossible and a government of the Order based upon a detailed knowledge of conditions
in the Order was out of question. The elevation of Matthew must therefore have exercised an unfavorable influence upon the discipline of the Order.

**Paragraph 10
Conflicts of the Spirituals: 1289-1305**

At the Chapter held at Rieti in 1289, the Provencal, Raymond Godefroy (Gaufredi) was chosen General, contrary to the wishes of the Pope. Raymond belonged to the stricter party within the Community. As a result he labored zealously against the excesses of the laxist party. Although he proceeded against the extreme Spirituals as well as against the laxists, his attitude towards these Spirituals seemed to Pope Boniface VIII to be too lenient. Accordingly the Pontiff demanded his resignation in 1295, after Raymond had refused a bishopric which had been offered to him. Later we shall find Raymond in the ranks of the Spirituals, but always a very moderate exponent of their ideas.

The revision of the General Constitutions made at the Chapter of Paris probably comes within his regime, although in the opinion of some historians this edition first appeared at the Chapter of 1296, which elected John Mincio of Murrovalle as the head of the Order.

The Generalates of both Raymond Godefroy and of John Mincio were filled with conflicts with the Spirituals, whose strength was centred in the March of Ancona, in Tuscany, and in Provence. In the other provinces of the Order only at rare intervals do we meet individual friars who must be reckoned among the Spirituals.

In the March of Ancona, Thomas of Tolentino, Peter of Macerata and some other Spirituals had been punished by the provincial chapter in 1274 (cfr. par. 7). After a short truce, feelings again became so aroused that in 1280 five provincials of the district decreed that the aforementioned friars together with several others, including Peter Clarenus de Fossombrone, be condemned to perpetual imprisonment as heretics and enemies of the Order. This sentence had to be read in all convents and whoever dared to oppose it should be afflicted with the same punishment. Such a procedure was undoubtedly too severe. The General, Raymond, therefore liberated the captives in 1289 and sent them to the missions in Armenia where, according to the statement of the Armenian king, they labored with great success. In 1293 these friars returned to Italy, presumably because of the persecution which they suffered at the hands of the friars in the Syrian province. When the superior of their own province refused them admission, they appeared before the General. Raymond referred them to the newly elected Pope Celestine V. The Pope in his kindness of heart allowed himself to be deceived by their representations and permitted them to separate from the Order. Dwelling in poor hermitages, they were to observe the Rule of St. Francis without any papal explanations; however, they should no longer call themselves Friars Minor but Poor Hermits or Celestines. Despite the identity of name, the new organization had no connection with the already existing Order of Celestines.

Peter of Macerata was appointed superior of the new group, whereupon he took the name Liberatus. His companion, Peter Clarenus, took the name of Angelus.
This separation was naturally looked upon as apostasy not only by the Community party of the Order but also by some among the Spirituals, for example, Olivi. Olivi’s letter to Conrad of Offida in 1295 gives a trustworthy record of the views of these new Celestines. According to this letter the new organization considered the Popes Gregory IX and Nicholas III as heretical falsifiers of the ideal of poverty because of their explanations of the Rule. Some of them even dared to call Innocent III a heretic because he had condemned a doctrine of Joachim of Fiore at the Lateran Council. The doctrine that a Pope could not resign was commonly championed by them; consequently, they regarded Boniface VIII as no Pope at all, and considered all his adherents as excommunicated. In conclusion, Olivi predicted the sad consequences of the Spiritual excesses, and recalled that even the saintly companions of the founder, such as Giles, Leo, and Masseus, did not become apostates even though there were abuses in the Order.

This letter was aimed not only at the immediate followers of Liberatus, but also at the band of Tuscan Spirituals of whom Ubertin of Casale was the leader and perhaps also the founder.

Ubertin was associated with Olivi as a teacher in the school of the Order at Florence. Here he had embraced the scientific enthusiasms of Olivi without however sharing the moderation of Olivi on the question of poverty. After he had been preacher at Perugia for some time, Ubertin was forced, on account of his biting criticism, to relinquish his dearly loved activity to take an unwished for rest on Mt. Alverna. There in 1305, he wrote his principal work: “The Tree of the Crucified Life of Jesus Christ” (Arbor vitae crucifixa Iesu), a book full of Joachimistic ideas and invectives against the Pope, the Church, and the Order. In 1307 we find Ubertin in the service of the Cardinal Napoleon Orsini, whom Celestine V had appointed Protector of the Spirituals of the March of Ancona in 1294.

The protection of this Cardinal availed only as long as Celestine V occupied the Apostolic See. After Celestine’s resignation in December 1294, Boniface VIII was elected. He, as a co-laborer on the Decretal Exiit, brought to the papal throne a complete understanding of the import of the pending conflicts. Liberatus expected nothing favorable from him and fled with his followers to Greece in 1295. His position now became illegal because Boniface annulled all the decrees of his predecessor. Consequently Liberatus’ followers were tolerated nowhere and were even excommunicated by the Patriarch of Constantinople. Hence they resolved to return to Italy; but they were everywhere received with insults. When Liberatus died in 1305 on his way to the papal curia, Angelus Clarenus assumed the leadership of the group.

It is difficult to form a just judgment on the character of Angelus, since the principal sources for such a judgment are his own writings. These certainly do not deserve that credibility which is awarded them by many students, who accept without question his charges against the Community. That holds primarily for his famous work, the so-called “History of the Seven Tribulations of the Order of Friars Minor” (Chronicon seu Historia septem tribulationum Ordinis fratrum Minorum), which seems to be considered the most important source for the conflicts of the Spirituals, although in many points it is untruthful, even in matters which Angelus must have known well enough. This overpowering prejudice of his should not bind us to the heroic determination of Angelus and most of the other Spirituals. They fought for a religious ideal, for the perfection of evangelical poverty as they saw it. From this ideal they
expected the reform of the Church according to the mind of Joachim. In their fight for this ideal Church of the future, they did not hesitate to deny obedience to the Church of the present when circumstances seemed to demand this disobedience. That was Angelus’ position not only towards Boniface VIII but also towards John XXII. Concerning his activity during the time between these two Popes, we know little. He remained in the vicinity of Rome until 1311, then went to Avignon, where he found protection with Cardinal James Colonna. His followers in the meantime lived in retirement, scattered throughout middle and lower Italy.

The Provencal Spirituals, also called Narbonne friars from their main convent, gave the Order considerable trouble during this period. They had existed for a long time, and were organized by Hugh of Digne, who personally held Joachimistic ideas. They were strengthened by the apocalyptic writings of Olivi whom they honored as their champion, although he adopted the standpoint of the moderate Community on the question of poverty.

This circumstance (i.e. adopting Olivi as their champion) together with many other characteristics of the whole conflict only strengthens the conclusion that perfect poverty, considered in itself, was not the primary goal of the Spirituals, but that Joachimism was the main issue and poverty only a side issue. Otherwise it is difficult to explain the admiration on the one hand of the Spirituals for John of Parma and Olivi, who opposed the Spirituals on the question of poverty, and the aversion on the other hand of the Spirituals towards the better part of the Community who agreed with John and Olivi on poverty but opposed their Joachimistic ideas. To these friars of the Community belonged not only St. Bonaventure, but also all his successors, especially the two Generals, John of Murrovalle and Gonsalvus of Valboa, whom the Spirituals, against their better knowledge, accused of laxism.

John of Murrovalle had issued an encyclical to the Order in 1302 in which he vigorously condemned violations of poverty. Landed estates, annual incomes for individuals, and fixed incomes for a convent, as well as litigations on the part of the friars for temporal things were all forbidden under penalty of excommunication.

His successor, Gonsalvus, renewed this decree together with the punishment prescribed. The General Chapter of Padua in 1310 even increased its rigor by expressly commanding the usus pauper and denying the right to vote in the Chapters to all those convents which did not observe the ordinances concerning poverty.

From all this it is clear that the Order as a whole and especially the Generals of the Order and the General Chapters saw the existing abuses and fought them as much as possible – a further proof that the fundamental issue of the conflict was not the question of poverty but the opposition of the Community to the fanatical ideas of the Spirituals.

The conflict between the friars in the Provence began anew around the year 1290, this time about the usus pauper, which had been considered obligatory from the very beginning. Nicholas III had expressly commanded that the usus pauper should be observed in all cases mentioned in the Rule. But the laxists had begun to propound doctrines which reduced the entire poverty of the Order to a theoretical abdication of property, and denied the obligation of actually leading a poor life.

At least Ubertin so contended. As usual however he allowed himself to be blinded by party hatred in this question so that unreserved credence must not be given to him. To date of the type of writings condemned by Ubertin, only one is known, written
by Peter Aureolus. In this book, Peter considers the lack of property the essence of poverty, and consequently he denies that the friars are obliged to the usus pauper by reason of the vow of poverty. This does not mean that the friars need not observe the usus pauper, because friars are bound not only by their vow, but also by the Rule, and the Rule does prescribe the usus pauper in some cases. It is apparent that such a position could give rise to misunderstandings. So it can easily be conceded that the lax party brought forth teaching with severely limited poverty: just as it is also certain that the Spirituals extended the usus pauper to everything and thus attempted to extend the obligations beyond the limits prescribed by Nicholas III. The Spirituals respected his explanation of the Rule no more than they respected the explanations of the earlier Popes.

Nicholas IV accordingly commanded that the Order proceed against these disturbers of the peace. The General brought the result of the investigations before the General Chapter at Paris in 1292. Olivi presented to this Chapter an explanation of his views wherein he proved that his teachings coincided with the Decretal Exiit. Godefroy however, was forced to mete out punishments to many of Olivi’s followers, although the General himself was very well disposed towards the Spirituals.

Olivi spent his last years undisturbed, apparently in the convent at Narbonne. He died here March 14, 1298. Shortly before his death, he published statements regarding his position on poverty, which every earnest member of the Community of the Order could endorse. He likewise protested again his good will to accept all the dogmas of faith of the Church and to recognize the present Pope Boniface as the true Pope. After his death, he was honored in the Provence as a saint, until the impious destruction of his tomb in 1318. The conflict concerning his writings however continued after his death. The General Chapter of Lyons in 1298 ordered that these writings be collected and burned, and threatened with excommunication those friars who did not heed the decree. However quite a few propositions were presented to the friars in the Provence which they were forced to abjure. Many of the friars refused to comply with this demand and were punished severely by their superiors. The persecution lasted to some extent until the accession of Clement V.

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**Paragraph 11**

**The Conflicts of the Spirituals under Clement V: 1305-1314**

**The Decretal “Exivi de paradiso”**

Under Clement V, the lot of the Spirituals in Southern France was more pleasant, at least for a while, until the Pope by the course of events learned of their true character. It remains uncertain whether Clement protected them in the beginning because they were of the same nationality as he or because they opposed Boniface VIII. At any rate, by this protection, he relieved his difficult position towards the French court and towards that party among the Cardinals which demanded that he proceed against the dead Boniface. A factor which influenced the Pope most strongly was the favor shown the Spirituals by Charles II of Naples. In 1309, this king wrote a letter to the General, Gonsalvus, demanding that the persecution of the Spirituals in Provence should cease, otherwise he would take up the matter with the Pope. The author of this letter was the king’s physician, Arnold of Villanova, who was also highly esteemed by the Pope. Arnold’s
opinions were very similar to those of the Spirituals. After the death of Clement V, Arnold’s works of this nature were condemned by the Church.

When the General received the king’s letter, he immediately informed the Pope. In the meantime, the Community had drawn up a complaint against the writings of Olivi, in order that the whole affair might be decided in the forthcoming Council of Vienne.

Clement V appointed a committee to investigate. This committee was composed of several Cardinals and theologians not belonging to the Order. At the same time, Clement also summoned the most prominent Spirituals of Provence to his court. The most important and likewise the most moderate of these was the former General, Raymond Godefroy, whose position is hard to understand if we do not suppose Joachimistic tendencies in him. Ubertin acted much more vehemently and arrogantly than Raymond. He was cited even though he did not belong to Province. Besides several provincials, there were present as representatives of the Order the General, Gonsalvus, Alexander of Alessandria, who succeeded Gonsalvus as General, Raymond of Fronsac, the procurator of the Order, and Bonagratia (Buoncortese) of Bergamo, the appointed advocate. The impetuosity of the procurator equaled that of Ubertin.

The acts which the procurator submitted concerning the conflicts between the Community and the Spirituals are the best source of material for this period in the history of the Order. They are certainly more reliable and more objective than the writings of Angelus and Ubertin. We see from this *Codex Diplomaticus* that a great number of works had been published between 1310 and 1312. All of these works presented, or at least were intended to present, the author’s position regarding the four questions proposed by the Commission.

The questions proposed were:
- the relations of the Order to the sect of the Free Spirit;
- the condemnation of Olivi;
- poverty and the discipline of the Order in general;
- the persecution of the Spirituals by the Community.

With regard to the first point the parties seem to have made no protestations of importance.

The Spirituals quickly passed over the second and fourth points, saying merely that the works of Olivi contain no errors and that their condemnation by the Order was therefore unjust and the punishment of his followers too severe.

The writings of the Spirituals dealt at great length with the third question, which had reference to poverty and to discipline in the Order. Especially noteworthy here is the sincere admission of the ex-General, Godefroy, that the Rule as well as the explanation of Nicholas III was being observed essentially in the Order. Even Ubertin, who would never let himself he moved to such a confession, was forced to admit that strict discipline prevailed in the Order at least as far as morals were concerned: that is the only thing, according to him, for which the Order deserved respect. For the rest, Ubertin accused the Order of numerous though often very slight infractions of the Rule.

The Community countered these charges of Ubertin by denying that many of the alleged infractions had never occurred. The Community explained moreover that the infractions of the Rule, which had really taken place had been punished by the Order when they became known to the superiors.
Ubertin, undaunted, then openly opposed the papal explanations of the Rule which, in his opinion, were ruining the Order. He demanded the observance of the Testament and compliance with the letter of the Rule together with all the evangelical counsels as Christ had taught them. Since, he concluded, this goal could not be attained n the Community, reform convents and reform provinces should be erected, otherwise the conflict will continue.

The advocates of the Community justly replied to this plan that such a demand meant schism in the Order, because the Order must observe the Rule according to the papal declarations. A departure from the declarations would again bring up all the earlier doubts and conflicts, and besides, a useful life without them would be practically impossible for the Order.

With regard to poverty and discipline the Community replied: The *usus pauper* is insisted upon as an obligation especially where the Rule prescribes it; in all other cases only unnecessary expenditures are considered to be forbidden. Too great severity in this matter would lead only to scruples and perplexity of conscience.

It is unjust for Ubertin to accuse the whole Community of the transgressions of individuals. He should prove that such excesses had come to the knowledge of the superiors and had nevertheless not been punished. He knows from his own experience that he had been condemned to prison because of moral failures and this by one who shared his opinions, Godefroy. He would have known still more about the strictness of the Order if he had taken part in the common life of the other friars, instead of always sojourning and hiding out in the courts of great personages, as just recently again in Vienne.

Concerning the persecution of the Spirituals by the Community, the latter remarked: - it is proper that the Order proceed against all who wear monstrous, torn and extraordinary habits, who are disobedient, relate extravagant visions, seek out the houses of the Beguins, and propose heretical or dangerous doctrines. Godefroy himself knows that as General he was forced to punish such friars. There are only a few friars who may be able to say they have been punished unjustly. As soon as the superiors were forced to oppose the Spirituals, they cried out that they were being persecuted because they observed the Rule. If they would be calm and investigate, possibly the might see that there are other reasons. The truth of the matter is: they are heretics and indulge their errors under the guise of poverty.

The Community laid special stress on this accusation of heresy, and again insisted that the teachings of Olivi were deserving condemnation.

The impression which the writings of the parties made upon the commission, upon the Pope hitherto favorable towards the Spirituals, and upon the Council, is seen most clearly from the two decrees which brought the conflict to a provisional settlement. At the third and final session of the Council of Vienne, May 6, 1312, Clement promulgated the dogmatic Decree *Fidei catholicae fundamento*, which condemned several speculative errors of Olivi without however mentioning him by name. The Constitution *Exivi de paradiso* which treats of the discipline in the Order, appeared on the same day.

*Exivi de paradiso* is not an explanation of the entire Rule as is the *Exiiit*. It merely insists on the observance of the existing precepts and permits the *Exiiit* as well as the
ordinances of Martin IV to remain in force. On the force it is the faithful reflection of the preceding conflicts in the Order.

It repeats the accusations of Ubertin concerning the abuses in the Order in order to add immediately that the Community and especially the superiors of the Order either entirely deny them or punish them according to the old constitutions.

Throughout it commands nothing new as when, for example, it says:

- the friars may not demand any reckoning from their spiritual friends, not may they have a key to the money chest which contains the money for their use;
- they are incapable of receiving inheritances nor may they possess any annual incomes, vineyards, or landed estates;
- they are not allowed to carry on litigations concerning temporal matters, nor may they act as executors of wills;
- gardens are permitted to them for reception and for growing necessary vegetables, but these may not be sold;
- cellars and granaries are not according to the intention of St. Francis but are permitted in case of necessity, when it is to be feared from past experience that the friars cannot live well without them; the superiors and discreet friars are to judge in this matter;
- the usus pauper is obligatory only in the points prescribed by the Rule; otherwise an usus moderatus (moderate use) is permitted.

The Exivi is, in character, a lawyer’s view of the precepts of the Rule. The gravity of each precept is carefully weighed and exactly determined. The extremists of the right and of the left, who on one side treated the Rule lightly or on the other side wished to have the entire contents bind under mortal sin, were the cause of this method of treatment. Hitherto the friars had been satisfied to accept some precepts as binding in conscience merely in general wherever the Rule used words of command or words equivalent to a command (tenentur) without however fixing the obligation as mortal or venial. Thus Bonaventure, as also the Exiit, explained that the friars were bound “only to those counsels which have been expressed in the same Rule, either as a command or as a prohibition, or in words equivalent to these.”

Since all doubts were not removed by this treatment of the precepts, Clement V wished, for the tranquility of the friars, to be more exact. He explained for the first time that St. Francis wished to oblige under mortal sin wherever he used words of strict command or equivalent expressions. Then the Pope cited twelve passages of the Rule which, according to their content, must be counted among the precepts binding under grievous sin (praeccepta aequipollentia). He quoted these with this preamble: “Considering that in these things which refer to the salvation of the soul, the more secure position must conscientiously be held in order to avoid worry.”

The Exivi and the Exiit, together with the Rule, thereafter remained the basic law of the Order.

The new trend begun by the Exivi may be illustrated by the explanation of the Rule which the General, Gonsalvus, wrote in the same year or soon after. He divided the Rule into 27 precepts binding under mortal sin, 12 exhortations to virtue, 6 warnings against vice, 6 liberties, and 12 requisites for admission to the Order. St. Francis would have a difficult task to recognize his own Rule constructed in this manner! But the movement of the Spirituals had led to this and this was its worst result, that the Order believed it could resist zealots as well as laxists in no other way than by explaining the
most important points of the Rule as binding under mortal sin and thereby explaining away the very spirit of the Rule as merely empty exhortations.

For the rest, it must not be imagined that the new declarations on the Rule betokened a victory for the Spirituals. In truth, they were just as completely vanquished here as in their defence of Olivi. The Community was completely upheld, - in its view of the usus pauper and of the obligation towards the Rule, while the Spirituals had attained nothing but a reaffirmation of long standing precepts, upon which the Community itself had often insisted. The Spirituals had wanted above all no new explanations of the Rule, but the abrogation of all existing ones, the literal observance of the whole Rule, and separation from the Community by the establishment of reform convents.

In the face of the foregoing, it sounds ridiculous for Angelus Clarenus to call the new explanation of the Rule “a flying eagle” compared to the other explanations, approaching closest to the mind of the founder.

What the Spirituals thought in reality was soon bound to show itself. Their party in Tuscany first seems to have drawn the logical conclusion from their former conduct. There, ostensibly to escape the persecution of the Community, they chose their own General and other superiors, and with the help of some secular friends, they expelled the friars of the Community from several convents and maintained themselves there by force of arms. Some also lived in the houses of their secular friends, others fled to Sicily. When the Pope heard of this, he sent a letter to the Bishops of the neighborhood in July 1313, ordering them to bring the fugitives back to obedience. When the friars did not obey the order, the Pope excommunicated them in 1314 and placed their convents under the interdict.

The Spirituals in the Provence behaved in similar fashion. Shortly after the appearance of the Exiit, they separated themselves from the Community and, dressed in their own particular garb, they lived as they preferred in several places of their home province. The Pope seems to have tolerated this in the beginning, and even allowed the superiors of the Provence who had proceeded too vigorously against the Spirituals, to be deposed. Bonagratia of Bergamo was banished by the Pope to a distant cloister because of his violent conduct at the Curia. The return of the separated friars could not be effected by these measures. The Pope ardently desired their return and finally commanded it in 1313 after he had procured the appointment of new superiors who would treat the Spirituals kindly. Ubertin also was commanded to return to the Order but, so it seems, he did not obey the command.

In the meantime, the Order held its General Chapter at Barcelona in 1313. Alexander of Alessandria was elected General in place of Gonsalvus who had died suddenly. The Pope sent a letter to the Chapter, praising the Order, and commanding the new General to treat the leaders of the Spirituals and their followers with paternal mildness, and to promote them to the offices of the Order if they were thought worthy. Alexander, acting on this command, allotted to the Spirituals of Provence the three convents of Narbonne, Béziers and Carcassonne, where they could live by themselves separated from their opponents. But this peace did not last long. In 1314 both the Pope and the General died, and there was an unusually long vacancy in both positions.
Paragraph 12
The Downfall of the Spirituals: 1314-1318

Discord among the Cardinals was the reason why the Church received a Supreme Pastor, John XXII, only in August 1316.

In the Order, although the General died in October 1314, the General Chapter could convene at the earliest in 1316 according to the constitutions. The appointment of a vicar general was impossible, because such an appointment at that time had to be made by the Pope. So it happened that the Order was without a superior for a year and a half.

Michael Fuschi of Cesena was elected General at the General Chapter held at Naples in 1316. This Chapter also appointed a commission to consider the General Constitutions. The commission soon met and deliberated at Assisi and made some changes in the Statutes. Several months later, the General wrote a letter to the Order in which he requested uniformity in dress, more strict observance of poverty. He also tempered the precept of abstinence which had been voluntarily accepted by the Order, by permitting the use of meat at least at dinner. The exhortation to shun peculiarities in dress was aimed primarily at the Spirituals, who had assumed many arbitrary privileges during the long vacancy.

The Spirituals in Provence – if one may believe their one-sided reports – were irritated at the fact that the superiors deposed by Clement V were restored to office and dignities, even in the convents which had been handed over to the Spirituals by the preceding General. With the help of lay people, they expelled the friars of the Community from the convents of Narbonne and Béziers, reinstated their own superiors, and adopted a peculiar costume. (The adoption of a different costume was the rule with all sectaries in the course of the Order’s history). Their adherents in Provence hastened to these two convents so that their numbers mounted to 120. When they did not obey the commands of their lawful superiors, they were excommunicated and their convents were placed under interdict.

The newly elected General next tried mildness and offered them a full pardon. They answered with protests and appealed to the future Pope. When John XXII was elected, the Community brought their complaints against the Spirituals in Italy and France to him.

The Pope summoned the leaders of the Spirituals to him. This summons included Angelus and Ubertin. He also commanded that the apostates in Sicily should be pursued and that the rebellious friars in Provence should return to the obedience of their lawful superiors. The latter order had been given by a commission of Cardinals and went unheeded. Therefore in April 1317, John cited by name 62 friars from the convents of Narbonne and Béziers to appear before him. Two additional friars came of their own free will: one of these was the notorious Bernard Delicieux (Dulcino). The 64 friars arrived in Avignon toward evening about the feast of Pentecost 1317, marched directly to the papal palace, remained there the entire night and waited for an audience. The result of the audience was a very unpleasant surprise for them. The six speakers of the group were immediately imprisoned: the remainder were handed over to the custody of the convent at Avignon until the Pope should decide what he wished to be done with them.
In the meantime, Angelus was cited before the Consistory, where the Pope declared him to be excommunicated by reason of the writ of Boniface VIII and of the Patriarch of Constantinople from whose sentences he had never been absolved. Held captive in the house of a Cardinal, he wrote his Epistola excusatoria in which he acknowledged the actual pronouncement of excommunication, but explained that it was null and void since it was caused by the lies of his confreres. He and his followers, continued the letter, were persecuted solely because of their faithful observance of the Rule. He did not know whether the letter made any impression upon the Pope. Angelus seems to have been set at liberty again, and John hoped to terminate the whole conflict amicably by a new explanation of the Rule.

Ubertin received more lenient treatment than Angelus. Since 1313 he had probably been living in the house of Cardinal James Colonna at Avignon. When the Community made their complaints against him, the Pope on October 1, 1317, gave Ubertin permission to transfer to the Benedictines and freed him from all obligations towards the Order of Friars Minor. It is unknown whether he actually made the transfer. It is more than likely that the Benedictines denied him admission, convinced that he would be no asset to them. In later documents at any rate, he is designated only as an ex-Minorite, never as an ex-Benedictine.

After these measures had been carried out, the Pope published the Constitution, Quorundam exigit, on October 7, 1317. In this he expressly praises the explanations of the Rule given by Nicholas III and Clement V and affirms, in accordance with the precepts of the latter, that the superiors alone, acting with the advice of some approved friars, should make provisions for the quality of clothing and decisions concerning the necessity of cellars and granaries. All friars must submit to the decision without reserve. “For religion perishes if the subjects withdraw themselves from meritorious obedience.” The Spirituals must lay aside their narrow, short, and shapeless habits. The superiors on the other hand shall deal with them kindly and charitably, so that the unity of the Order may be once more completely reestablished.

With this papal pronouncement, the Spiritual movement was legally suppressed. John XXII also saw to it that the law was carried out. Most of the Spirituals of Provence declared themselves prepared to submit and they were then punished according to the laws of the Order. The 25 who resisted were handed over to the Inquisition which succeeded in bringing 20 of them back to obedience. The remaining five were handed over to the civil court. On May 7, 1318, four of them were burned to death at Marseilles; the fifth, who showed himself less obdurate, was sentenced to imprisonment (ad immurandum).

Angelus Clarenus evaded the law. Although he had hitherto always praised the Rule and the Testament as the norm of life for himself and his followers, and had always proclaimed himself a loyal Friar Minor, when commanded by the Pope to enter an approved Order, he explained that he already belonged to such an Order, the Celestines. Thereupon the Pope ordered him to don the habit of this Order and to live according to its Rule. Angelus readily promised this, but did not observe it. By the Constitution, Sancta Romana, published December 30, 1317, John suppressed the group, which called themselves Fraticelli, Brothers of the Poor Life, Bizzocchi, or Beghini. Several weeks later, by the Constitution, Gloriosam ecclesiam, he ordered strict proceedings against those Spirituals who had fled to Sicily and had there chosen an apostate friar, Henry of
Ceva, as their general. These men had established a formal Order with provincials and guardians, had founded houses in Rome itself. Angelus Clarenus joined them apparently in 1318, and took over their government as minister general. The Inquisition had to deal with these “religious” for a long time because there were many heretics among them and they were not free from immoral practices. Angelus himself managed to escape from the effects of these decrees, and governed his followers by letter until his death on July 15, 1337. Probably Angelus was also the man who prevailed upon Philip of Mallorca, brother of Queen Sancia of Sicily, to approach John XXII in 1331 with the request to be allowed to establish an Order, wherein the Rule and Testament of St. Francis would be observed to the letter without the explanations of the Popes. John refused the request. Later on Benedict XII also refused the petition, adding an allusion to the notorious heresy of the petitioner.

Little by little the society (of the Sicilian Spirituals) rid itself of undesireable elements and in the 15th century, it appeared as an independent congregation with the name of Clarenes (cfr. par. 26). But the less worthy brethren remained until late into the 15th century and were called Fraticelli. They stood in no relation to the Franciscans only in this that they stemmed from the Spirituals and later on apostates from the Franciscan Order as well as from other Orders enrolled among them. For the rest, the term, Fraticelli, itself is by no means strictly defined. It was applied in the course of centuries to entirely different societies, mostly of a very doubtful character.

**Paragraph 13**

*The Crisis of the Order under John XXII: 1321-1324*

The suppression of the Spirituals was a good thing for the Order. Had they gained the upper hand, the Order would have been ruined. They were fanatics. Their conception of the Rule was untenable. Indeed it can be doubted whether their conception of poverty was an honest opinion and not rather a disguise to camouflage their heretical and self-seeking endeavors. With the exception of a few Spirituals, as for example, Blessed Conrad of Offida, whose personal sanctity and earnest longing for the mode of life of the first Franciscans cannot be denied, we notice very little of the spirit of Francis. The spirit of Francis still attracts the admiration of the world. But the Spirituals saw in him only a fanatic for poverty. The rest of his qualities almost entirely escaped their attention. The majority of them overlooked the goal which the saint wished to attain: the conversion of the world by example and by preaching.

There is no doubt that the friars of the Community had the more correct view. They wished above all to develop a wide activity for the welfare of the Church and of the world. And that they did, as both enemy and friend testify. In order however to attain such a goal, they considered a further natural development of the Order necessary. Only by this development would such activity be made permanent. The Church allowed the friars to have residences and all necessary articles, and assumed the ownership of them. By the institution of procurators or syndics it made the indispensable business activities possible for the friars. The Order gratefully accepted this solution of the problem, because by it both the activity of the Order and the principle of poverty, abdication of all property, seemed to be assured. It can readily be understood that the friars strongly
emphasized this abdication of property since it was the distinguishing mark between the Friars Minor and other Orders.

The Dominican Order during the lifetime of its holy founder had also professed this abdication of common property (in communi), but for practical reasons had soon departed from it. The theoretical doctrine of the Dominicans changed with their change of practice. Thus in the beginning St. Thomas had defended the opinion: “It is more perfect and also more certain to possess no property even as a community, than the contrary.” Later on he taught: “That Order which has the greater poverty is not necessarily the more perfect, but the Order whose poverty is more adapted to its purpose.”

Opposed to this, the Minorites insisted all the more vigorously that the Rule of St. Francis, which forbids all property, was the highest expression of religious perfection, a perfection which had been practiced and taught by the Redeemer and the Apostles themselves. On this point, at least, the friars of the Community and the Spirituals agreed.

Outside the Order this opinion was not accepted, although Nicholas III, in the Exiit had unmistakeably defended it. John XXII did not share the opinion of Nicholas III. He was against the assertion that the poverty of the Friars Minor was the highest ideal and the faithful image of the life of Jesus and the Apostles.

Knowing this view of John XXII we may note with interest his treatment of Alvarus Pelagius. Alvarus was a Spiritual on the question of poverty, and was accused of this before the Pope. On the other hand, Alvarus, in his book De Planctu Ecclesiae, had vigorously defended the papal supremacy even in temporal matters. When the case was brought up, John not only did not condemn Alvarus but even made him a bishop.

In 1321, the Inquisitor, John of Belna, objected to the opinion that Christ and the Apostles possessed property neither in common nor as individuals. The friars appealed for his verdict. The question was referred to the Pope and to the Consistory. Some of the Cardinals upheld the Inquisitor’s verdict, others rejected it. John wished to open the question to free discussion. Therefore by the Constitution Quia nonnumquam of March 26, 1322, he abrogated the prohibition of Exiit which forbade the discussion of the question. The Pope requested the opinions of learned men, among whom was Ubertin.

Ubertin’s opinion was: Christ and the Apostles as private persons did indeed reject all property but as prelates of the Church they provided for the defrayal of necessary expenses by having possessions.

Other theologians gave more or less complicated explanations. All of these explanations preserve intact the actual poverty of Christ and his Apostles, which is very clearly mentioned in the Bible, but they sought to establish their right to property and the use of things.

In the meantime the Order, at the General Chapter of Perugia in 1322, had taken a stand on this all important question. In a letter to the Pope, the Chapter suppliantly requested that he publish no new Bull against the Order, since this must of necessity lead to the greatest unrest. It also decreed prayers for the Pope. Sad to say the Chapter did not stop here. In two documents, which were intended for the whole Christian world, the Chapter unanimously declare that it was sound and Catholic doctrine to believe that Christ and the Apostles possessed no property. To establish the correctness of this opinion, express reference was made to Exiit and to the praise which the reigning Pontiff
had bestowed upon this Decretal. John XXII indeed, in his Constitution *Quorundam exigit* had called the *Exiit*: “sanely written, learned, clear, composed with much care.”

The Pope was greatly incensed at this conduct of the Chapter. He answered with the Constitution, *Ad conditorem*, given out December 8, 1322. In this, after a review of the edicts of Gregory IX and Nicholas II, he said:

“Although these things were indeed decreed by our predecessor with loving care, still we have not noticed that they have benefitted the aforesaid friars but rather, in many ways, have wrought harm both to them and to others. Indeed the above-mentioned papal reservation could in no way aid these friars towards the state of perfection. For the perfection of Christian life consists primarily and essentially in charity, which is called by the Apostle the bond of perfection and which unites man in some way with his end. Contempt and even abandonment of worldly goods at the most can merely smooth the path leading to Christian perfection; and this can be effected only if, thereby, the worry and distractions which the acquisition and retention of the goods of this world entail, and which generally hinder the exercise of charity, are done away with. It follows therefore that if the same worries and distractions remain after the abandonment of these goods as before, then such abandonment is in no way an aid towards perfection.

“In the case of the abovementioned Order, it is certain that after surrendering all ownership, the members are not less anxious about acquiring and retaining possessions both in court and out of court, but are in reality even more anxious about such things than the other mendicant religious who possess goods in common. Experience forces this conclusion only too clearly upon all honest observers.

“That this abandonment of ownership has harmed the friars themselves is evident from the following. By reason of this abandonment these friars began to glory foolishly concerning the highest poverty, which they imprudently claim principally distinguishes them from all other mendicants, because they say they have only the bare use of things and not the ownership. If however they wish to pay attention to reality, rather than to words, and are willing to bow to the truth, as they should be, then having studied their manner of using possessions and the patience of the Church with it, they should say just the opposite, namely that the use of things by them is not bare, but that the ownership retained by the Church is very bare indeed.

“Who indeed would call him a bare user who is allowed to sell, exchange and give away the thing used? Beyond doubt these acts exceed the nature of bare use and are recognized to belong rather to the owner, than to a mere user, as these friars like.

“That they are not bare users of those things which are consumed by their use is even more evident because it is contrary both to law and reason that the *usus juris* or the *usus facti* should be separated from ownership.

“Nor does it seem to have been the intention of our aforesaid predecessor to reserve the ownership of such things to the Roman Church. For what sane man could believe that it was the intention of such a father to reserve to the Roman Church the ownership of that one egg, or that morsel of cheese, or crust of bread which are given to these friars? But if that was his intention, who will not see that this assumption of ownership by the Church was not real but merely verbal, not a genuine assumption but merely a legal fiction?”

The Pope develops this last thought at some length, whereupon he concludes:
“We therefore, having sincerely weighed the matters explained above and having been aroused by the cries of many, wishing to cope with such evils and at the same time to make provision for the consciences and condition of the friars as well as the honor of the Roman Church and the privileges of its prelates, rectors and other officials, upon the advice of Our brethren, We think that the Roman Church prefers to be deprived of so useless and so dangerous ownership.

“Whereupon by this decree from now henceforth forever We wish that the Apostolic See should have no right in the goods which henceforth shall be offered or shall accrue in any way to the aforesaid friars or Order. We also decree that the Apostolic See shall acquire no more of right either in these possessions or on account of the possessions which are acquired in whatever manner than it acquires either in the possession or on account of the possessions of other mendicant Orders.

“Moreover, We determine that for the receiving, demanding, seeking, defending or administering the aforesaid possessions, no procurator shall henceforth be appointed in the name of the Holy Roman Church or in the name of the Supreme Pontiff except by his express command and permission. Also, We revoke whomsoever has been constituted by whatever authority and We declare that such appointments are invalid and vain, if they shall be attempted by anyone.”

The answer of the friars to this decree was given in the appeal which the procurator, Bonagrata of Bergamo, at the command of the Order, presented to the Pope in the Consistory of January 14, 1323. This appeal is full of legalistic arguments concerning the right of property and use, and seeks to show that there is just as little contradiction in the abdication of property by the Order as there is in the abdication of property by a monk, who receives everything from the monastery without really owning anything. The friars find themselves in the same relation to the Church as the individual monk to his own monastery.

The document also strongly emphasized the example of Christ and his Apostles, the declarations of the preceding Pontiffs, and even the earlier statements of John XXII himself.

Only a short time ago, the appeal stated, John had incorporated in the Corpus Juris Canonici, the Decretal Exivi, which treats the question of poverty in the traditional way. Now however the Pope has given ear to the enemies of the Order and has made charges against it: some of these charges are untrue, others apply only to a few bad members. Convinced that the decree owes its existence only to these false accusations, Bonagrata appeals to the Pope and to the Church, to whose decision he will submit.

Bonagrata’s audacity in presenting such an appeal was immediately punished with a year’s imprisonment. The Pope, however, felt obliged to change the Constitution, Ad conditorem. In its changed form, it was again published under the same Arenga and with the same date. The more vehement passages were toned down considerably.

A part of the Order – the members who had previously been laxists with regard to poverty – now completely forsook the earlier tradition, acquired more and more landed property, yearly incomes. These friars also personally undertook the administration of this property. This was, practically at least if not legally, the birth of Conventualism.

Other friars wished to hold at least to the theory of the abdication of property and to leave the question of ownership unsettled.
The appointment of syndics was soon stopped, although these were still permitted to take care of immovable goods obtained up to this time. At least this interpretation was in accordance with a strict adherence to the letter of the papal decree although the decree could also be understood in a different way.

On November 12, 1323, the Constitution *Cum inter nonnullos* appeared. This condemned as heretical the opinion that Christ and the Apostles had possessed nothing either individually or in common, but had only the *simplex usus facti* of property.

With regard to this Constitution, it must be noted that the Pope did not deny the poverty of Christ. Many of the friars did not grasp this fact at that time. The result was that they felt justified in accusing the Pope of heresy. Their reaction to the Constitution should have been something like this: - Christ and the Apostles led a very poor life. Therefore they are the models of Franciscan poverty. But Christ and the Apostles did not quarrel about the notions of *dominium, usus juris, and simplex usus facti*. Therefore these terms should not be used when we are discussing their poverty.

In the light of history, it is easy to understand why this error in interpretation took place on the part of these friars. The Order wished to observe in principle the absolute abdication of poverty desired by Francis. In practice it could do so only by means of the transfer of property to the Holy See and through procurators. As long as these procurators were appointed by the Pope and were independent of the friars this method of observing Francis’ ideal of poverty could be defended. But when Martin IV made the procurators entirely dependent on the friars, there was no longer any reason for them to glory as if their poverty were so much more perfect than the poverty of other mendicant Order. But some of the friars did brag excessively; this did not please the other Orders who finally gained their victory under John XXII.

The logical conclusion for the friars of John’s action should have been: the Order remains today as before faithful to its ideal, which is the imitation of the poor, apostolic life. The complete abdication of property is not essential for that. The Order therefore will accept what it needs, residences and the necessary movable goods, just as other poor people do and now as previously will rely on the providence of God for the daily necessities. We will not be anxious about temporal things for this is neither evangelical nor Franciscan.

Instead of this, however, while one part of the Order conformed to the Constitution *Ad conditorem*, and remained loyal to the earlier tradition, another part completely lost heart for its former ideal.

**Paragraph 14**

*The Crisis of the Order (continued): 1324-1334*

The latest edict of John XXII had caused intense agitation in the Order. Still the great majority of the friars obeyed when the General, at the Chapter of 1325, requested the Order to speak of the new decisions only with moderation and reverence. A minority however in all countries stubbornly clung to the opinion that the Pope was guilty of heresy, even if they drew no further conclusions. Some few openly advanced their views: others went over directly to the enemies of the Pope in order to be able to fight him more successfully.
About this time, John XXII had taken his position in the quarrel concerning the rightful king of Germany. The Pope’s position was highly unpopular in Germany and as a result, great harm was done to both the Papacy and the Empire.

Louis of Bavaria, the victor in the fight for the crown, protested against the measures of the Pope in the Nürnberg Appellation of December 8, 1323. He also accused the Pontiff of remissness towards the Friars Minor who had violated the seal of confession. No proof of this accusation was ever brought forth, although the accusation was made frequently. The Pope himself took no notice of it, which is an argument in favor of the friars since during these years the Pope was not very exact in checking the basis for his reproofs of the Order.

In the Sachsenhausen Appellation of May 22, 1324, Louis speaks in an entirely different strain. In this document, the friars were defended and the Pope was charged with heresy because of his decree concerning poverty. The entire contents show conclusively that the friars had a hand in its composition. Passages from the writings of Olivi and from the appeal of Bonagratia are cited. These writings could only have been communicated to the king by the friars. One is immediately forced to think of the friars of the upper German province. The provincial of the province, Henry of Thalheim, had signed the encyclical of the Chapter of Perugia in 1322. A fanatical Spiritual, Francis of Lautern, who made no secret of his enmity for the Pope, was a member of this province. Perhaps Ubertin of Casale had also fled to the king by this time. This is conjecture however because Ubertin disappears entirely from history after his unauthorized departure from Avignon.

The Sachsenhausen Appellation must have enraged the Pope beyond measure. As an answer, he released the Constitution *Quia quorundam* of November 10, 1324. He takes up most of the objections advanced against him, dealing particularly with the accusation that he had contradicted the explanations of his predecessors. He condemns as heretics the opponents of the Constitution *Cum inter nonnullos* while the opponents of *Ad conditorem* are branded as rebels against the Roman Church. Within the same month, the Pope sent his four last decisions on poverty to the most important universities. These decisions, like the other decretals, were to be read in class.

The indignation of many of the friars against John XXII was not diminished when the Pope in 1326 condemned Olivi’s book of homilies on the Apocalypse, although the Community had frequently requested this action. The proximate cause of the condemnation at this time was, to all appearances, the connection of this book with the Sachsenhausen Appellation.

In 1327, the General, Michael of Cesena, was cited to Avignon because of his suspicious position regarding poverty and because of his secret understanding with King Louis. After Michael arrived in Avignon, the Pope received him at first graciously and demanded only that he should depose some provincial ministers apparently because these had opposed the papal decrees.

Soon John assumed a sterner attitude and reproved the General because of the resolution passed at the Chapter of Perugia in 1322. Michael thereupon opposed the Pope openly, and in the presence of several trusted friars, he read a complaint which clearly showed that he had never submitted inwardly to the ordinance of the Pope.

When the Pope heard this, he determined to replace Michael as General and forbade him to take part in the General Chapter of Bologna in 1328. Cardinal Bertrand
Poyeti was sent to the Chapter as praeses, and he had orders to see that a new General should be elected. But the General Chapter rejected this papal demand and confirmed Michael in office. Before the news of this action reached Avignon Michael, despite the prohibition of John who had initiated a process against him, fled together with the equally threatened friars, William of Occam and Bonagrata of Bergamo.

They hurried to King Louis with whom they henceforth made common cause against the Pope. This benefitted neither the Order nor the King.

In the meantime, Louis had marched into Italy and in Rome had set up an antipope in the person of the friar, Peter Rainalducci of Corbara. The pseudo-pope took the name, Nicholas V. He was crowned May 12, 1328. Shortly after the departure of the king, Nicholas’ position became so hopeless that in 1330 he cast himself at the feet of John XXII. John granted him full pardon, and he remained in honorable captivity at Avignon until his death in 1333.

The conduct of the General Chapter at Bologna showed the Pope that the leaders in the Order were in sympathy with their General. Michael had meanwhile grown more insolent. When the Pope commanded him to return to Avignon, he refused, saying that he saw in John an unjust persecutor of the Order, who was guided more by his feelings than by reason.

In order to check the ever increasing danger, John deposed the General on June 6, 1328 and excommunicated him together with Bonagrata and William of Occam. Then he appointed Cardinal Bertrand de Turre, who had been a member of the Order, vicar general until the next General Chapter.

Not even half of the provincials were present at this General Chapter of Paris in 1329 where Gerald Eudes (Odonis) was elected General. Eudes was a friend of the Pope. Already at the Chapter of Lyons in 1325, he had recommended the abrogation of the prohibition against money. His proposal was unsuccessful due to the opposition of the General and many others.

Despite the new election, Michael still acted as General and refused to surrender the seal of the Order. He was also greatly esteemed outside the Order so that many princes went to the Pope to act as mediators in the quarrel. These attempts however were just as unsuccessful as were the numerous appeals of Michael and his followers. In one of these the ex-General charged the Pope with tolerating the apostates and other undesirable elements of different Orders in Avignon, where their calumnies against the Friars Minor had influenced the Pope to formulate his decrees against the Order.

To quote Michael’s own words: “Likewise it is very well known at the court of Avignon that the lord John, the heretic, favored, supported and advanced infamous men, apostates and even heretics who are willing to malign the condition and Order of Friars Minor. He has granted them favors and benefices and in many and diverse ways has induced and aroused them to slander the state and community of that Order. These slanders and blasphemies he has listened to and made his own and in his consistory he has forced them to be read and published and to be preserved in the documents of his curia to defame the Order. One specimen is Thomas of Braucestonia … other specimens are simply foul-mouthed scoundrels … In brief, every filthy apostate and heretic has access to the lord John if only he is willing to defame and malign the Order and community and by such vile lies find favor and encouragement in his eyes.”

In another passage, Michael writes against the new General, Gerard:
“In that friar Gerald and in his followers is fulfilled the inspired prophecy of blessed Francis: ‘Woe to those who, trusting only in the appearance of piety, shall grow lukewarm and shall not resist in the times permitted by God for the trial of the elect.’ That friar Gerald writes or had one of his followers write these lying words: that the lord Pope thinks that our Rule and ideal in themselves are holy and salutary way of life; and yet that is the same lord Pope who by his heretical decrees pronounces and asserts that our Rule and ideal is neither a Rule nor a life according to the Gospels but contrary to the life and teaching of Christ and the holy Gospel. Indeed he openly asserts that it is heretical to say that Christ and the apostles did not have property nor the ownership of temporal goods either individually or in common. Then contradicting himself the same friar Gerald within a few lines writes: ‘the lord Pope thinks that our way of life is not in accord with the laws for regulars nor with the papal enactments and hence the Pope urges that we should seek some other good manner of life!’ If our kind of life differs from the laws for regulars and from the papal enactments and therefore he is urging that another salutary mode of life should be chosen, then we must conclude evidently that the former manner of life which has been observed up to this time by many holy fathers, was neither salutary nor lawful, but, on the contrary, unlawful and harmful. And in order that they may choose a mode of life different from that which has been observed to this time by the holy fathers and brothers of the Order, friar Gerald commands that his followers shall convene on the feast of Pentecost at Perpignan. He says he does this at the command of the same lord John, whom he calls most holy Pope…”

John XXII answered the charges of Michael in the very long document Quia vir reprehens of November 16, 1329. In this Constitution, John repeated his earlier declarations concerning poverty, and referred to the universal dominion of Christ as the justification for his stand.

Many more works opposing the Pope were written by Michael and his followers as a result of this Constitution. One of these was addressed to the friars assembled for the General Chapter at Perpignan in 1331. This was signed also by Henry of Thalheim, Francis of Ascoli, Occam, and Bonagratia, all of whom were residing with the ex-General at Munich. In this letter Michael rejected the command given him that he return to the Church and the Order because “he had never fallen away from them in the first place.” He also warned the Chapter to guard against any changes in the Rule.

The rumor that the General was contemplating some changes in the Rule had been widely spread throughout the Order so that, at the request of friars faithful to the Rule, very many royal personages sent letters to the Chapter with the urgent request not to yield to any changes. Queen Sancia of Sicily in particular, a bitter opponent of the General Gerald and a faithful follower of the deposed Michael, wrote about the Rule as if she had never heard anything about the latest decrees of John XXII.

Gerald was not intimidated by these letters. He had his predecessor expelled from the Order, and he renewed the suggestion made at Lyons concerning the prohibition of money. For this however he failed to gain the vote of the majority. The Chapter on the contrary passed the decree that no General and no other superior could accept a privilege contrary to the poverty of the Rule.

Nevertheless the General won 14 provincials over to his side. This minority formally requested the Pope that he should recall all papal explanations since they cause only bewilderment anyhow, that he should empower the provincials to dispense from the
precepts of the Rule, and that he should allow the handling of money as much as possible. John was not unfavorable to this petition, but he saw the opposition of the Chapter and some of the cardinals began to have misgivings about granting the request, lest he should stir up new tempests. Still it leaves us room for reflection when we see how, at the end of the period devoted to explanations of the Rule, the complete abrogation of all such explanations is demanded by two entirely opposing parties, the Spirituals and the laxists.

Gerald now as before remained in favor of the Pope. He also defended John’s opinion concerning the beatific vision, according to which the dead only come to the full vision of God at the last day. The General here also was openly opposed by his brethren. In the same manner, men outside the Order so strongly opposed this opinion that John retracted his private view shortly before his death and issued this statement: “All the aforesaid teachings and everything else said and preached and written by Us on whatever subject … We submit to the determination of the Church and of Our successors.”

The rebellion of the “Michaelites” was certainly not condoned by this statement. The later fate of these men has no bearing on the history of the Order. Michael died November 29, 1342. Whether he was reconciled with the Church is not known. The same holds true for Bonagrata, whose death occurred probably in the year 1343. Both were buried in the Franciscan church in Munich. Occam likewise is buried in the same church. He died at peace with the Church in 1349 after he had handed over the seal of the Order to the rightful General. Thus the schism in the Order was ended, although traces thereof still appear in the next decades.
Section 3
Development of Conventualism.
The Observants unite against Conventualism: 1334-1430

Paragraph 15
Notion and Causes of Conventualism

“Conventual” originally was merely the adjective of Convent. “Convent” was used to designate either the house of the Collegiate Chapters or of communities in an Order, or the number of religious in the convent. Thus early in the Minorite Order, the larger residences were called convents in opposition to the hermitages. Innocent IV (Cum tamquam veri, 5th April 1250, confirmed 21st August 1252) first called the churches of these convents “Conventual” when he granted them the privileges of Collegiate or Conventual churches, for example, the right to preserve the Blessed Sacrament and the right to take charge of burials.

From that time on, the friars distinguished between Conventual churches and non-Conventual churches; at times also they drew the distinction between Conventual friars (Fratres conventuales) and non-Conventual friars (Fratres non-conventuales) according as they dwelt in the larger houses or only in hermitages. Each friar was “conventual” to that house to which he belonged, “non-conventual” with regard to all other houses in the Order. The word had no further significance for several centuries.

It first acquired a further significance in the course of the 15th century. At that time two parties existed in all Orders, especially in the Mendicant Orders. Of these parties the more lax was called Conventuals, because the friars of this party usually dwelt in the larger houses, the loca conventualia with the ecclesiae conventuales. The stricter friars, the so-called Observants, lived at first in the hermitages and smaller houses.

The origin of these parties goes back to the 14th century. As the differences between the parties became ever more marked with the course of time, increasingly more sincere efforts were made to bring the Conventionalitas back to the “regular observance”. The Dominicans, with the help of Pius V, succeeded completely in eradicating Conventualism; but this was not true of the other Orders. The proponents of the milder rule of life in these Orders had the customs, acquired in the course of time, legally approved insofar as they were compatible with the life of their Order in general. Thus they formed congregations which were lawful, but were separated from the Observant branch.

One big difference between the Observants and the Conventuals in the Order of Friars Minor lay in their view of the poverty of the Order: the Observants adhered to the abdication of property “in common” and renounced all fixed incomes and landed estates, while the Conventuals permitted common possession, incomes, and estates. But, in the 15th century especially, the difference consisted not only in the question of poverty, but much more in the general discipline of the Order; this had been relaxed to a great extent among the Conventuals. Herein lay their chief weakness and at the same time the chief reason for the success of the Observants in winning the good will and sympathy of the clergy and the people. But we should not overlook the fact that there were numerous
excellent men among the Conventuals just as we also meet bad elements among the Observants.

Now what were the causes of Conventualism? They are essentially the same in all Orders except that for the Franciscan Order the conflict concerning poverty is to be assigned as the first cause in the order of time. Although the Pope had permitted the main ideal of the Order (lack of property in common) to remain at least in essence, all his decrees showed an unmistakable aversion for it. Moreover, by the restriction of the Syndics, he had forced the friars to take care of a number of temporal goods, and even to appoint friar procurators. The efforts under the General, Gerard, are a further proof that a considerable portion of the Order wished to go even farther along the road of relaxation.

How all this affected the friars is shown by the fact that at this time the number of transfers to other Orders increased beyond all expectations. True the great strictness of the Order was usually alleged as the reason, but in truth the cause for the increase of transfers was dissatisfaction with the former ideal, against which so much had been said by the highest authority. It is evident that the less worthy and more lax friars in the Order, always present in a religious community, more lax especially in the observance of poverty, must not have increased in number and influence due to the events of the last decades.

The fight between the Pope and the King had also harmed the Order, especially because of the interdict placed upon all those provinces which adhered to the King. Many who wished to observe the interdict, were forced to leave their cloisters and the rest lived at war with their consciences. Some of the Minorite monasteries in Germany chose this way out of the difficulty: they left a few friars in the convents who conducted no divine services, while the rest wandered from city to city. This make-shift must have affected the discipline of the Order unfavorably.

The Black Death, the plague which ravaged Europe about 1348 and inflicted untold suffering, did even more harm to the Franciscans. The Order lost about two thirds of its members at this time. Since the number of residences increased rather than diminished in the years following the plague, the friars sought to fill in the gaps as quickly as possible. Numbers were sought and not much attention was paid to fitness. Men without a vocation and boys who had barely passed the age of childhood were rushed into a habit. Such lack of judgment in accepting candidates always leads to the certain ruin of an Order. The mendicants, who up till now were esteemed by all, more and more fell into disrepute.

Another consequence of the large death toll was the increased wealth of the remainder. This too was a disadvantage to the Order.

Adding to all this suffering and confusion were the everlasting wars in many lands, especially the 100 years’ war in France, which dissolved all bonds of discipline and order.

To fill up the cup of misfortune, the schism in the Church, lasting almost 40 years, now broke out. During this unfortunate quarrel, members of the same Order were forced to adhere to different Popes whether they wished to or not, and were forced to obey different Generals and Provincials. Party affiliations were changed frequently and often for the best motives of self-interest. In order to hinder the transfer of their subjects to another obedience, the superiors very readily made concessions which ruined the discipline of the Order.
All these factors led gradually to a decay of discipline and furthered the advance of Conventualism. Efforts to uproot the evil were made everywhere, but all such efforts were bound to fail as long as the causes of the evils flourished unhindered. The better elements longed for a reform, that is, for the re-introduction of the regular observance. Some of these earnest men believed their aim could most effectively be attained only by a separation from the Community. So they erected reform convents in the various countries. These gradually united and opposed the unreformed part of the Order.

Paragraph 16

The Generals up to the Western Schism.
The Constitutions of Cahors and Farinier: 1334-1378

Pope Benedict XII had formerly been a Cistercian monk. He gave new Constitutions to the friars as well as to the Benedictines. The General Chapter did not take part in the preliminary discussions as heretofore. The preliminary work was done by a few friars, among them the General. The Constitutions were published November 28, 1336 by the Constitution *Redemptor noster*. They are known by two names: *Constitutiones Benedictinae*, because they had been given by Benedict XII, and *Constitutiones Caturcenses*, because at the command of the Pope, they were to be accepted at the General Chapter of Cahors in 1337.

These Constitutions occupy a singular place in the history of the statutes of the Order. They had absolutely no consideration for the historical development of the Order and hence they were more applicable to the old Orders of monks than to a mendicant Order. They do not follow the Rule, but begin with the obligation of choir service, which had been mentioned only incidentally in previous statutes. Then follow definite precepts concerning silence, the introduction of books to record the deeds of benefactors, the enclosure and dormitories, together with important decrees on studies and on the constitution of the Order (chapters 3 and 4). There is no mention of any insistence on poverty or the prohibition of money, but there is mention of total abstinence from meat in the refectory.

Dissatisfaction with the new Constitutions was expressed already at the Chapter of Cahors, where many of the friars demanded the deposal of the General. This could not be effected since the Pope favored him.

But when Benedict XII died in 1342 and his successor, Clement VI, created the General Patriarch of Antioch, the Chapter of Marseilles in 1343 decided to reintroduce the old Narbonne Constitutions with some amplifications. The new General, Fortanerius Vassalli, had collaborated on the Benedictine Constitutions but now he was obliged to bow to the will of the Chapter, and to seek a dispensation from the Pope from some points regarding the organization of the Order (paragraph 39).

In 1348, after Fortanerius, because of his election to the Archiepiscopal See of Ravenna, had surrendered the government of the Order to William Farinier, a new revision of the statutes could be attempted. The General proposed this revision to the General Chapter of Assisi in 1354. The Constitutions were named in honor of the author, *Constitutiones Farinerianae* or *Constitutiones Gulielmi*. Both in contents and in form these Constitutions imitate closely those of St. Bonaventure. They decree the more
frequent reading of the decrees on poverty as contained in the decretals, *Exiit* and *Exivi*, but ignore entirely the contradictory decrees of John XXII. It is regrettable that these decrees were not annihilated by this silence. Only the first Constitution of John against the Spirituals is cited, but at the same time, a benevolent attitude towards the friars who wish to live according to a stricter observance is enjoined upon the superiors. For the rest, the Constitutions show that the common life in the Order had greatly declined. Depositing of money is conceded to the individual friars under certain precautions, and in many cases the friars are explicitly advised to have recourse to their friends. Only when this fails must the superior provide the necessary article. The control of movable goods was to all appearances placed entirely in the hands of the friars and of the friar procurator chosen from among them. The duty of hospitality is enjoined, especially towards the Dominicans, who should be received as the friars of our own Order. In conclusion, all preceding Constitutions are abrogated.

This decision however could not apply to the Benedictine Constitutions because they were a papal ordinance which the Order could not annul without papal permission. Consequently we find the Constitutions of Benedict XII cited much more frequently in the next century than the Constitutions of Farinier. The Chapter at Montpellier in 1446 issued the surprising decree that the friars (Conventuals) were bound by both the Constitutions of Benedict and the Constitutions of Farinier.

Among the Memorials of the Chapter of Assisi is found a decree against the Episcopelli, as those friars are called who by their ambition had obtained the Episcopal see. Since by their life they contribute only to the defamation of the Order, they should not be admitted into the residences of the friars. Moreover, no companion from the Order may be given to them as to other prelates who wish such a companion.

Farinier was made Cardinal in 1356 but was obliged to govern the Order until the election of his successor, John Bouchier. Bouchier died after only a year in office and Farinier again took over the government of the Order as vicar general until the General Chapter of 1359, which elected Mark of Viterbo. With this election was realized a long-desired wish of the Italian friars who feared that the generalship might become hereditary with the friars of Aquitaine since the last four generals had been elected from among them.

After a richly blessed activity as an apostle of peace in Italy, Mark was created Cardinal in 1366. Contrary to previous custom, Mark did not continue to govern the Order until the next General Chapter. The government was taken over by the Cardinal Protector, Nicholas of Bessa, who did not even belong to the Order. The reasons for this unusual procedure are not yet clearly known.

With the Protector of the Order as praeses the Chapter of 1367 elected Thomas of Frignano General. Shortly after Thomas’ election, the famous Cardinal Albornoz, a great patron of the Order, died. He had provided for his burial in the convent at Assisi, and the whole Order, at the command of the General, was obliged to hold obsequies for him. Within a year, Thomas became the victim of calumnies of which we know nothing beyond their existence. Because of these lies, he was suspended for a year and a half by the Pope. When he had proved his innocence, he was reinstated. In 1372, Thomas was called to the Patriarchal See of Grado and in 1378 he was raised to the rank of Cardinal.

His successor, Leonard de Rossi of Giffone, was elected at the Chapter of Toulouse in 1373. Gregory XI, imitating the custom of earlier Popes, sent a letter to the
Chapter. It contains a message of appreciation for the services of the friars, but at the same time gives various solemn admonitions. The Pope deplores the many “dissensions and scandals” in the Order, and forbids under pain of excommunication any illegal intrigues in the election of the General. These words are of special importance because Gregory X was a particular friend of the Order. Later on he even assumed the protectorate over it and praised its activity very highly.

In another letter to the same Chapter, the Pope insisted upon the cessation of an abuse which had sprung up recently that the General appointed as his representatives in various places men who did not even belong to the Order, for example, Cardinals or Bishops. The Pope also forbade the friars to have recourse to the Cardinal Protector in any private matter, and similarly he forbade the Protector any interference in the government of the Order. How he regarded the question of poverty is shown by a letter to the Custody of Barcelona in 1374 in which he concedes indeed to the friars the acceptance and the legal collection of legacies, but especially remarks that any movable goods accruing to them must be sold immediately and only the proceeds are to be distributed for the necessities of the friars. In order to carry out the reforms more effectively, Gregory gave the General extraordinary powers of replacing unfit provincials and of transferring friars who caused discord to some remote provinces. It is unfortunate that this Pope died already in 1378 shortly after his return to Rome. With his death a terrible trial befell both Church and Order.

Paragraph 17

The Order during the Schism: 1378-1417

In the year 1378, Urban VI was legally elected in Rome. But the great majority of the cardinals were soon so dissatisfied with him that in the same year they elected a new Pope, Clement VII, who again took up his residence at Avignon. The schism was continued because the cardinals of both sides always convened again for a new election after the death of their Pope. Thus after Urban VI, there followed successively Boniface IX, Innocent VII, and Gregory XII. Clement VII had only one successor, Benedict XIII. Without doubt the Popes residing in Rome were the lawful Popes. But because of the proceedings of the cardinals, minds at that time were so puzzled that even the best were not certain who was actually the true Pope. This uncertainty lasted long after the schism itself, so that later on the Popes ruling during this troubled period were considered as of equal worth, and designated simply as Shepherds in the domain of their obedience (in obedientia sua sic vocatus). The case was similar with the General superiors of the different Orders. Now we know for certain which side possessed the lawful succession, but at that time one General was considered as valid in his obedience as his opponent was in his obedience.

When the schism began, the General Leonard was up against this question: which of the two Popes would he follow as the lawful successor of Peter. As a Neapolitan, he decided in favour of Clement VII, probably induced to do so by the queen, Joanna of Naples, who had gone over to the side of the same Pope. France, Spain, and Scotland also belonged to the Avignon obedience, while the other countries for the most part remained true to Urban VI. But we meet provincials of Genoa also, and Milan and upper
Germany who acknowledged the Avignon Pope. In such provinces, conditions were deplorable because provincials from the same region with their followers stood opposed to one another, and this necessarily was bound to lead to a dissolution of all discipline. Clement VII very soon raised the General who had come over to him to the dignity of a Cardinal which he, as it is said, had already been offered earlier by Urban VI, but had refused. In the following year, Leonard summoned his followers, that is, the Avignon obedience of the Order, to a General Chapter at Naples, where Angelus of Spoleto was elected as his successor. After the death of this friar in 1391, Clement VII appointed John de Chevegneyo General and when he died the Chapter of Avignon in 1403 elected John Bardolini, a friar zealous for reform. This general, Bardolini, was still exercising his office over a limited following in 1417.

Urban VI, enraged at the defection of the General, deposed him and appointed Louis Donatus as vicar general. Louis was elected General at the General Chapter held at Gran in Hungary in 1379. Only twelve provinces were represented at this Chapter. The rest of the provinces either supported Clement VII or vacillated between the two Popes. The Chapter commanded among other things, the appointment of worthy friars who were to prepare Constitutions to rid the Order of abuses. At each General Chapter there was to be a consultation concerning the reforms of the Order. This meeting was to take place on the Tuesday after Pentecost. The General was given the right to dispense from the General Statutes.

When Louis became cardinal in 1381, he continued to govern the Order for two more years as vicar. In 1385, together with some other cardinals, he was executed by Urban VI because they were suspected of conspiracy against the Pope.

Peter of Conzano ruled for only one year when he was succeeded by Martin of Sangiorgio who died in office three years later. A longer rule – 18 years – was the lot of Martin’s successor, Henry Alfieri. He labored earnestly in numerous Chapters to renew the discipline of the Order which had suffered greatly during the Schism. The Popes of both obediences, in order to hold their followers, had been lavish in the bestowal of personal favors of all kinds, and this was dangerous to discipline in the Order. True the Popes sought to curb the evil by declaring the grants of their opponents invalid, but this was not effective. The worst privileges were those which more or less freed the subjects from obedience to their superiors, - and, for the friars, those privileges which assured individuals of incomes which were to go to the convent after their death. Once this bad example was given, it is only natural that many imitated it even without such a privilege. Many superiors in the Order were also remiss in the fulfillment of their office. This is clearly shown by the repeated deposition of provincials by the General and from the complaints of the esteemed contemporary Bartholomew of Pisa. His book, Liber conformitatum, was approved by the General Chapter of 1399 and the author received a habit of St. Francis as a reward.

The reintroduction of syndics, such as Martin IV had permitted, also occurs during the Generalate of Alfieri. At least on February 16, 1395, Boniface IX renewed the brief of his predecessor, with this remark which may have a twofold meaning: “But b this we wish that no new right be acquired by you, but only that the ancient right be preserved” (Per hoc autem nullum jus vobis volumus de novo acquiri, sed antiquum tantum conservari). There is no mention of the abrogation of the contradictory decree of John XXII. But this decree was annulled in a brief of the same Pope, written November
24, 1395, in which he permits the upper German province to reappoint syndics as intended by Martin IV, with the express remark however that this favor should have no value for the other provinces of the Order.

The Chapter at Munich in 1405 elected Anthony of Pireto as General. He soon had to face a difficult problem. In order to restore unity to the Church, the cardinals of both obediences assembled at Pisa in 1409, deposed both Popes and elected the friar, Peter Philargi of Crete. Peter took the name of Alexander V. Learning, friendliness and unbounded charity towards the poor were his distinctive traits. He was wont to say that as bishop (of Milan) he had been rich, as cardinal he had been poor, but as Pope he was a beggar. Among Alexander’s official acts, his brief of December 31, 1409, is of importance for the internal history of the Order. By this brief he permitted to some French monasteries the acceptance of pious bequests which hitherto had been forbidden. But he expressly excluded the acceptance of landed estates. After his short and unjustly defamed pontificate, the cardinals elected John XXIII. Both of the “Pisa Popes” were, in theory, unlawful, because the Council could not proceed in that manner against the will of the rightfully elected Gregory XII. But this situation was so complicated that by far the greatest part of Christendom unhesitatingly acknowledged the Pisa Popes as the lawful rulers, as that they can not be placed on the same level with the other anti-popes. Since Gregory still had some followers in Germany and Italy and Benedict XIII had at that time not yet been forsaken by Spain, in reality three Popes reigned in the Church after 1409.

The necessary consequence of this multiplicity of papal claimants was that the Order soon had three Generals. When Anthony of Pireto placed himself on the side of the Council of Pisa, he was deposed by Gregory XII, but under the protection of the Pisa Popes, he continued to rule over the largest part of the Order. The vicar general, Angelus Salvetti, appointed as ruler of the Order by Gregory, seems to have transferred soon to the obedience of the Pisa Popes, whereupon Gregory appointed Anthony of Cascia General in 1410. Anthony was probably able to govern until 1415, although he had only a few provinces under him. Theoretically Anthony was the lawful General, but practically Anthony of Pireto and not Anthony of Cascia was considered as General in most countries. Spain remained faithful to the General Bardolini for some years. Since all three superiors held General Chapters, and deposed the followers of the other obediences wherever possible, the confusion in the Order became immeasurable. In order to lessen this confusion to some extent, the Chapter at Rome in 1411, held by the majority of the Order under Anthony of Pireto, commanded that all the ordinances given out by the various obediences during the schism should be annulled. But the command had little significance since the schism still continued for some years, till the Council of Constance (1414-1418). This Council, which John XXIII had assembled at the insistence of the emperor Sigmund, finally restored order. Gregory XII willingly resigned in 1415, the two other Popes were deposed. Martin V, chosen November 1417, began to rule the Church as the sole Chief-Shepherd “amidst the universal rejoicing, that men could hardly speak for joy.” With this, unity was also restored to the Order, since Bardolini had just as few followers as Benedict XIII.

The Council of Constance, in which the General with thirty-three doctors of theology took part, concerned itself with many of the affairs of the Order. Besides the important decree concerning the recently constituted Observance in France (cf. paragraph
20), it quite frequently discussed the teachings of the friar, Jean Petit (Joannes Parvus: died 1411), doctor at Paris, who had defended tyrannicide, if not absolutely, at least conditionally. The University of Paris had condemned the doctrine but, despite all the efforts of its chancellor, Gerson, at the Council, it did not succeed in having its sentence confirmed by the Council.

Paragraph 18

The Reform Movement in Italy up to the Council of Constance

As already shown, efforts were not lacking within the Order to eradicate the abuses which had crept in. Lasting and general effects however, were not to be expected from these efforts as long as the causes, which the Order could not abolish, continued to exist. Thus the results remained limited to single houses, and perhaps only to single friars. Such zealous religious were found everywhere. Outside of these “Observants”, there were others who, in the course of the 14th century, came together in reform houses. These centres of reform, however, were not uniform in organization and did not at all times have the same purpose. Some contented themselves with a heremitical life apart from the community, others wished to influence the Order and to reform it by their example. The reformed friars of the 14th century cannot, therefore, be completely identified with the Observants of the 15th century. In fact, they only prepared the way. They were the elements upon which the later Observance built. This is true above all of the reform residences in Italy.

Here already in 1334, John of Valle, had obtained permission from the General of the Order to take possession of a hermitage with four friars and there to observe the Rule in its primitive severity, without the papal declarations. They chose the little convent of St. Bartholomew de Brugliano in the vicinity of Foligno, also called locus Pistiae. John lived there under the obedience of the ordinary superiors until his death in 1351. According to Marian of Florence, John was advised in his activities by Angelus Clarenus. This is quite possible. A new schism might have resulted from the separation of John and his companions. Hence Clement VI in 1343 commanded the General to grant no exemption, not even the slightest, to the friars who ostensibly wished to observe the Rule literally. The same Pope surprisingly acted in an entirely different manner towards the lay brother, Gentilis of Spoleto, a companion of John, who had gathered a large number of friars around him. In 1350, Clement permitted them to occupy four hermitages, among them Le Carceri near Assisi, with 12 friars who wished to observe the Rule in its purity, as Francis had given it. He gave them the right to receive novices, and practically exempted them from the jurisdiction of the provincial. Privileges, here as so often, were their ruin. They adopted a peculiar garb, shorter and narrower habits, and they were very injudicious in acceptance of apostates and even heretics as new members. These were perhaps Fraticelli who, under the protection of the papal Brief, wished to attain their old goal. The Order consequently opposed this new group at the Chapter of Assisi in 1354, with the result that Innocent IV, in the year 1355, revoked the enactments of his predecessor. Gentilis, with some other equally guilty members, was imprisoned and his society was dissolved. The good elements returned to the obedience of the superiors and continued their strict life of penance unmolested.
Among these latter was the lay brother, Paul Trinci (Paoluccio Vagnozzi Trinci da Foligno) who, in 1368, at the intercession of his relative, Ugolino da Trinci, received permission from the General once more to go to the solitude of Brugliano with some companions. There, in very great poverty, these friars led an exceedingly strict life, rendered more severe by the many snakes around the solitude which caused them much trouble. As a protection against these reptiles, they wore wooden shoes (calepodia, zoccoli) and thus inaugurated a style which was to continue for a long time in the family of the Observants. This feature won for them the name, Zoccolanti, or Lignipedes. But not all could imitate the severity of their leader. Many returned to their convents. Sometimes Paul had only one companion, and sometimes he was completely alone. But his perseverance and his earnest striving aroused admiration, and by and by he attracted other friars who remained. Brugliano had to be enlarged and soon one residence was no longer adequate. By the year 1373, they already occupied ten little houses to which number St. Damian near Assisi was soon added. All this took place with the consent of the General of the Order although in the beginning some provincials and custodes jealously persecuted the movement. Gregory IX, in the year 1374, took these adversaries sternly to task. From the Pope’s words on this occasion we learn that these friars observed the Rule \textit{ad litteram}. Whether this expression is to be taken in the Spiritualistic sense or, in other words, whether they wished to observe the Rule without the papal declarations, is more than doubtful. To all appearances, this term meant the strict observance of the existing precepts as opposed to the widespread laxism. The conduct of Paoluccio and of the Superiors of the Order favor this interpretation. Paul sought papal privileges, wore the habit of the Community, accepted permanent residences without quibbling about the question of the right of property, and above all fought successfully against the Fraticelli, who pretended to be the true sons of St. Francis. The superiors on their part, after their initial prejudices had been dispelled, saw in the reformed friars no separate party, but friars of their Order, imbued with greater zeal for the \textit{Regulares Observantia} than the others. Consequently without any further ado, the friars from the residences of Paoluccio could be placed in the houses of the Community. This was of advantage for the internal strengthening of the reform movement. Thus the distinguishing mark was neither garb nor name – they had no special designation – but solely the spirit which emanated from Paul and his companions and brought about powerful results. His superiors soon realized this. Accordingly in 1380, his provincial appointed Paul commissary of the twelve reform convents in the Umbrian province and gave him the authority to receive novices. The General of the Order was just as friendly. Alfieri in 1388 appointed him General Commissary and permitted him to accept some houses in the province of the March of Ancona as well as the right to send friars to all the regions of Italy, Bosnia, and Corsica, where they should serve as a leaven for the rest. At those times there was absolutely no thought of a separation from the Order such as followed later. The Superiors hoped for a renewal of the entire Order through the zeal of these friars. Thus matters stood when Paoluccio died on September 17, 1390.

His successor was John of Stronconio (died 1418) who knew how to spread the reform movement with prudent moderation. As the vicar of the General he could summon the friars to Chapters. By this fact however the power of the General and the Provincial was in no way curtailed but it was exercised with benevolence. In the face of this it is difficult to understand why John went to the Pope in 1403 with the request to be
allowed to begin two new hermitages in Italy together with church, cemetery and workshops without being forced to obtain the permission of any third party. From the Papal Brief of permission it is also evident that John was placed as vicar of the General only over the residences in the provinces of Umbria and the March of Ancona, although reform convents also existed in the Roman province. It appears from this that opposition had been shown by some provincials, if not against the movement itself, then at least against the partial exemption of these friars. Be that as it may, the number of reformed monasteries grew and reached 34 by the year 1414. In 1415, the convent of Portiuncula was added with the condition however that the offerings must go to the Sacro Convento. All these residences were hermitages or smaller convents situated outside of the cities. The friars dwelling there, about 200 in number, were mostly lay brothers, whose primary purpose was self-sanctification. There were however some priests among the members of the reformed houses who did some work for the care of souls.

Conditions soon changed when priests, in increasing numbers, important preachers and educated men, joined the reform. Very prominent among these are the “four pillars of the Observance.” First of these was St. Bernardine of Siena. He entered the Order in his home town in 1402 and after a short time went to the nearby reform convent of Colombaio where he made his profession. At that time this was not considered as a transfer from the Conventuals to the Observants; both parties still belonged together. Bernardine preached at the command of the General. He preached with all the spirit which he had imbibed in the reformed convent. Naturally he carried this spirit everywhere and in all places his powerful eloquence won esteem for himself and esteem also for the reform movement. Besides he strove to introduce learning into the reformed convents in order to be able to make their valuable ascetical powers serviceable for the care of souls. Thus he prepared the way for the later importance of the reform in Italy. It is easy to understand that he was hailed as the founder of the Observance, and that little mention is made of Paoluccio in the 15th century.

The most famous disciple of St. Bernardine was St. John Capistran, who had gained admission among the Observants of Perugia in 1414. In the following year Albert of Sarteano placed himself under the direction of the great master, after he had lived for ten years in non-reformed convents. Finally in 1416, James of the March also joined the Observants at the Portiuncula.

These four men guided the reform movement with a firm hand through all the dangers which threatened it in the next decades.

**Paragraph 19**

*The Reform Houses in Spain and Portugal up to the Council of Constance*

Very little is known about the beginnings of the Observance in Spain. In the following pages, the short notices contained in the pertinent papal documents are the only source. These furnish indeed only a very incomplete picture of the reform movement in Spain, but they are at least a sure guide and permit us to avoid the confusion of the chronicles.

The Iberian peninsula was divided into three provinces in the 14th century. The lines of division extended from north to south. The western area was called the Province
of Portugal or St. James, the central the Province of Castile, and the eastern the Province of Aragon. In all three provinces there were about 1400 reform monasteries, which apparently arose independently of one another.

The Province of St. James suffered the most during the Western Schism. A part of this province, comprising the present Portugal, did not place itself under the Avignon obedience, as did the kingdoms of Castile and Aragon, but remained faithful to the Roman Pope. On that account, there was a division with resultant disorders of every kind. Therefore in 1398, Boniface IX requested the provincial of England to send Visitors to the province since the General, Henry Alfieri, despite all exhortations, had done nothing. That is however very easy to understand since a great part of the province followed not Alfieri, but the General Chevegneyo. The zealous friars who belonged to the Roman obedience, were very much dissatisfied with the state of affairs and sought to separate from the rest of the friars. Already in 1392, the friars Didacus Arias, Gundisalvus Marini and Peter Diaz had obtained permission from Boniface IX to lead a solitary life in a small house which was to be erected. Gundisalvus then established some more residences in the northern part of his province and had them occupied by like-minded companions. These however soon placed themselves under the Avignon obedience. Thereupon, in 1407, they asked Benedict XIII to confirm the houses established without papal permission. The Pope granted the request with the regret that the founder of these convents still adhered to the Roman obedience. We known nothing more of the ordinances according to which these friars lived in distinction from the rest. On the other hand we know that around 1407 a house, dedicated to St. Anthony, in the neighborhood of Lisbon was occupied by friars who called themselves de Observantia. The same is true of the large convent at Oviedo which had certainly adopted the reform already in 1409. Besides the nearby hermitage of S. Maria de radicibus, which a lay brother, Ferdinand Gundisalvi, established in 1413, we hear no more of efforts for reform up to the Council of Constance. If one may draw legitimate conclusions from a later decree of 1427, the Observants of this province had a lively interest in books and learning.

In the Province of Aragon, some friars must have obtained permission from the Papal Legate already in 1389 to be allowed to lead a solitary life independent of the superiors. The two houses of Xelva and Mantanera must have been founded by them. For these two cloisters already some years before 1424, lived sub regulari observantia. In that year, together with the monastery of Sanctus Spiritus in Eremo near Murviedro, founded by Queen Mary in 1403, they formed a separate custody. The guardian of Murviedro, Bernard Escariola, and the brother Bartholomew Borraz are mentioned as the founders of Sancta Maria de Angelis. Both the houses just mentioned had wide exemptions already before 1424, in that they could choose their own guardian for three years, could accept friars and admit them to profession, and were free from the obligation of contributing money to the province. After 1424 these four convents were permitted to elect their own custos, who was practically independent of the provincial. We note also here that these monasteries wished to live not solely for the strict observance of the Rule but also for theological study and preaching.

Of the three provinces of the peninsula, the reform was most necessary and most far-reaching in the Province of Castile. In 1374, two friars from Aquitaine held a visitation in the name of the Pope. This resulted in the deposition of the provincial of
Castile. It is questionable whether the command mentioned in 1413, namely, to erect a house in each custody in which the friars could and should live secundum Regulam et totalem traditionem B. Francisci had been issued there already at the time of this visitation. At any rate, we have no proof that the command, if given, was actually carried out at the time. For it is only a generation later that we meet such reform houses. These were largely disunited and unorganized. Some groups however may be distinguished.

To the first group belong St. Francis of Villaverde in the diocese of Seville existing at least since 1401, St. Michael of the Mount, founded before 1404 in the diocese of Cuenca, and S. Maria de la Rabida which was established by John Roderici in the diocese of Seville in 1412. These had almost the same constitution and the same privileges. The friars lived sub regulari observantia, observed the papal declarations together with the statutes of the Order and the priests devoted themselves also to the care of souls. The superior of the house, called now guardian, now vicar, was in the beginning appointed by the General or Provincial, but since 1417 was elected by the friars at least in Villaverde. The superior acted as delegate of the provincial, could admit friars to profession and send unsuitable friars back to the provincial.

The hermitage constructed by Ferdinand de Rueda, the hermitage of St. Francis de Arrizafa not far from Cordoba, was very similarly organized. St. Didacus took the habit there. It is especially mentioned that the friars could not be removed against their will as long as they lived in regular observance and obedience to the explanations of the Rule. The same thing was established for the hermitage of S. Maria del Castamar, founded in the diocese of Toledo in 1415 by Garcias de Roales.

The introduction of the reform in some of the houses of the Segovia custody was of greater importance. Already in 1413, we come across Cuellar as a convent of the Observance, where the friars lived in accordance with the papal declarations of the Rule. They were completely exempt from the jurisdiction of the custos, a privilege granted by the Pope. This seems to have been the case with all Observants. Also the power of the provincial was limited since he could demand no money contributions for the province and was obliged to confirm the guardian whom the friars elected annually. The guardian also had the right to accept friars and to send transgressors back to the provincial, while the provincial could not remove them from the convent of the Observants against their will. The same favors were conceded in 1414 to the fraters conventuales of the house of Medina del Campo who had lived already for a long time sub regulari observantia. In 1417 the convent of Arevalo received the same privileges. It is uncertain how long these convents had led a reformed life; of the fourth convent, that of Santander, which joined them, we know that it first introduced the Observance in 1417 and thereby obtained the privileges of the others.

A short time before the convent of St. Dominic of Silos had sought to obtain the same rights, and it strove to incorporate the nearby hermitage of Aguilera. This attempt however was blocked by the opposition of its founder, Peter de Villacreces. The Pope made the desired incorporation dependent upon Peter’s convent, otherwise it could not be effected before his death. Peter refused his consent. According to the chronicles, Peter is supposed to have been the real originator of the Observance in Spain. His name occurs for the first time in the Papal Briefs of 1396 when, as a Baccalaureus of Salamanca, he addressed a request to Benedict XIII to be promoted to Master of Theology. The petition was granted: this we learn from a Brief of the same Pope written in 1413 which
empowers Villacreces to reform the convent of Sahagun (S. Facundus). In accordance with a resolution of the provincial chapter, this house had been chosen as a reform convent for the Custody of Palencia. But since this resolution was not carried out, Villacreces with some companions of like mind turned to the Pope and obtained for Sahagun the same privileges as those possessed by the reformed convents in the Custody of Segovia. This leads us to presume that Villacreces also governed those residences of Segovia; but to date we have no certain proof for this. Of the hermitages, the founding of Aguilera is to be ascribed to Peter. This is certain. Concerning his influence over the other convents, especially over S. Maria de Salceda in the diocese of Toledo, which later became so famous, we find no mention in the Papal Briefs of this period; just as little mention is made of his disciples, St. Peter de Regalado, who lived in Aguilera, Lopez de Salazar and Peter de Santoyo. It must remain doubtful with what right mention was made later on of a Recollectio Villacretiana. In any case, up to 1417, the discipline in the convents under the influence of Villacreces differed in no respect from the Regular Observance.

On the other hand, some other men, contemporaries of Villacreces, despite outward appearances can hardly be considered as Observants, since they sought and obtained privileges which were apt rather to undermine than to further the Observance. In this connection must be mentioned Ferdinand de Villaquiran, Gometius Fernandi, and Ferdinand de Illescas; de Illescas is also mentioned as a reformer of the Poor Clares. But Peter de Pernia and John de Baeza are to be considered genuine upholders of true reform. In 1416 they received permission from the Pope to found a convent on the Canary Island Fuertaventura; the guardian of this convent was to be elected annually by the friars and confirmed by the provincial of Castile. Thereupon, soon after John de Baeza had erected three more residences on the neighboring islands, he was appointed vicar general over the Canary Islands by Martin V in 1423.

This extensive reform activity, joined with the partial exemption, must have caused disturbances in the entire Province of Castile; all the more so since, besides the above named residences, others accepted the reform. Among these were Castro de Ordiales (1406) and Soria (1415), which however were not affiliated with the other convents of the Observants.

It is not surprising then, considering these facts, to find in the Papal Briefs of 1417 that the province is considered as divided into two parties. For the non-reformed part, Benedict XIII commanded that the provincial chapter of that year must appoint two friars as visitors. These visitors may even proceed against the provincial if they find it necessary. As for the Observants, whether they live in convents or hermitages, they must choose two visitors from among their number for each three years. These visitors exercise the rights of the provincial over the Observants, but they must give an account to the provincial himself. Preachers and teachers are to be appointed for the houses of Observants just as for the others.

From what it has been said, it is evident that the Observance in Spain did not receive any noteworthy impetus from without, and that up to the Council of Constance it far exceeded the reform movement in Italy in importance and extent. Many important discoveries concerning the evolution of the Observance as a whole may be expected. The present survey gives only a fragmentary picture.
Paragraph 20
The Reform Movement in France up to the Council of Constance

It is surprising that the reform movement appears last in the two southern provinces of France, in the Provence and in Aquitaine. Before the Council of Constance, we hear nothing at all of such a movement in Provence, where once the Spirituals had been so powerful. In Aquitaine, it seems to have been limited to an insignificant attempt which Peter of Villanova made in 1402. He together with some similarly minded companions, received from Boniface IX, to whom the English portion of Aquitaine adhered, the authorization to establish two houses where the Rule should be observed spiritualiter, that is, according to the Papal declarations. The plan however seems never to have become a reality, because later on we hear no more of it. Peter disappears from history in 1408 as the chaplain of Gregory XII.

We are better informed about the three northern provinces, Burgundy, Francia, and especially Turonia, where the reform movement may have begun already in 1358. In 1388, some of the friars, disgusted with the irregularities in their province, appealed according to the Rule to the General who referred them back to their provincial, John Philippi. He received them joyfully, gave them the convent of Mirabeau, where they lived peacefully under a reform guardian. From here the reform spread to the newly established monasteries of Laval and Bressuire, and to other already existing convents. Whoever in these convents did not wish to observe the Rule “to the letter”, that is, “according to the traditions of the apostolic declarations” had to withdraw in order to make room for friars who were zealous for reform. Sad to say, this golden era ceased with the death of the provincial, John Philippi.

In the Province of Francia, the convents of Amiens and Peronne were also reformed about the year 1400 and these, at the injunction of the Pope, had to introduce the Observance at Hesdin in 1406. Possibly the influence of St. Coleta was decisive in this affair as also in the reform of the monastery of Dôle in the province of Burgundy.

The reform convents of the three provinces took a momentous step when, in 1407, under the leadership of Mirabeau and Bressuire, they appealed to Pope Benedict XIII for help against their provincials, who were not permitting them to live according to the laws of the Observance. The Pope now commanded the General of the Order, Bardolini, to free those convents completely from the jurisdiction of the provincials, and to give them vicar provincials who belonged to the reform.

In the following year the Pope went a step farther, after the convents, St. Jean d’Angely and Loches had embraced the reform, and Cholet and Fontenay-le-Comte had been newly established. On May 13, 1408, Benedict commanded the General to give the Observants of the provinces their own vicar general, in the person of Thomas of Curte, since the decrees of the preceding year had not been carried out.

Alexander V, in the beginning, also recognized the vicar general and gave him permission to establish a new house at Amboise; but within 14 days he annulled the edicts of exemption of his predecessor, Benedict. He reproached the Observants, in whose favor even the University of Paris had given an honorable decision, that they were wearing a special garb, were refusing obedience to their lawful superiors, and with the help of influential patrons, were obtaining privileges from the Roman See – complaints
which could be repeated a dozen times within the next century. Naturally this annulment took effect only in the regions of Alexander’s jurisdiction. In Spain everything remained as formerly. When the Pope died, the Observants appealed to his successor, John XXIII, who referred the question to the Cardinal Protector. For a short time, they again received a vicar general, Nicholas of Bretagne, but he was soon deposed at the instigation of the ministers. In 1414, the Pope renewed the annulment of Alexander V, but imposed the duty upon the provincials not to hinder the Observants of their provinces in their endeavors.

However, the provincials did not obey this command. Unrest and scandals resulted in many convents. After the Observants had appealed to the General, but to no avail, about 200 of them, many priests, preachers and degreed men among them, went to the Council of Constance where they drew a dark picture of the condition of the Order in France. They presented the petition to the Council to be allowed to observe the Rule according to the papal explanations, but without the harmful privileges, which were only leading to conflicts with the secular clergy. The petition made the following suggestions:

No new convents should be established, but the old ones should be reformed.

Permit two convents in each custody to be entrusted to reformed friars with which individual friars or even entire convents, if the majority wish, can be affiliated.

Should there be twelve reformed houses in a province, they should have the right to elect a provincial for themselves, who is subject to the General just as the other provincials.

Should the number of convents not reach twelve, the Observants should at least be permitted to form their own custody, the superior of which is subject to the provincial just as the other custodes.

This petition was advocated by the convents of Laval, Clisson, Amboise, St. Jean d’Angely, Bressuire, Cholet, Fontenay-le-Comte in the province of Turonia; by the convent of Dole in the province of Burgundy; and by the convents of Seez, Saint-Omer, Varennes in the province of Francia.

The Council, which had taken upon itself the reform of the Church, energetically took up the consideration of this petition. After preliminary deliberations, at which the Cardinal Protector and the representative of the General were present, the following concordat between the opposing parties was drafted, September 23, 1415:

Let the above-mentioned convents (to which Mirabeau was added since the “strict regular observance” had its beginnings in that convent) choose a vicar provincial in their provinces. This vicar provincial is independent of the provincial in everything except confirmation in office. The provincial retains merely the right of visitation; at this time he may punish the Observants but only with the consent of some tried and prudent Observants.

Let the three vicar provincials together with representatives of the convents then elect a vicar general who is to be confirmed by the General, but for the rest possesses the same rights as the General. The Council appointed the vicar general for the first time, namely, the friar Nicholas Rodolphe.

The General’s right of supervision however, remains secure; he can hold visitation and punish also in the convents of the Observants.

If the vicar provincials and vicar general do not give satisfaction, the subjects can replace them by others according to their laws.
The chief concern of the Observants should be to see to it that in the convents entrusted to them, the Rule should be observed strictly according to the papal declarations and that all superfluity, which is contrary to poverty, should be removed and the superfluous things sold.

Moreover the Council decreed that individual friars, as well as entire houses if the majority were in favor, might embrace the reform and thereby place themselves under the vicar general; but then they are no longer able to withdraw from the vicar’s obedience without his express permission.

Such newly reformed convents may also remain under the provincial. But for the convents named in the decree, exemption is an obligation, not a free choice.

The decrees of the Council of Constance were apparently a great victory for the Observants. And yet one is obliged to wonder whether, in the interest of the whole Order, this victory was not unfortunate. With the decision of the Council, which even surpassed the demands of the Observants, a way was opened which sooner or later was bound to lead to a division of the Order and this in a manner very injurious to the higher superiors. For the exemption of the reformed friars from the obedience of the provincials implied that these superiors were either not capable or not willing to carry out the reform of the Order. But was this actually the case? The Observants affirmed this emphatically, at least those who were present at the Council. But it is of importance to keep before our eyes that not all the reform monasteries, and perhaps not even the majority, joined the petitioners. Even the convent of Mirebeau was not among them. This monastery was incorporated into the exempt group by force, even if with an honorable motive. From this it may be concluded that there existed a difference of opinion among the Observants themselves concerning recourse to the Council. To this may be added that the joint conclusion of the eleven convents having recourse was not reached in an entirely blameless way. Ambition, rather than zeal for the welfare of the Order, played an important role in forcing the decision. The friars of Dôle themselves tell us this. They returned to the obedience of the provincial in 1426. And the convent of St. Jean d’Angely was in conflict with the vicar general by 1418 because it did not wish to possess exemption.

But the greater fault lay with the three provincials concerned. Had they possessed the ability to measure up to the task assigned to them after the exemption had been abrogated by Alexander V, the decrees of the Council would have been unnecessary. Instead of taking the houses of the Observants energetically under their protection and furthering the reform, they did just the opposite. They were, as is easy to understand, angered by the earlier exemption obtained against their will and probably also by the excesses which many Observants permitted themselves with regard to the Community. But even that should not have blinded them to the good which lay in the movement, and which, rightly directed, could only be of advantage to the entire Order. The ministers, during the decisive years from 1409 to 1415, did not even in the least fulfill their duty of protecting the zealous friars. Rather, to a large portion of the Observants, the superiors seemed to be enemies of the movement. Hence it seemed to the Observants best to carry the movement through without the provincials and eventually against them. The Council adopted this opinion but did not content itself with merely exempting the Observants from the jurisdiction of the provincials. It exempted them from the head of the Order as well by appointing a vicar general. That was something which the Observants had
certainly not requested. By this move, the General was forced to the side of the opponents of the Observance, and made the stepfather of his best children. Mutual confidence was undermined by this privilege and the reform was forced to seek victory by conquering the leader of the Order.

But once the fatal step had been taken, the Observance sought to push forward on the road pointed out by the Council. In 1416 the vicar general held a chapter with his subjects at Bressuire. The resolutions of this chapter give us a clear insight into the spirit of the French Observance. The General Constitutions together with the papal declarations must be observed, with the exception of some dispensations concerning money. The friars shall remain in the convents as much as possible, except when duty, for example preaching, calls them out.

The lectors shall diligently develop all capable friars in studies, the rest must devote their energies to manual labor.

All conflict with the pastors and ecclesiastical prelates is to be avoided.

Poverty shall be observed in all places, especially in the churches and convents.

The superiors shall have the power to dispense with regard to clothing.

All this is nothing new. It is merely a re-emphasis of existing precepts. No one should be able to reproach the Observants as transgressors of the statutes, nor as originators of new precepts. The French Observance wished nothing else but the observance of the Order’s regulations and the reform of the manner of life which had become lax. They were not hermits but engaged in the care of souls and the pursuit of knowledge. In this, they offer a marked contrast to the Italian Observants, who only later on began to imitate these aspects of the French and partly also of the Spanish friars.

Consequently also it seems absolutely foolish to hold that the Observance spread across the Alps from Italy.

Paragraph 21

The Order from the Council of Constance until the General Chapter of 1430

Shortly after the close of the Council, the Order held its General Chapter at Mantua. Here it was forbidden under severe penalties to have recourse to persons outside the Order in order to bring about any change in the Order. All the friars must obey their provincials, attend the Provincial Chapter and accept that guardian whom the Chapter would give them.

These regulations were indeed well meant, but pointless, because the authority of the Concil and the Pope, which stood above the Chapter, had already decided otherwise. The Observants in France were not content with the mere exhortation to the provincials to treat benevolently the friars who were zealous for reform. They demanded rather maintenance of their exemption until the reform of the Order should have been carried out in head and members, because otherwise the Observance would again be destroyed. For greater certainty, they appealed to the Pope for a confirmation of the decree of Constance. Martin V granted the request in 1420.

Considering this, it is a mystery how the following Chapter at Forlì in 1421 could impose excommunication upon the friars who obeyed the vicars instead of the ministers. The newly elected General, Angelus Salvetti, sought to further the reform by a number of
decrees passed at the Chapter, and sought especially to eradicate the unbelievable abuses of poverty. But all these reform edicts were again rendered vain by the concluding decree that the General could dispense those provinces from those decrees where the observance of them was shown to be difficult. The situation was not bettered by the structure: *salva semper Ordinis bona reformatione*.

After the short regime of Salvetti who, as titular abbot of Palignano in lower Italy, was the first General to wear the mantle of an abbot, Anthony of Massa ruled the Order. He was elected at the General Chapter of Ferrara in 1424.

Anthony was totally averse to a reform both regarding his personal life and for the Order. The decrees against the Observants who obeyed their own vicars were emphasized by the decree that the excommunication imposed upon the Observants must be announced publicly in the churches. It is evident that hostile feelings were merely intensified by such a tactless and even illegal procedure. Similarly the Chapter of Casale in 1427 drew attention to the punishments decreed by John XXII against those who wear different clothing and it forbade any addition to the title “Order of Friars Minor” bestowed by the holy founder. This was aimed at those Observants who, in order to proclaim openly their difference from the Community, had begun to wear habits which departed from the usual form and to add to their name the title *de Observantia*, a formula which had been used for decades in the Papal Briefs.

But we must not yet think of a unified life among these zealous friars in the various countries. “Various ones began to live variously” (coeperunt diversi diversimode vivere) says a chronicler, a circumstance which led to many unedifying conflicts and hampered the force of the movement.

Still the Observance spread continuously and not only in the countries where it had previously gained a firm footing but also in regions in which it had hardly been known before, as in Germany, Austria-Hungary, Poland, etc.

In Hungary there are supposed to have been Observants about 1380. However that may be, we know that their houses increased in the beginning of the 15th century under the protection of the Emperor Sigismund. The friars there, like those in France, wished to observe the Rule “to the letter” according to the papal declarations and the traditions of the Order, and were on this account called “friars of the Observance.” They were however not exempt from the General and the Provincial but only from the Custos.

Only toward the year 1450 did the Observance make great strides in Austria, Hungary, Poland. This was due to the efforts of Capistran. In these regions, the Observants later on were called Bernardines, after the great saint who was considered the founder of the Observance.

In Germany the Observance seems to have made its first appearance in the March Brandenburg. In 1428, the reformed houses there received the right from the Pope of choosing a vicar provincial for themselves every three years, and he was to discharge the duties of his office under the supervision of the General. In the province of upper Germany, the convent of Heidelberg was the first to be reformed. This took place in 1426 with the help of the Observants from the province of Turonia. In the following year, these Observants obtained the right to elect a vicar annually. Particulars are lacking concerning his relation to the Provincial and the General. In 1428, the Observance made its entrance into Metz. Thereafter, under the leadership of Nicholas Caroli, greater progress was made.
In Bosnia the Observance had been established early. It was mentioned in the 15th century that it had existed there before it existed in Italy. Authentic proofs are at hand for its existence there only from the beginning of the 15th century.

Around 1427 the Observance spread from Bosnia to the east and north into the vicariates of Russia and Tartary. Francis de Spinolis, the vicar provincial for those regions, took the lead in introducing the reform. This leadership in reform by a provincial superior was exceptional and therefore deserves special mention.

In France the Observants had indeed constantly received new residences, but here too the division between them and the Community had also widened, partly through their own fault. In 1421, the Pope had to forbid them to persecute those friars who forsook the obedience of the vicars and again placed themselves under the provincials. In the following year the provincial of Burgundy succeeded in obtaining from Martin V a prohibition against the further spread of the Observance in his province. Thus the movement was halted in Burgundy, at least temporarily.

In Spain on the contrary, the Observance went forward irresistibly under the protection of the privileges already mentioned. Since 1420, we find a residence even in Ceuta in Morocco. The Decree of Constance was extended to Aragon in 1425. In Castile, it was considered expedient in 1427 to limit the movement by a concordat between the Observants and the *Claustrales*. This is the first time we meet in the term *Claustrales* in an official document. Whether this resolution of the Chapter had received the consent of the Observants is not said, and is indeed very doubtful, since their former rights were curtailed. Consequently the *Claustrales* sought to secure the agreement by papal approval, but this move had only temporary success.

Perhaps this move of the Community provoked the counter move, made in 1428, of some zealous friars and their guardians. These friars appealed to the Pope for permission to be allowed to observe the Rule of St. Francis in its purity “in the primitive habit of the Order,” since this Rule had been modified and dispensed from in many ways by the papal declarations and the decrees of the Chapters. They now feared that if the Pope would not grant their request, they would be hindered in their plans and punished as refractory members by the superiors of the Order. Martin V was willing to grant the petition. He praised their intention, and forbade anyone to proceed against them in any way. This step is not consistent with the previous conduct of the Spanish Observants. One is forced to blame this move upon some new group or a group which had separated from the Observants, perhaps the *Recollectio Villacretiana* which, since the death of its leader, may have developed this radical trend.

The true Observants, as has been emphasized quite frequently, based their life from the beginning on the Rule together with the declarations, and wished only to eliminate the numerous and grievous abuses which had gradually crept into all the spheres of discipline in the Order, especially however with regard to poverty. Landed estates, annual rentals, and private incomes were not at all rare among the friars and at times had been approved by the Pope himself for individual persons and houses. To fight against this corruption of discipline was the aim of the Observants. But they did not wish, as the Spirituals had once done, to observe poverty without the declarations which modified it, and thus merely renew the scandalous conflicts of the past. The Popes had declared against the Spirituals and their declarations were considered as fundamental laws for the Order and the Observance of these laws as an absolutely necessary condition
for the preservation of unity. Therefore the attitude of Martin V towards the abovementioned petitioners becomes all the more incomprehensible. This case, unfortunately, was repeated only too often. Consequently we cannot always hold the Order responsible for the many divisions in the course of the centuries. The Order often fought them with all its strength but was helpless in the face of the interference of higher authority. Members who are inclined towards separations and extreme measures are found in all Orders; were these always to prevail, the unity of all Orders would long ago have vanished.

This fact was most apparent to the great leaders of the Observance in Italy. With untiring zeal they sought to extend the Observance. Their zeal in this regard met with ever increasing success. They even obtained some houses in Crete. Moreover they rid themselves more and more of their earlier eremitical character. They sought to foster studies and thus to fit their friars for the care of souls. Perhaps it is also to be ascribed to their influence that the Order made efforts for the reintroduction of the Apostolic Syndics of Martin IV. The Pope actually granted this favor November 1, 1428 together with the express abrogation of the Constitution *Ad conditorem*. Thereby the subterfuge which had been put forward for a hundred years as the excuse for many violations of poverty, was removed.

In one point only the Italian Observants did not follow the example of their friends in France, Spain, and Germany. That was in the question of exemption. They always remained under the obedience of the General and the provincials. The vicars who were given to them had only so much power as the regular superiors saw fit to give them. The Observants were frequently allowed to hold General Chapters and to elect their own superiors. But they had no voice in the Chapters of the Order. The transfer of friars from the stricter party to the Community was not forbidden. This circumstance was deplored by many Observants, but when all is said, it was only to their advantage. On the whole there was peaceful harmony between the Observance and the Community in Italy so long as there was no question of serious competition for popular favor. But when the friars of the reform grew, not only in number but also in importance, when they attracted the attention of the people by their public activity, and thereby the differences in the manner of life of the two parties were made known to the people, then began the intense rivalry between the friars also in Italy. We see traces of this rivalry already in 1429 in a Papal Brief which, at the request of the Generals of the various Orders, forbade the monasteries of the Observants in places where there were other Mendicant monasteries. This duplication of convents was moreover forbidden according to the current law, but the Popes had often made exceptions. It is noteworthy that the Generals in their request maliciously attributed to the Observants that they strove for expansion *sub fictione melioris vitae*.

Martin V, however, did not allow himself to be deceived by this charge. The great men of the Observance, whom he had become personally acquainted with, were proof enough for him of the goodness of their cause. Under their influence he formed the great plan of bringing about unity in the Order by effecting a fundamental reform of the entire Order. Therefore the Pope summoned all the authorized friars, also the French Observants, to a General Chapter at Assisi to be held in 1430 “that according to Our desire, a needed reform might be made in the said Order.”
Section 4
Conflict between Conventualism and Observance
until the victory of the latter: 1430-1517

Paragraph 22
From the General Chapter of Assisi to the General Chapter of Padua: 1430-1443.
The Constitutiones Martinianae

As praeses of the first Capitulum Generalissimum, with the title of Reformator Ordinis Minorum, the Pope appointed the Cardinal John Cervantes, because the deposition of the unfit General was a matter already previously decreed. His successor was William of Casale.

The spiritual leader of the Chapter however was John Capistran. He had fought the exemption of the French Observants and had accused them of dividing the Order. The Chapter should prepare the way for reunion but not by way of the suppression of the Observance as many wished it, but by way of reform for the entire Order. Therefore, the saint together with other friars, prepared new Constitutions which held the middle way between laxism and rigorism, and hence could be received with good will by both parties of the Order. Since they were confirmed by the Pope, Martin, they are usually called the Constitutiones Martinianae. They deposed the vicar generals and the vicar provincials, even in France. They demanded however a general reform of the Order on the basis of the existing precepts. With regard to poverty it was ordained that the Apostolic Syndics were to be appointed again in all places, and the prohibition of money was to be strictly observed. If the General dispensed from it, he was thereby considered deposed, and the friars need no longer obey him. Those convents which have accepted property in the course of time must sell their immovable goods, settle their obligations and supply the necessities of the convent with the proceeds. But the decrees which dealt with the constitution of the Order were extremely scanty and even inadequate.

After the new Constitutions, which only repeated old decrees, and even made them partially milder, had been read in a loud voice by Capistran, all the members of the Chapter gave their consent and exclaimed: “We wish to stand and to live and to die in brotherhood in our holy Order according to these constitutions and reforms.” (Volumus stare et vivere et mori in dicto Ordine nostro sancto fraternaliter secundum constitutiones et reformationes praedictas). The General swore a solemn oath to carry out these Constitutions and never to have himself dispensed from this oath, and to refuse any such dispensation if offered to him. Similarly each friar present bound himself by oath to the observance of the new statutes. To aid in carrying out the statutes, St. John Capistran was appointed socius to the General. With this solemn ceremony, the reform of the Order seemed certain and its unity assured. The wishes of the Observants were fulfilled and so every reason for a separation had been removed. The Community likewise had perfectly attained its object: to lead the separated friars back to the obedience of their lawful superiors. A turning point in the history of the Order had come.

Then the unexpected happened. Even during the Chapter some friars are supposed to have sought for a dispensation from their oath. It is certain that on July 27,
1430, some six weeks after the Chapter, the General had himself dispensed from his oath, and mitigated some of the new statutes. On August 23 of the same year, he sought and obtained from the Pope the Brief *Ad statum*, which nullified all the reform decrees of the Chapter concerning poverty. The houses which possess or will in the future acquire landed property or fixed revenues, may retain them, and the procurators of the convents, in the name of the Apostolic See, can do with them as with the objects hitherto permitted in the Order. That a friar himself may take over the office of procurator was not stated; but the Brief was soon interpreted in this way and executed accordingly. This Papal Brief forms the *Magna Charta* of the Conventuals. It allowed the enjoyment of all goods, as the other Orders possessed them even though the property right was vested in the Roman Church up to the Council of Trent. Before this time, many Popes had conceded such privileges to one or the other monastery by way of exemption. But in those cases the Pope had always stated that it was an exception and contrary to the general laws of the Order. But Martin V now made the exception the rule.

How is this action of the General and his companions to be judged? Had they acted thoughtlessly and rashly when they swore to reform the Order and then only later had they realized the full scope of the statutes? Had the Order become so degenerate that the observance of the decrees seemed impossible to them? Such questions naturally force themselves upon the attention, if we do not wish to consider these leaders as men who merely toyed with their oaths. In fact the abolition of numerous abuses, about which so many and loud complaints had been uttered, was no small matter. Especially would they meet with many difficulties in the abrogation of landed property and incomes which were partially based on endowments. Still the Observants also had difficulties and nevertheless they carried out the Constitutions, even in those houses which they had taken over from the Community. But that the leading personages did not even make an honest effort towards reform, that they sought to confirm the exiting conditions by legal dispensation, that they had procured authorization to introduce these practices which were contrary to the Rule into places where they did not yet exist – all this shows clearly that they did not sincerely desire a reform according to the decrees of the Chapter. But the Community rejected the reform not merely for itself, but it also did not wish the Observance to make any progress, because the Observance was an ever-present reproach against it. Therefore the Conventuals, with shameful injustice wished that the Martinian Constitutions be strictly observed in so far as they curtailed the former rights of the Observants, but they had themselves dispensed from the precepts which concerned themselves. Such an attitude must have embittered the Observants and robbed them of all confidence in the good will of the Community. St. John Capistran himself, who hitherto had fought for unity, was not gradually forced to the side of those who saw salvation only in the self-government of the Observants. Since the Community through its own fault had made an enemy of this man, powerful alike in word and deed, its fate was also decided. The conflict, conducted with unheard-of violence on both sides, continued for a long time. But the victory inevitably went to the side which possessed the greater moral power, and that was unquestionably the Observance. The Observants no longer made any attempt at unity. Past experience seemed to have taught them the futility of any cooperation with the Community. Hence such attempts, when made by the other side, always failed. The Community did not wish a reform, and the Observance did not want to be subject to non-reformed superiors.
When Martin V died, the Observants sought protection and help from Eugene IV who had himself belonged to a reformed community. Eugene in 1431 did in fact annul all the mitigations of his predecessor and held the General to the oath he had taken at the Chapter. But the next year the Pope yielded to the persistent requests of the General and again sanctioned the decrees of the Brief Ad statum. Still he continued to be well-disposed towards the Observance and favored its spread.

St. James of the March labored for the Observance in Bosnia. Capistran gained this concession that the Italian Observants might hold their own General Chapters and elect their vicars, although indeed in full dependence upon the General and Provincial.

The Observants obeyed the Constitutions of 1430 strictly despite the dispensation given by the Pope. These followers of Capistran were called Martinists, by which were understood all those who embraced the reform according to the Martinian Constitutions but under the obedience of the ordinary superiors.

The Pope, by the Brief Super gregem of October 1, 1431, granted the Observants in Greece their own vicar who was independent of the provincial. In this letter the word Conventualis occurs for the first time in the sense in which we use it now. It signified a friar who, in opposition to the Observants, demanded dispensations from the Rule.

The General Chapter at Bologna in 1433 had the audacity to emphasize the decrees of the Chapter of Assisi in so far as they were against the Observants, and at the same time permitted new alleviations to be proposed for the Conventuals by Matthias Doering, provincial of Saxony and a pronounced opponent of the Observance. The French Observants immediately appealed to the Council of Basle, then in session.

The General was present at this Council by order of the Pope. The French Observants, under the protection of their king, strove for a renewal of the decrees of Constance, while the General demanded their continued abrogation. In this he was supported by many Italian Observants. At that time Capistran himself seems to have been against complete exemption of the Observants.

The argument of the French Observants was that the real reason for the opposition to the exemption of the Observants was envy, because the people think more highly of them than of the Conventuals. Let anyone obtain authentic information concerning the mode of life of the two parties, and he will discover that the difference between Observant and Conventual is greater than between two entirely different Orders. Therefore a single rule for both is an impossibility. The Observants cannot successfully be governed by the Conventuals, nor the Conventuals by the Observants. The hope of good elections and of the appointment of zealous superiors is futile. The Observants usually have no voice at the Chapters and never have a majority. But the Conventuals always elect a man who clings to their party and is an opponent of the Observance. It is moreover unjust to accuse the Observants of having no degree teachers and of not wishing to study. It is true only that they as yet have no convent of General Studies, as they would like, and that the Observants who do study are not advanced to the degree by the superiors of the Order. May the Council also see to it in this connection that the Observants are able to devote themselves to studies as did Alexander of Hales, Bonaventure, and Scotus.

The deliberations ended in 1434 with the victory of the French Observants. They were permitted once more to live according to the Decree of Constance. The Pope, at the intercession of the queen of Castile, granted the same right to the Spanish Observants.
In Italy also, despite much opposition, the Observance made constant advances. Among other residences, it finally received the famous monastery of Mt. Alverna in 1431. It had held this residence for a time as early as 1420. In 1434, the Pope also gave them the Custody of the Holy Land because of many complaints against the Conventuals.

Finally in 1438 the General was forced by the Pope to appoint a Vicar General of the Observants for the Italians. His choice fell upon St. Bernardine of Siena. Eugene IV immediately approved the choice and made him independent of the General. But when the General showed himself displeased at this, Bernardine freely gave up all claims to the Papal Brief in order to avoid even the appearance of striving to bring about a schism in the Order.

During his four-year term, some of his subjects seemed to lean towards the old ideas and ideals of the Spirituals. Therefore in 1440, Bernardine sent a letter to the Italian Observants. He calls them the fraters devotorum locorum in order not to give offense to anyone by the word “Observants” which so angered the Conventuals. His letter breathes the spirit of mildness and moderation even in questions of poverty. In cases of doubt, he refers his friars to the decision of their superiors, to whom they must accommodate themselves. He censures the fanaticism of individual friars who wished to alienate from the houses all articles which seemed superfluous to them, even though they themselves had not acquired them but had received them from the earlier inhabitants of the friaries.

Because of advanced age, Bernardine tendered his resignation in 1440 to the Pope. Eugene IV did not accept the resignation but gave him instead the right to appoint a coadjutor and to give him whatever powers he pleased. In 1441, Bernardine chose St. John Capistran as his helper.

Bernardine’s desire for unity was not shared by many of his subjects. In 1440 the former vicar general of the Observants in lower Italy, Nicholas of Osimo, obtained permission from the Pope that the Observants in Italy should be just as independent of the provincials as those in France. Bernardine was not in favor of this concession. At the time of the grant, the General was in France attempting to bring the king over from the side of the schismatic council of Basle to that of the Pope. When he returned from France, he was easily able to bring about the annulment of the exemption.

In the Spring of 1442, the General died. Final judgment on his life and activities must await the results of a deeper and more detailed study. On the one hand his attitude toward the reform movement is still quite puzzling. On the other hand, his efforts for the unity of the Church were incontestably great, and they earned for him the gratitude of the Pope. His personality must have been extraordinary since it induced St. Bernardine and St. John Capistran to remain faithful to him despite the happenings of 1430.

After the death of the General, Bernardine also resigned his office.

Eugene IV now named Albert of Sarteano Vicar General to complete the term of the late General. Shortly before, Albert had been elected Provincial of the Venetian province. The Pope hoped that this was proof of Albert’s acceptance by both the Conventuals and the Observants. Now for the first time since the division, the Order had a leader who openly adhered to the Observance. The wish of Capistran was satisfied. The next General Chapter would have the opportunity of preparing the way for a reform from within by electing Albert as the General of the Order.
Also in 1442, the Pope appointed the saintly Capistran to be visitor and reformer of the provinces outside of Italy with the special task of leading back to the unity of the Church the adherents of the anti-pope Felix. There were many of these adherents even in the Order. This was especially true in Germany where the schismatic friars even elected their own General at the Chapter of Berne in 1443. The choice of the Chapter fell upon Matthias Doering. Matthias was confirmed by the Council of Basle. His power was lost entirely in 1449 by the resignation of the anti-pope, although it had been waning for some time. Felix V favored the Conventuals while the Council of Basle in general favored the Observants.

Paragraph 23
From the General Chapter of Padua until the publication of the Constitutiones Barcinonenses: 1443-1451

The General Chapter at Padua in 1443 was well attended both by the Observants and by the Conventuals. About 2000 friars are supposed to have been present. The Vicar General, Albert of Sarteano, the Pope’s candidate for General, was the praeses. The Conventuals however would not hear of his election and stormy scenes resulted. St. Bernardine sought to ally the storm, and he himself seems to have dissuaded the leaders of the Observants from electing Albert, since he predicted more harm than good would come from his election. A moderate Conventual, Anthony Rusconi of Como was then elected.

The Pope was exceedingly angry, especially when he heard of the manner in which the Chapter had been conducted. Capistran spoke out bluntly: “Beatissime Pater! Cum ista hominum generatione nulla ratione concordare valemus” (Most holy Father! We cannot arrive at a reasonable agreement with this generation of men). Eugene wished to give the reformed friars their own General, but the Italian Observants protests against this. St. Bernardine above all would not hear of it, and even Capistran did not yet think of going so far.

But, taught by the events of the past decade, Capistran laid aside his earlier aversion for the independence of the Observants, since his fondest hope, the reformation of the entire Order, was now completely impractical. So he figured out a way, which would assure the position and the spread of the Observance, without totally destroying the unity of the Order. “He was an excellent canonist,” a contemporary says of him. It was not difficult for him to make the necessary proposals to the Pope. These proposals also found the complete approbation of the Cardinal Protector, Cesarini.

By order of the Pope, the General was forced to appoint to Vicar Generals, John Capistran for the Cismontane and John Perioche of Maubert for the Ultramontane family.

These terms: Cismontane and Ultramontane, occur frequently in the history of the Order. In the chronicles they are relative terms, varying according to the residence of the writers. To avoid any ambiguity, the terms are here used in an absolute sense. The Cismontane family means Italy and the regions connected with it, namely the whole East with Austria-Hungary and Poland. By Ultramontane family the other countries are understood – France, Spain, Germany, the whole North and West, including America.
Since the 16th century, the Far East was also counted in with the Ultramontane family because the friars working there were mostly Spaniards and Portuguese.

The two Vicars General ruled their subjects together with the convents of Clares belonging to them with almost unlimited powers, but in such a way that the supervision of the General and the provincials was not entirely eliminated. The General, who from this time called himself “Minister General of the whole Order of Friars Minor”, could visit and punish the two Vicars General and their subjects and they could not hold a General Congressus (General Chapter of the Observants) without his permission. The General Congressus was lawful only within each family, not for all the Observants together.

Likewise the provincial had to be approached for permission to held a Provincial Congressus (Provincial Chapter of the Observants) and for the confirmation of the newly elected vicar provincial. The superiors of residences of the Observants were to be listed on the general tabula of the province.

The secession of Observants to the Conventuals was forbidden; Conventuals however were permitted to join the Observants. The vicars were not permitted to take over Conventual monasteries.

Thus the Observants attained all they could wish without completely separating from the superiors of the Order. In order to make any change impossible, the Pope very soon confirmed the decrees of the General by the Brief Fratrum Ordinis Minorum of August 11, 1443.

The Cismontane Vicar General, John Capistran, immediately set to work with his usual fiery zeal. In the solitude of Mt. Alverna he prepared new statutes for his subjects (Constitutiones B. Joannis Capistranti). They do not seem to have been practicable and consequently the Italian Observants in 1446 declared their wish to abide by the Martinian Constitutions. Capistran was more successful in his personal influence over the friars; he enthused them with the desire for religious discipline and even for heroic self-sacrifice. True to the example of his master, Bernardine, he also insisted upon the obligation of study against which much opposition had developed among the Cismontane as well as the Spanish Observants.

Capistran’s experiences during his term of office convinced him of the inadequacy of the decree of 1443. Conflicts and complaints did not cease. Thereupon, he went to the Pope, who was very much attached to him, and protested that since the time of Martin V, he had left nothing untried to bring peace and harmony into the Order, but that all his efforts had been in vain. No other means remains, he said, except to separate, but let the separation be so effected that the family of the Observants will not be completely torn loose from the General as the head of the Order.

Capistran himself drew up the Bull of separation Ut sacra Ordinis Minorum religio, which the Pope published January 11, 1446. This Bull made the institution of Vicars General permanent; hitherto this office had only been set up provisionally until the next General Chapter.

The appointment of the Vicars General is taken out of the General’s hands. Now he possesses only the right of confirmation, which he must exercise within three days.

The same holds for the provincials with regard to the vicars provincial.

The General and Provincial Congress enjoys complete independence of the ministers.
The General still has the privilege of personal visitation, but any interference on his part with the government of the Observants is forbidden.

The transfer of Observants to the Conventuals is forbidden under pain of excommunication, but the Conventuals may transfer to the Observants just as long as every ignoble motive is excluded.

By this Bull, the Observants became independent in practice, although legally the union was still intact. The decree enraged the Conventuals. They gave the Observants the derisive names of Fratres de Bulla, or Bullistae. The Observants countered by calling the Conventuals Fratres de Bursa. The Pope’s action at the General Chapter at Montpellier in 1446 did not pour oil on troubled waters. He forbade the Chapter to interfere in any way with the business of the Observants. At the same time he added the reflection that the Observance was advancing continuously and was winning the esteem of the people, a fact which could only redound to the honor of the entire Order.

Before the General Chapter, Capistran had called a General Congress for his subjects. It was held in the large Roman monastery of Aracoeli, which the Pope had reformed in 1445 and had handed over to the Observants. Here the saint resigned his office and James de Primadizzi was elected. From this time on, if some extraordinary circumstances did not make an earlier meeting of the Congress necessary, General Congresses took place every three years in both families of the Observants, at which election of new officers was held.

Shortly before his death, Eugene IV issued a Brief which could have been of decisive significance for the advance of the Observance had it been observed. This was the Bull, Dum praecella, of February 9, 1447. In it, he repeated the command, already given in 1446, that all reformed houses of the Order must place themselves under the obedience of the vicars general and vicars provincial.

This Bull was directed against Observants in France, Spain and Germany. There were many friars in these countries who observed the Martinian Constitutions without the later dispensations but who still remained under the obedience of the General and the provincials. These “Martinists” were also called “Observants of the Community” of “Observants under Ministers” (Ministeriani), in contradistinction to the “Observants of the Family” or “Observants under Vicars” (Vicariani). There was no unity whatsoever among the Martinists. They disagreed among themselves, formed their own congregations, and were united only in opposing the Observants who were subject to Vicars.

This lack of a united front weakened the reform movement considerably. No general reason can explain the reluctance of the reformed friars to unite. Many may really have thought as they said, that they were obliged according to the Rule to obey the General and Provincial, and therefore were not allowed to follow the Vicars. But the majority must have seen that the Vicars took the place of the Ministers and had another name only to preserve the appearance of unity in the provinces and in the Order. The Pope himself had spoken repeatedly and plainly on this point. If the name of Vicar had been the real reason, then the friars could not have obeyed the Vicar who was appointed by the Pope in the case of the death of the General.

There must have been other decisive reasons. Aversion to a complete separation which was ultimately inevitable if the Bulla of Eugene was followed to its logical conclusion, may have been the reason in many instances. But for a part of the friars,
there were certainly very human motives which held them back from joining the family of the Observants. Especially was this true of those individual friars, houses and congregations which changed their position according to circumstances. Many also were satisfied with the name of Observants and lived as they pleased under the provincials who for the most part bothered little about them and were satisfied as long as they did not join up with the Family. The Italian Observants accordingly decided to consider such friars simply as Conventuals.

From these facts we can see the falsity of that oft-repeated contention: the government by Vicars is superfluous because a friar can live as a good Observant also under the Ministers. If the Observance had not found such a firm support in the Vicars, the whole reform movement would not have made such progress as it actually did make. The experience of many long years had demonstrated the decisive influence of the Vicars in the spread of the Observance.

Soon after the death of Eugene IV, the provincial of Turonia appealed to Nicholas V and obtained that, despite the Bull *Dum praeclara*, the Ultramontane Observants, who hitherto had remained under the Provincials, might also in future remain under them. Further, it was granted that the Observants under the Vicars, whether singly or through a resolution of the majority in the convent, might again return to the obedience to the Provincials, but that then they must remain with them forever.

This was a sever setback for the Observance, especially in France. Henceforth, if a Vicar wished to perform his duties conscientiously, he must needs fear that the friar corrected or even the monastery, would withdraw itself from the Observance and, once withdrawn, it remained away forever. Such a condition led to disagreeable conflicts between the parties of the Observance in France, such as we rarely meet in other countries. It also hindered the deepening of the entire movement, an injury which could not be compensated by mere external spread. For centuries the Observance in France was forced to suffer the consequences of this step. The Conventuals likewise did not gain from it, because they had to permit the Observants under them to live according to their own customs nor were they permitted to place them against their will in the monasteries of the Conventuals. Even the right to receive novices had to be conceded to the reformed houses, so that the provincials had under them two entirely different classes of novices and professed friars.

Such a state of affairs could have good effects if the provincial himself belonged to the reformed friars, and wished to spread the reform in his province. The success of his efforts was then assured. But where this was not the case, it meant the cessation of the reform movement or conflict between the two parties.

It is not known how many houses left the obedience of the vicar general, John Maubert, with the permission of Nicholas V. The vicar did all in his power to hinder a notable desertion. In 1447, he held a General Congress at St. Omer in the province of Turonia, where he prescribed unity in clothing. The color of the habit should be gray, according to the ancient decrees. In the same year he went to Spain, where he united five convents of the province of St. James into a vicariate. Other friars in Castile placed themselves under the provincial.

In Italy, the legal situation had remained unchanged. Capistran was its most energetic defender. In 1449 he was again elected Vicar General. The canonization of Bernardine of Siena in 1450, which was celebrated with great splendor, was
advantageous for the Observance. Capistran, by order of the Pope, left soon after this celebration for Germany and Austria to combat the heresy. He spread the Observance in all places with such success that it could be said without exaggeration that Capistran did more for the propagation of the reform of the Order than anyone else. He found a powerful helper in the Cardinal Legate, Nicholas of Cusa. Nicholas even commanded that all the Orders in Germany accept the Regular Observance within a year. Unfortunately, he did not possess the power to enforce obedience to his command.

The Ultramontane family of the Observants held a General Congress at Barcelona in 1451, and sought by means of new statutes, to gain unity and solidity. The Constitutiones Barcinonenses, promulgated at this Congress, remained in force among the Ultramontane Observants for centuries. They possess great merit since they were modeled on the Narbonne Constitutions, without overlooking the lessons learned during the last centuries. Whatever seemed in any way useful and valuable in former statutes, was epitomized in nine chapters. All other laws were expressly annulled. Thus the very confused condition of the legislation in the Order was ended.

The Cismontane family was never able to make statutes of similar importance and permanence. After the close of the Congress, the newly elected Vicar General, Theodoric Voiturier (Auriga) appointed Alfons Boroxius as his commissary general for the Observants in Spain. During his activity of 15 years in this office, this friar accomplished marvels for the extension of the reform in his native land.

Paragraph 24
Attempts at unity under Nicholas V and Callixtus III: 1452-1458

Angelus Serpetri, elected General at Aracoeli in 1450, left nothing untried to have the Bulla Eugeniana revoked. Circumstances favored his enterprise; Capistran, the most dangerous opponent of the Conventuals, was across the Alps and was so much in demand that a speedy return was not to be feared. Among the Observants themselves, especially among the distinguished preachers, there were many who were gradually becoming disgusted with the rigor of the life, and were seeking admission among the Conventuals.

The most important of these was Robert of Lecce, who stands much higher as a pulpit orator than as a man and religious. The harsh accusations which have been made by the Observants concerning his mode of life are not to be believed without further investigation; but so much is true, that already as an Observant he had obtained a Brief from the Pope which exempted him from obedience, and that after his defection to the Conventuals he sough readmission into the Observance, only to go over to the Community again within a short time. Robert and similarly minded companions fought the Observance from the pulpit and in their writings. The Observants felt compelled to use the same means in defense; this led to many scandals. Such preachers should be confined for life was the pertinent opinion of St. James of the March.

The General, with Robert and 24 other preachers, pleaded before the Papal Curia that the Observants sinned if they did not place themselves under the obedience of the ministers. They said that the Bull of Eugene IV was obtained only by underhand methods and that most of the provinces, first and foremost the Observants, were in favor of its annulment.
When Pope Nicholas heard this, he called for the Vicar General, Mark of Bologna, in order to receive from him the confirmation of these assertions. Mark was so sure of his position that he asked the Pope to summon the individual vicars provincial and to question them personally. The Pope followed this advice and was thereby convinced that all without exception favored retaining their present mode of government and that they had been unjustly calumniated.

Then, in order to settle the question of the validity of the Bulla Eugeniana, the Pope requested the opinions of 35 doctors and empowered a commission of cardinals and bishops to examine it. They declared unanimously for its validity and legality, that is, that it in no way opposed the mode of life commanded by St. Francis.

Summoning the representatives of both parties in 1453, Nicholas confirmed this judgment. The Conventuals were not allowed to say anything more against the Bull of Eugene, while the Observants could in future accept no more houses of the Conventuals. Transfer between the parties was made free to all. This was a concession to the Conventuals, to which the Pope was possibly led by the attitude taken by some of the Observants. They threatened to appeal to the Council of Constance, namely to the whole Church, if Nicholas would annul the decrees of the Council. This foolishness on the part of these Observants must have angered the Pope for in general he showed himself not unfavorably disposed towards the Observants. But that small concession, which after all really was of advantage to the Observants, gave credibility to the rumor that was being spread, that the Pope sided with the Conventuals. Many discontented friars accordingly left the Observance and were received with open arms by the Conventuals and were given privileges and places of honor. There was reason to fear for the continuance of the Observance.

The General Chapter at Perugia in 1453 decreed, despite the papal decision, to strive to obtain the annulment of the Bulla Eugeniana. When the General died soon after, his successor, James Bussolini of Mozzanica, took charge of the affair.

The Observants rallied to the defence. Above all they sought the return of Capistran. This was impossible, so Capistran had to content himself with writing to the Pope, to the emperor, and to different princes seeking help for his family. A great number of letters from high ecclesiastical and civil dignitaries were now sent to Rome. All of them pleaded for the continued freedom of the Observants. Especially impressive was the letter of Aeneas Sylvius, the later Pope Pius II, to the Cardinal Protector. He refers to the great influence of Capistran, who could cause a great storm by the mere motion of the hand, to the great number of the Observants, who already numbered more than 20,000 and especially to the obvious differences which existed in activity and manner of life between the Observants and the Conventuals, to the great shame of the latter.

Unfortunately, Nicholas died soon after the receipt of this letter. Under Callixtus III, the Conventuals renewed their efforts and again wished to contest the Bulla Eugeniana, this time under the pretext that it was composed without consulting the cardinals and released against the intention of the Pope. Furthermore the Observants should no longer bear the name of Fratres Minores but should be called Fratres de Bulla or Fratres Privilegiati. Such ridiculous demands hardly spring from love of unity and of the Rule of St. Francis, but rather apparently from a blind love for domination which, with malice aforethought overlooked the fact that a spirit was alive in the Observance.
which was much nearer that of St. Francis than was the spirit of Conventualism. Consequently, the Conventuals clung to the letter of the Rule, which prescribes obedience to the ministers and not to the vicars, and with unheard-of boldness denied the name of Franciscan to those who wished to observe the Rule under the obedience of the Pope and of superiors approved by the General.

Callixtus III resolved to bring about peace. He called the General with his provincials and the Vicar General with the vicar provincials to a convention at Assisi on All Saints’ Day 1455. Both parties should end the conflict amicably under the leadership of the youthful abbot, Blase of Milan.

After the parties had separately taken counsel, they handed in their proposals, articuli, to the praeses.

The articles of the Conventuals demanded the abrogation of Vicars. Instead of these, a Custody of the Observants should be erected in each province, but the power of the General should remain assured in all things, and that of the provincials at least in essential points. Another series of resolutions apparently aimed at hindering the spread of the Observants. They shall no longer accept any houses without the consent of the Apostolic See and of the superiors of the Conventuals. They shall not preach in the places where the Conventuals have residences. They shall not have their own procurators at the Curia.

The articles of the Observants are not drawn up as clearly as those of their opponents and show an even smaller spirit of compromise. They simply hold fast to the existing legal status, and concede a few more rights only to the General himself.

Both parties departed from the convention with the promise to obey the Pope in all things which the Pope would decide regarding the union. Calixtus now handed over the task of working out a compromise to St. James of the March who, because of his conciliatory spirit and his mildness stood high in the esteem even of the Conventuals. The task was difficult, especially for a follower of the Observance. The saint acquitted himself of the task in such a manner that, according to his own assertion, he believed himself able to answer for it on judgment day.

Most important of all the problems which St. James had to settle was the self-government of the Observants. The saint decided that it was justified and therefore should be continued. His articles however, assure all rights to the General. The General can command the Observants as well as the Conventuals; but both parties shall live separately in their own convents, and may not transfer from one party to the other without the permission of their superiors. The vicars of the Observants remain in office. These must come to the General Chapter and take part in the election, but only with an active voice. On the occasion of the General Chapter, the two Vicars General are elected under the presidency of the General.

In the interest of union, St. James had considerably diminished the rights of the Observants. In return he had given them only a small compensation – the right to take an active part in the election of the General. Consequently, neither the Conventuals nor the Observants were satisfied with the compromise. After repeated consultations with the Cardinal Protector, Capranica, who hitherto had been excluded from the discussions, the Pope issued the Bulla Concordiae, February 2, 1456.

According to this Bull, the vicar provincials must propose three friars to the General at the time of the General Chapters. The General appoints one of these as
vicarius custodum seu vicariorum. The Observants also have the right of an active voice in the election of the General. The custodes seu vicarii provincialium are elected under the presidency of the provincial and are confirmed by him. The officials elected at the Observants’ Congress shall be published on the tabulae of the province just as the others. Any Conventual who wishes to join the Observants must inform his superiors of his wish. Their consent is not required. Transfer to the Conventuals on the contrary is made dependent on the consent of the vicars.

With good will on both sides, the two parties could now have lived in peace and quietly left the ultimate victory to the intrinsic power of the parties. But in reality both sides were dissatisfied with the Bull, especially because of the election of the General. The Conventuals did not wish the Observants to take part in the election, while the Observants were upset because only a Conventual could be elected General. The complete reform of the Order seemed impossible with this provision. The Cismontane vicar general indeed exhorted his subjects to a strict adherence to the Bull of peace. St. James of the March also worked for its observance. But the Ultramontane Observants were dismayed at the annulment of the Bulla Eugeniana. Even Capistran took up the pen shortly before his death to intercede with the Pope by letter for his family. A large number of ecclesiastical leaders and civil princes in Germany did the same. Their letters contain some severe criticisms of the life of the Conventuals in their country. The Observants in France appealed to a Pope who would be better instructed, and to the next Council. But they were appeased by the Cismontane vicar general and took part in the next General Chapter which was held at Milan in 1457.

At this Chapter, contrary to the provisions of the Bulla Concordiae, the Observants were excluded from the election as also at the following Chapter held in Rome in 1458 where, according to the will of the Pope, James of Sarzuela was elected General to succeed the General who had died. Since Calixtus himself had excluded the Observants from the election on this occasion in order more surely to insure success for his candidate, he granted them as compensation the free election of a vicar general. This completely satisfied the Observants. For the rest, however, the Bulla Concordiae was to remain in force.

The new General, trusting to the papal favor, urged the abrogation of the Bull. Calixtus, after long hesitation, declared that he had already sweat blood in drawing it up and that he would not change it anymore. But the situation was becoming more and more unfavorable for the Observants. They had to bear the disadvantages of the Bull but were excluded from the advantages. Then the death of the Pope brought a sudden change.

Paragraph 25

From the re-introduction of the Bulla Eugeniana to the death of Sixtus IV: 1458-1484

Pius II, by his personal observation of the life and activity of the two parties in different lands, had even as a Cardinal been moved to speak out energetically for the Observance. As Pope he gave decisive expression to his convictions. Soon after he ascended the papal throne, he named the famous Cardinal Besarion Protector of the Order and delegated him and some other prelates, among them Nicholas of Cusa, to examine
the *Bulla Eugeniana* and the *Bulla Concordiae*. The result of this examination could not be in doubt. The two great cardinals, even as the Pope, had traveled widely. From their own experience, they had recognized the necessity of a reform in the Order, which they judged could come only from the Observance. Accordingly the Pope published the Bull *Pro nostra ad beatum Franciscum devotione*, dated October 11, 1458, by which he annulled the *Bulla Concordiae* and permitted the Observants once more to live in accordance with the privileges of Eugene IV.

The Vicar Generals should not trouble themselves about those Observants who had remained under the Ministers.

Permission of the superiors was demanded for the transfer of the Observants to the Conventuals. For the change of the Conventuals to the Observants, however, only the asking of permission was demanded, not the actual granting of it.

Any confiscation of houses was forbidden under excommunication. It was happening ever more frequently that the Conventuals were driven out by the civil authorities because of their disorderly conduct and their convents were then handed over to the Observants. The Conventuals were justified in protesting against this procedure but they were not justified in blaming the Observants. In some cases, the Observants may indeed have instigated the affair, for which there can be no defense. Final judgment concerning this phase of the conflict will be possible only when the history of all the houses in question is written individually. The result of that study will hardly be unfavorable to the Observants of that time. It deserves mention at this point that, despite the existing laws, papal Briefs were frequently given to the vicar general, even by Sixtus IV, in which the vicar was obliged to reform houses of the Conventuals, that is, to people them with Observants. The vicar general occasionally had trouble getting a dispensation from such commands.

After the death of Pius II quiet, comparatively speaking, reigned in the Order. The Cismontane Observants utilized this period of creative calm to clarify the status of their general legislation. The Chapter at Osimo in 1461 resolved to publish a synopsis of the Constitutions then in force based upon the Martinian statutes in a brief compendium because “modern friars are delighted with brevity.” Thus arose the *Constitutioe Martinianae sub compendio redactae*, which are important only as a school manual to remove ignorance of law. Moreover, the compiler was not equal to his task, since he included decrees which at that time had lost all meaning for the Observants.

At the following Chapter of the Order held at Perugia in 1464, the General resigned because of old age. At the advice of St. James of the March, the Conventuals elected the excellent and learned Francesco della Rovere of Savona as General. The Chapter decreed to further energetically the erection of a monastery at the Church of the Twelve Apostles, which the Pope had entrusted to the Conventuals the preceding year because, since the loss of Aracoeli, they had only one small residence and no convent in Rome.

The new General, in contrast to his predecessor, was well disposed towards the Observants. No measures were taken against them during his generalate at least not by the Conventual officials. In some countries to be sure, the conflict still continued. In France, the Conventuals had not ceased considering the Observants as transgressors of the Rule, because they did not obey the provincials but the vicars. Pius II therefore wrote to the king and to the friars there that the vicars were for the Observants real provincials.
according to the mind of St. Francis, and that only the name had been changed by the Holy See, so that there might not be two provincials ruling in the same province. In a further Brief, the Pope admonished the Ultramontane friars of both parties to live at peace and that neither party should confiscate any house of the other. For reasons already mentioned, the effect of these Briefs was small, even after Paul II in 1467 had once more insisted upon these precepts by a new Bulla Concordiae. By this Bull, the Pope permitted the Observants as also the Conventuals to accept any new houses offered to them provided only that they had not been hitherto in the possession of the other branch of the Order. The privilege was very advantageous for the spread of the Observants because they could henceforth also settle in those places where the Conventuals had residences: a concession which the Conventuals had always sought to hinder. The Conventuals to be sure received the same right, but it was meaningless for them because people seldom offered them new houses.

After the General had been created cardinal in 1468, he continued to rule the Order for another year until the election of his successor, John (Zanettus) Dacre of Udine. The change was not to the benefit of the Order. Rovere had not only been friendly to the Observance but had also taken steps to reform the Conventuals themselves. For this purpose, he had made his own statutes, which he confirmed when he became Pope Sixtus IV. These Statuta Sixtina never went into force principally because, after his elevation to the Pontificate, Sixtus did not make any more attempts to raise the discipline of the Order among the Conventuals. He was also very liberal in granting privileges. In the very first year of his pontificate, at the wish of the General, he declared the friars capable of receiving inheritances. This privilege was contained in the Bull Dum fructus uberes of February 28, 1472. The procurators can, in the name of the Holy See, receive and collect for the monastery the goods of those wishing to enter the Order as well as goods accruing to them later on. When the Observants opposed this, he declared in 1481 that they could not use this privilege, since it militated against the poverty so highly prized by them. In 1480, Sixtus declared that all precepts outside the Rule did not oblige under mortal sin, and that all punishments including papal censures, were ferendae sententiae and in case of necessity could be changed into other punishments by the superiors of the Order.

These decrees were to the advantage of the friars. The same cold not be said of the two great collections of privileges, the Mare magnum of 1474 (Regimini universalis ecclesiae) and the Bulla aurea of 1479 (Sacri Praedicatorum et Minorum Fratrum Ordines), which were more harmful than useful for the Order. On this account the Observants freely renounced some of the privileges in order to be less offensive to the clergy.

In the beginning, Sixtus was neutral in the conflict within the Order. But the Conventuals did not wish to let the favorable opportunity, which was offered to them by the elevation of one of their men to the Apostolic See, go by unused. In this they found a powerful advocate in the nephew of the Pope, Pietro de Riario. Pietro had himself been a Conventual and, despite his youth and his unbridled life, became a Cardinal Protector of the Order after the death of Bessarion in 1472.

Sixtus, not wishing to take the odium upon himself, handed the affair over to a commission of cardinals in 1472. Pietro de Riario was on this commission. They decided that the Bull of Eugene was to be abrogated and that the Observants must return to the obedience of the Conventuals. Nothing else could be expected. But before the
final decision was given, the Pope summoned the Vicar General of the Cismontane Observants, Mark of Bologna, to the consistory to defend his cause. When Mark saw that his arguments were making no impression upon his audience, he drew the Rule of St. Francis out of his sleeve, threw it in the middle of the hall, and cried out: “Holy Father Francis, defend the observance of your Rule yourself! I cannot do it anymore.” Thereupon he left and remained in concealment for a long time, because he feared the anger of the Pope. Pope and cardinals were speechless at this boldness and they delayed the decision until another consistory. In the meantime the Observants bestirred themselves everywhere, seeking to obtain letters of protection and commendation from the princes which should change the mind of the Pope. Such letters began to pour into Rome, some of them very caustic. The king of England threatened to drive all Conventuals summarily from his country if anything was done to harm the Observants. In the face of such opposition, Sixtus abandoned his plan, assigning as his reason: “I thought that I would have to deal only with beggar friars; now however I have all the princes on my neck!”

The Pope never again troubled the Observants. But for the protection of the Conventuals, he published in 1474 the Bull Dum singulos, in which he strictly forbade all lay people to drive the Conventuals from their monasteries and give these monasteries to the Observants. Since the Observants were accustomed to give away the lands and endowments connected with the convent, some lay people permitted their own self-interest to drive them to actual injustice in replacing Conventuals with Observants. But whether all the accusations of the Conventuals in this matter are justified can only be verified by research in the individual cases. The Bull was not observed in a number of instances and on this account it had to be insisted upon again in 1480.

Adter Dacre had been made a bishop, the Chapter at Urbino in 1475 chose as his successor Francis Nanni, whose surname, Samson, Sixtus had bestowed upon him after a victorious academic defence of the Immaculate Conception. Francis ruled the Order for 24 consecutive years, longer than any of his predecessors. He was loved by all, also by the Observants, because of his virtue and mildness.

Francis took no steps against the Observants during his entire administration. Their rapid growth did indeed arouse the envy of many, but the General firmly rejected all demands which would hinder their success. He disagreed only with the radical reform activity of Ximenes in Spain.

Sixtus IV died August 13, 1484. His character as well as his activities in the chair of Peter have been variously judged. As far as the Order is concerned, he can at most be criticized for his prodigality in granting privileges and for his support of all activities pertaining to separation among the Observants. For the rest, his nepotism, his questionable politics, and his negligence in carrying out a needed reform in the Church, are faults which cannot be denied. Outstanding, on the other hand, was his activity against the menace of the Turks, as also were his efforts for the material welfare of the papal states and of Rome, and for the advancement of the arts and sciences. The Sixtine Chapel and the Vatican Library are memorials which assure him honorable mention for all time.
Paragraph 26

A review of the Reform branches during the 15th Century

By far the most important reform branch was the Regularis Observantia of which we have treated hitherto almost exclusively. Its aim was the reform of the decadent discipline of the Order in general and then the maintenance of the ideal of the Order, particularly with regard to poverty as it had been observed in the Community during the 13th century and as it had been legally prescribed up till 1430. The fact that this reform branch was able to achieve its purpose for the most part and that it was able to establish everywhere sturdy groups of zealous friars was due chiefly to its relative independence and government by friars from within its own family.

The powerful reform necessarily reacted upon the better elements of the Conventuals, and among these it led to the erection of reform convents, whose members called themselves Reformati or Observants sub Ministris (Observantes de Communitate, Martiniani; cf. par. 23). The sources of the 15th century do not afford us a closer scrutiny into their life and activity. In the main, they differed from the family of the Observants only in this that they had no independent superiors but were subject to the provincials, and that in many cases they retained annuities. Particulars concerning the total number of these reform convents are completely lacking. It is doubtful whether they were in Italy at all. They were most strongly represented in France and in the lower German provinces of Cologne and Saxony. In these regions they were also known as the Coletani. They expressly rejected this name towards the end of the century. With what right this name could be given to them is not yet satisfactorily explained. There was no question of any legal powers granted to St. Colette for reform of convents. It was more the moral influence of her character which led a number of friars, especially in Burgundy, to accept the reform. But the Coletani never formed a special congregation. Following the counsels of Colette, they usually refused incorporation into the Observants in order to avoid a schism in the Order. But under the supervision of the ministers, they managed to acquire a sort of exemption in order not to be completely reabsorbed into the Conventuals. This quasi-exemption placed the Coletani in a position very similar to that of the Observants. Hence their strong antagonism to the Observants as manifested about 1500 by their leader, Boniface of Ceva, was not justified. In strictness of life, they rivaled the family of the Observants and they were highly esteemed in France. With the union of 1517, the name of Coletani disappeared completely.

Besides these two most important reform parties, the Observantes de Familia and the Observantes de Communitate, various smaller groups had been formed in the course of the 15th century which, living under their own superiors and their own laws, wished to be enumerated neither among the Observants nor among the Conventuals. These small parties lived principally in Italy and Spain.

In Italy a number of hermitages, especially in Umbria and in the March of Ancona asked the Pope in 1473 to be admitted into the Franciscan Order. They were the remnants of the followers of Angelus Clarenus. They had separated from the Fraticelli and were leading an eremitical life under the obedience of the bishops. From their peculiar habit (becca) they were known as the Congregatio della Becca. The Pope called them Pauperes eremita societatis quondam fratrib Angeli Chiarini, permitted them to
take the Franciscan habit, and to elect their own vicar general, who however was subject to the General of the Order. Their leader, Petrus Hispanus, became the first vicar general of the new Franciscan congregation. But the old party spirit was not yet dead. Some members retained their former habit and adhered to their previous mode of life and inveighed against those who had gone over to the Order, calling them Exclareni or Aclareni. The same spirit came to the fore under Julius II, when the congregation was ordered to join the Observants. They did not obey him or his successor, Leo X, who gave the same command. Only the iron will of Pius V succeeded in forcing them to enter the Observants and to give up their name. At least this was true of the majority; a minority preferred to go over to the Conventuals.

The history of the Amadeans ended in exactly the same manner. They were founded by Amadeus (Peter John Menesius), a noble of Portugal. Amadeus reformed some convents in upper Italy about the year 1457, and was permitted to unite them into their own custody. The Amadeans distinguished themselves by extraordinary severities especially in fasting. Sixtus IV, in whom Amadeus found a powerful protector, gave the congregation the monastery of St. Peter in Montorio in Rome, where the founder lived for a very long time practicing great mortifications. At his death in 1482, the congregation counted 28 houses; the churches connected with these houses usually bore the name Santa Maria de Pace. They resisted the attempt of Julius II to deprive them of their independence as well as the command of Leo X that they join the Observance. Under Clement VII, they received a new confirmation of their province which had taken the name of St. Peter in Montorio; Pius V put an end to their congregation.

The so-called Neutrals, organized in Italy about 1463, were a peculiar party. They did not object to being called Observants, but they did not bother about the laws of the Observance. They lived partly under their own superiors, partly under the General. Their conscience, they said, commanded them to obey neither the provincials nor the vicar provincials (Neutri parebant). The leaders, Peter of Trani, Valentine of Treviso, Philip of Messano, and Louis of Padula even received papal Briefs for the erection of new residences. But when the Pope had been informed of the abuses existing in the congregation, he commanded them to affiliate either with the Observants or the Conventuals.

Just as short-lived was the congregation of the Caperolani (Capriolani), founded by Peter Caperolus, a famous preacher. With other discontented Observants of the Milan province, he accepted some houses in the region of Brescia. He formed these houses into an independent vicariate with the permission of Sixtus IV. The new congregation was subject to the Conventuals. Caperolus died about 1480, and his followers returned to the Observants.

Anthony of Castelgiovanni and Matthias of Tivoli reverted to the ideas of the Spirituals. Both wished to observe the Rule literally and condemned all explanations of the Rule. Anthony began to work out his plan about 1475. He was imprisoned, dropped his ideas, and after his liberation worked very successfully as an Observant until his death in 1482. Punishments did not exercise the same influence upon Matthias. In 1495, he believed himself called by supposed visions to reform the Order. He gathered a great number of companions around him. These he organized hierarchically and held together for a long time by their belief in his power to work miracles. But when they were
convincing of the deception, they returned, most of them to the Observants, some, among whom was Matthias, to the Conventuals.

Even in Germany, where the spirit of the Spirituals had found little support, a movement appeared about 1485 which reminds us of the activity of the two men mentioned above. Caspar Waler of the upper-German province was the leader. A speedy end was put to his labors by imprisonment in a monastery outside of the province.

In Spain the reform branches were numerous. The oldest reform is associated whether justly or unjustly, with the name of Peter of Villacreces (par. 19) who died in 1422. It is possible that Peter, towards the end of his life, had given regulations for the hermitages of Aguilera and Abrojo, regulations departing from the ordinary Observance. But to all appearances, his disciple, Lopez de Salazar y Salinas, who became the real leader of the *Reformatio Villacretiana*, was the first to do this. This reform did not meet with the approval of another disciple of Villacreces, Peter de Santoyo, who defended the principles of the Italian Observance, and reformed many houses in the province of Castile according to that Observance. The history of the followers of Lopez is, to this day, still as obscure as the history of the entire Spanish Observance. The hermitages, about twelve in number, which he governed, formed the Custody of *Sancta Maria Minorum* and were subject directly to the general. Only after the death of the founder in 1459 did the custody join the Observance. Lopez had prepared peculiar constitutions for his hermitages which were supposed to resemble the instructions given by St. Francis for the Portiuncula. They prescribed long meditations, constant abstinence from meat and wine, rigorous fasts and scourings. Lopez’s character showed itself still more strongly in his testament, wherein he forbade all studies. Opinion as to his personality differed widely even during his lifetime.

Of lesser moment was the Congregation *della Capucciola*, which Philip Berbegal, an Observant of Aragon, founded about the year 1430. He protested against the *Constitutiones Martinianae*, which sought to bring unity into the Order, and, with some followers, he separated from the Observants and started a new society. They received their name from the ridiculous habit with the long pointed capuches which Philip prescribed for his followers as the mark of the true sons of Francis. When St. John Capistran criticized them severely, Eugene IV suppressed the whole sect in 1434.

Important for the future of the Order in Spain was the reform of John de la Puebla, a friar of the noble family of Sotomayor. First a Hieronymite in Spain, he received the Franciscan habit from Sixtus IV in 1480. He lived for a time in Le Carceri near Assisi, where he became acquainted with the life of the Italian Observants. In 1487, he was sent back to Spain by Innocent VIII. On the Sierra Morena, he established a little monastery which he called *Santa Maria Angelorum* in memory of St. Francis’ favorite dwelling. Other hermitages were soon added. In 1489 these were united to form the Custody of the Holy Angels which was placed under the vicar general of the Observants. Among the noteworthy men who came from this Custody, the general Quiñones deserves special mention. John de la Puebla gave his followers their own constitutions, in which meditation, poverty and strict fasting, going barefoot, and renunciation of Mass stipends are especially emphasized. In comparison with other statutes, those of John are outstanding because of their brevity: “for precepts should be like medicines which are effective only in moderate doses.”
After the death of John in 1495, his disciple, John of Guadalupe was no longer satisfied with the former “strict observance” but wished to introduce a “very strict observance,” which should distinguish itself from the rest of the Observance also in dress. Since the Observants resisted his efforts to cause a schism, he placed himself under the Conventuals who, ever since the rise of the Observants, took all reformers, even the most questionable, under their protection merely to provide a counterbalance against the Observants. In 1496, John actually received a papal Brief which permitted him to observe the Rule literally without any papal declarations and with no privileges, and which made him the head of his followers and exempted them from all the superiors in the provinces. The Guadalupenses began with a reform of the habit. The capuche was shaped like a pyramid, the mantle was shortened, vari-colored pieces were sewn to the habit, and sandals were discarded entirely. The people accordingly called them Discalceati or Capuciati (Fratres de Capucio), and also Fratres de Sancto Evangelio – this latter either because they wished to live in strict conformity to the Gospel, or because they were very active in preaching.

The Discalced Friars later on sprang from these Guadalupenses, and this later group rendered noteworthy service in the spread of the Gospel. That however should not hinder us from viewing impartially the beginnings of the family, and these beginnings are not exactly edifying.

It is here as with many other instances in the history of the Order. A person succumbs to the temptation to judge of the character of the founders of such parties in the light of their later development and to consider as saints, men who were not saints and who often enough were only pursuing egoistic aims.

\textit{Paragraph 27}

\textit{The General Giles Delfini, 1500-1506. Constitutiones Alexandrinae}

The reform of the Conventuals had made but little progress under the General Samson. On the contrary, many provinces, for example in France, had obtained far-reaching dispensations regarding money from Alexander VI. One of the Coletani, the Parisian doctor John Perrinus, wrote a tract in which he not only inveighs with biting sarcasm against the sad state of affairs among the Conventuals in France, but also seeks to show that all these harmful dispensations are invalid. Giles Delfini, the successor of Samson, wished to remedy matters. He had been elected by the Conventuals at the Chaper of Terni in 1500. Numerous complaints concerning the lack of discipline among the Conventuals had been sent to the Pope from all over the world so that the procurator of the Order was induced to address the following words to the Chapter: “It is hard to continue insisting, since from all places arrive complaints to our Most Holy Lord and to us regarding you and your proud conventualism. At this point we are aware that Our hope to see you reforming yourselves has been in vain, and we are therefore full of delusion, so that you gathered here in Chapter should know that all the world by now is aware of the abuses, corruption and insanity in the way of life of the Conventuals, that are creating such a din. You have remained adamant and want to continue living in such a way that we are ashamed to continue protecting you in this way of life.”
The new General had the most sincere intentions of reforming the Order. He began immediately with the introduction of new, extensive statutes which were considered at the Chapter and then approved by the Pope in 1501, wherefore they are called *Constitutiones Alexandrinarum*. They are important on account of their decrees concerning fundamental laws of the Order, but they held only for the Conventuals. These Constitutions were to lead the Conventuals to discipline, not however to a renunciation of their dispensations. The superiors believed that they must have consideration for the weakness of the Conventuals as far as possible. They considered it impossible to change the old customs suddenly and severe laws would only cause the subjects to despair. Reform could be expected only by cautious and slow measures.

Even though these principles had been proven false by the experience of the preceding centuries, nevertheless the explanations of the precepts of the Rule in themselves mark the lowest level of Franciscan legislation. The Chapter desired a declaration of the Pope to permit the superiors of the Order to dispense from all the precepts of the Rule excepting only the three vows. In order to check the decadence of the Order, each guardian must bring at least some worthy friars to the Community, otherwise he is considered incapable. The formula of profession is changed so that the novice promises to observe the Rule according to the declarations of the Popes, especially Martin IV and V, Clement V, Eugene IV, Sixtus IV and Alexander VI; in other words, the standpoint of the Conventuals shall be firmly upheld. The conception of the prohibition of money is absolutely repulsive. Instead of saying: we cannot or we do not wish to observe this point any more and therefore let us be dispensed from it, an interpretation is chosen which sounds like a travesty of the precept. The lack of property in common is retained in theory, but landed estates, and annuities also remain permissible and, under certain conditions, even private possessions are not excluded. *Fratres procuratoribus* are likewise expressly conceded.

The directions of the concluding chapter of the Constitutions are of special interest for they point out how the suggested reform is to be carried out. At the provincial chapters the friars shall be asked whether any present wish to live according the “regular observance”. If such are found, any convent which they desire must be handed over to them where they can live together under the protection of the superiors. Superiors for the other monasteries shall then be taken from among these friars of the “regular observance” because usually the superiors are at fault for the lack of discipline among their subjects. To ensure the success of the reform, the General shall also seek the protection of the princes and the people – a course which had long ago been taken by the Observants but for which they had always been criticized. It is incomprehensible what is here meant by “regular observance”. Did it mean only the observance of the new statutes, which were all supposed to obey? Or were the Conventual leaders thinking of surrendering their dispensations and thereby of drawing nearer to the family of the Observants? Just as obscure is the position of the Observants in the new state of things. On the one hand, they were freed from the observance of the new statutes, but on the other hand, subjection to the ordinary provincials was demanded together with the annulment of the decrees of the Council of Constance and of the later Popes. And this, though it was admitted that a reform of the Order could not succeed under non-reformed superiors!

With such a code of laws in his hands, Delfini now sought to begin the work of reform. His aim was the union of the entire Order. The means which he used for this
were the best that could be thought of. He lived as the strictest Observant, went barefoot on his visitations, and in all places gave the most edifying example. Where he came across laxity of discipline, he interposed energetically, expelled the friars and replace them with Observants. He even threatened to take the Sacro Convento in Assisi away from the Conventuals. He appointed reform guardians for the monasteries and sought to place Observants at the head of the provinces. For this he had obtained the necessary faculties from the Pope. Indeed, had a Delfini become General several generations earlier, he would have rendered imperishable service to the Order and a schism would certainly have been avoided. But he had the misfortune to rule at a time when the obstacles were insurmountable. He would not believe this and that is his only fault, which is however more to his credit than to his shame. His contemporaries as well as the later historians have but seldom done justice to him. The Conventuals were embittered against him to the extreme because, although elected from among their number, he had taken away many of their convents and given them to the Observants; among these was even the great house of studies at Paris. The Observants on the other hand were diffident and feared harm would be done to the discipline of the Order and to the strictness of the Rule by a too sudden fusion with the Conventuals. History has confirmed this fear. Many Conventuals now entered the Observance, partly to please the General, partly to spite him because they deliberately placed themselves under the vicar provincials instead of the provincials as Delfini wished for the sake of union. The Conventuals suffered most harm but the Observance was also very much weakened internally by this purely external adherence of many friars. This sad fact came to light shortly after the separation in 1517.

Delfini began his activity in Italy but could accomplish little here because the Observants opposed the projected union and the Conventuals gave no thought to reform. He then went to France where, with the help of the king, he reformed many monasteries. At that time the princes on the whole did much for the reform of monasteries, especially the emperor Maximilian in Germany and Belgium. At times they proceeded too violently, as they demanded of the Conventuals reform and subjection to the vicar provincials, otherwise they would be banished. Innumerable complaints of this secular interference came to Rome. Wherever the Pope commissioned the Bishops of those places to investigate, the result was usually very favorable to the Observants because the princes of the Church were as ill-disposed towards the Conventuals as were the secular princes. The constantly repeated commands not to accept any houses of the opposite party were entirely useless in face of actual conditions. Still this kind of reform only meant a weakening of the internal strength of the Observance.

From France the General went to Spain where the archbishop Ximenes, with the help of Queen Isabella, had already taken the reform vigorously in hand. He strove either by kindness or by force to make the Conventuals of the four Mendicant Orders true Observants and to expel those who refused. In this he encountered many obstacles, partly from the laity who feared that their Mass foundations would not be taken care of, partly from the friars themselves who protected themselves against his reform by papal Briefs. But Ximenes never let himself be deterred by such tactics from what he recognized to be necessary. Under Alexander VI, Briefs could be obtained for everything – so much so that in 1497 the Vicars General of the Observants were forced to obtain a Brief by virtue of which they could declare all the Briefs of their subjects to be null and void if they were prejudicial to the discipline of the Order. Ximenes did the same thing and finally he
History of the Order up to the Separation in the Year 1517

succeeded in reforming the four Mendicant Orders almost completely; in this reformation, sad to say, the Franciscan Conventuals played the most sorry role. Many of them who did not wish to adapt the reform were put on a ship by order of the king and sent to the Pope. Others wandered to Africa and embraced Islam. The Orders owed much to the reform activity of the incomparable Ximenes. The Franciscan Order in Spain especially would never have attained its later importance if her great son had not restored the discipline of the Order there. His method of acting did not, it must be confessed, please the General of the Order. Delfini even lent ear to the calumniators of the archbishop and sought to prejudice the queen against him. The General in his instance was the victim of his credulity, and seems to have seen into this himself quite soon. Otherwise the queen, who thought the world and all of Ximenes, would hardly have been so kindly disposed towards the General as to do him the favor of requesting the Pope to convocate a *Capitulum Generalissimum*. At this Chapter the long desired union was to be effected with an Observant as the new General.

Having returned to France from Spain, Delfini held a General Chapter at Troyes in 1503. The Observants of both obediences were invited. The reformed friars even constituted the majority. The General asked, first of all the union of the various reformed groups; that is, the family of the Observants, like the other reformed friars, should place itself under the General even though the latter friars in many cases did not renounce their claim to yearly incomes, but merely had them administered by Syndics. To persuade the Observants to unite, the General gave them all possible guarantees: the Observants shall again be permitted to return to their Vicars if their new superiors should not fulfill their duty; the Conventuals who transfer to the Observants could be advanced to offices only after seven years, lest ambition prompt the transfer. The Observants present asked for time to consider because they could not definitely decide without consulting their confreres and without the vicar generals.

Delfini continued his efforts in France. The great house of studies at Paris was reformed, and the Province of Francia received as its provincial the Coletan, Boniface of Ceva, who distinguished himself both by his zeal for reform and by his very bitter opposition to the Observants of the family.

When Alexander VI died, the General won the new Pope, Julius II, who himself had lived among the Conventuals for a time, over to his plan to effect the union of all the branches in the Order. This was to take place at a general chapter to be held in Rome in 1506. At the Chapter, however, Delfini saw to his sorrow that both parties opposed the union which he desired. This needs no further explanation after what has already been said.

Many of the Conventuals who would not hear of the reform, circulated false accusations against Delfini at this Chapter. Because of these accusations, the General resigned and withdrew to the convent of the Observants in Naples where he died soon after. It was now left up to the Observants to decide whether or not they should take part in the new election with an active and passive voice. They declined because they did not have a majority and they considered the union harmful. Thereupon Raynald Graziani of Cotignola was elected by the Conventuals and the reformed friars subject to them. He was a pronounced opponent of the family of the Observants and considered their exemption worse than all the dispensations of the Conventuals.
Paragraph 28
From the Capitulum Generalissimum of 1506
to the Capitulum Generalissimum of 1517

After the close of the Chapter, the Pope issued two Briefs to put an end to the perpetual strife in the Ultramontane provinces over the seizing of opponents’ convents.

The friars in Aragon, who for some years had been subject to the General with the understanding that the union would certainly be effected at the next General Chapter with a reformed friar as General, were now given permission to return to the vicars. This was a severe loss for the Conventuals which was in no way counterbalanced by some gains which the General Raynald succeeded in making in various places.

More important was another command of the Pope. He ordered the smaller congregations of the Clareni, Amadeans, Coletani and Guadalupenses to incorporate either with the Conventuals, or with the Observants within a year. The majority in each house should decide. Should they go to the Conventuals they must still observe their reformed life and receive reformed friars as superiors. This command however made as little impression upon those concerned as its repetition in 1510. All these congregations continued to exist until 1517.

In the meantime, the General with some provincials of the German and French provinces who were favorable to the union – Boniface of Ceva was the most zealous among them – had prepared new statutes. These statutes had been discussed at the General Chapter of 1506. They were then modified by a commission armed with papal authority, and were finally published by the General with the approbation of the Cardinal Protector in 1508. Statuta generalia et papalia, or Statuta Julii II are a masterpiece of legislation. With great historical and legal skill, they collect in twelve chapters the chief contents of former papal and private explanations of the Rule; they omit many merely disturbing censures, and they create complete clarity by abrogating all earlier statutes. They are primarily intended for the Conventuales Reformati as opposed to the Conventuales Deformati, that is, those who did not wish to renounce the dispensations of the Rule given since Martin IV. The Observants of the family must surrender their exemption completely and unite with the Conventuales Reformati to form the foundation of the Order. The non-reformed Conventuals are condemned to gradual extinction, since the novitiates and the study houses must be given over exclusively to the reformed friars.

As far as the contents themselves of the new Statuta are concerned, they coincide in the main points with the demands of the Observants; the formula of profession is again the old one with renunciation of the dispensations of the past century. Landed estates and annuities, as well as the right of accepting inheritances granted by Sixtus IV are abolished and only permitted in rare, exceptional cases, for example, for study houses. Foundations are, in general, treated just as the Observants were wont to treat them. The Chapter namely is to restore these to the owners or to the heirs and if this is not possible, to hand them over to other societies which are to satisfy with all the obligations. Only laymen may act as procurators and never the friars themselves, as had often been the case before. The statutes also approached the ideals of the Observance by a strong accentuation of the ascetical life, since they emphasized meditation as an obligation, and recommended the discipline as a praiseworthy custom. In order to remove all doubts concerning the sincerity of the reform, it was further decreed that two reformed vicars be associated with
the General as visitors, that the procurator General and the provincials must be deposed if they resist the reform, and that no one who is not himself a reformed friar may have a voice in the election of the General. A valuable appendix is added to the statutes containing liturgical ordinances and business formulae.

These Constitutions were ideally suitable to lay the foundation of a real reform and union. Obscure however, as so much in this period of the Order’s history is the circumstance that they were published not in Italy but first of all in the Ultramontane provinces. There they seem to have exercised good influence and to have induced many convents to join the reformed ministers. In the countries beyond the Alps the Observants together with the reformed Conventuals constituted by far the majority and thus they could force the reform of the unwilling Conventuals, or in an extreme case could condemn them to extinction. In all probability they would actually have done this had not Italy, with its entirely different circumstances, intervened.

In that country, Observants and reformed Conventuals were sharply opposed to each other, without common general ground on which to meet. The Clareni and the Amadeans were so insignificant and differed so greatly from the two main branches that they could not act as intermediaries. When news of the happenings in the Ultramontane provinces was brought into Italy, fear was felt there for the existence of the Observance, because the Italian Observants believed that their vicars were essential. This may have been the case in Italy; but the friars there were not sufficiently informed of the state of affairs in the Ultramontane provinces which had a distinct vicar general and whose development had been different from the Italian Observant provinces. This was true especially in the external acts of piety and mortifications which were not demanded by the Rule, but still were so highly prized by many Italian Observants that they would not sacrifice them even for the sake of unity. So the Cismontane Vicar General, Francis Zeno, who had opposed the union also in 1506, now went to the Pope and obtained the Brief Etsi nostrae of November 22, 1510, which again restored the exemption of the Observants. The reason given for this exemption was that the contrary ordinances contained in the Statuta Julii II were not obtained in an entirely legal manner, potius extortae quam impetratae.

And thus the last and best attempt at union was frustrated. The mistake lay in this, that circumstances in Italy were attributed without further investigation to the other countries. The union was, to be sure, impossible in Italy so long as neither party wanted it. But outside of Italy it would have been accomplished with a complete victory for the demands of the Observants. The consequence now was that the movement for unity came to a stop in the Ultramontane provinces also and a bitter conflict broke out between the reformed Conventuals under the leadership of Boniface and the Observants of the family. A large number of writings, part of them exceedingly uncharitable, were circulated in which Boniface opposed in the most strenuous manner the exemption of the Observants as contrary to the Rule, and asserted that many Observants did not wish it, and were held under the vicars solely by force.

The Observants retorted that the reform under the provincials was able to progress or even exist only because of the fact that the Observant family existed to which anyone could transfer. Only to avert this did the provincials leave their reformed friars in peace. Had there been no Observants of the family, the reform of the Conventuals would not
have lasted three years. Consequently, they stand firm in their belief that “the Bull of Eugene is the soul of the Rule.”

The former terms of derision again came into use. The Observants were called Bullistae, Eugeniani, or Constancienses. The Coletani were now named the Nicolaitae.

In France the fight was even brought by Boniface before the Parliament which wished to enforce the union between the branches of the Observants. But since this did not succeed, Boniface made the suggestion to submit the affair to the Council of the Lateran, to which Council both parties should send their opinions. Boniface did this in an impassioned brochure entitled Defensorium. In this work, he complained of the confiscation of convents on the part of the Vicariani, whereby their numerical superiority was easily explained. Despite this confiscation, he wrote, the number of reform convents under the provincials in France alone amount to almost one hundred. Let the Council bring about union, but only under the ministers. The contrary is impossible because it is against the Rule of St. Francis.

This pamphlet of Boniface, which was originally intended for the Lateran Council, was published and caused a great stir in all places, even in Germany where hitherto comparative quiet had reigned among the reformed friars. Kaspar Schatzgeyer, the vicar of the upper German province, wrote an apology which in objectivity and calmness provides a very favorable contrast to the immoderate language of his opponent. Boniface cries loudly for the union, says Schatzgeyer, and not without justice but he hinders it by his lack of charity and his entire method of procedure. If the Observants lead a non-reformed house back to order, they do a good work, because a convent without discipline has no right to exist. Moreover they always go about this work with full papal authority and so the charges of unjust deprivation of convents are out of place. The authentic reports of the transfer of such convents do not agree at all with the complaints of the Conventuals. Regarding the question of vicars, Schatzgeyer remarks: St. Francis was no grammarian, but he wished to have good superiors who are sanctioned by the Apostolic See. It is indeed remarkable that the Observants should ever be reproached for their unessential dispensation in accordance with which they call their superiors vicars and not ministers, while the Conventuals consider their great dispensations, which are contrary to the Rule, as nothing at all. How would it be, he asks, if the Pope would call the minister of the Conventuals, Magister, and the vicar of the Observants, Minister? A union of the entire Order would indeed be the ideal, but is practically impossible. But a union between the reformed parties must indeed be aimed at, and this in the sense that all reformed friars join the family of the Observants, whether Boniface considers that a disgrace or not. We shall see that the suggestion of Schatzgeyer was the foundation of the union.

Boniface answered Schatzgeyer in a Responsio and sought to strengthen his position with the help of the French Parliament, but without success. His premature death in the Spring of 1517 spared him the sorrow of seeing that his years of fighting had been in vain.

While the union, at least between the reformed parties was thus being sought in France and Germany, the friars in Italy labored with all their might for a complete separation between the Conventuals and the Observants, since the differences could no longer be settled. The General Raynald, who was in favor of union, had to yield to Philip
History of the Order up to the Separation in the Year 1517

Forcacci in 1510. Forcacci died after ruling one year. Bernardine Prati then followed in 1513, the last General of the entire Order to be chosen from among the Conventuals.

The conflicts between the parties had gradually become so scandalous that the emperor Maximilian, the princes of France, Spain, Portugal, England, Denmark, Sweden and Norway, Poland, besides many bishops and communities appealed to the Pope with the request that he finally provide a permanent remedy. The contents of their letters are not yet known, but if the former opinions of the writers are a true guide, they would have advocated union of the reformed friars and their complete independence from the Conventuals. This was also the decision of the commission of Cardinals to whom Leo X referred these letters and the documents of the disputing friars, as is unmistakably seen from the papal letter, Romanum Pontificem, of July 11, 1516. In this letter a capitulum generalissimum is summoned to meet in Rome at Pentecost 1517. All Conventuals and Observants qualified to vote must appear. Also all those who lead a reformed life under the non-reformed provincials, as for example the Amadeans, Clareni, and the Friars of the Capuche, must in each province elect two reformed friars from among their number, and these then have a seat and a voice in the Chapter. From this ordinance it can already be seen how the Pope planned to bring about the separation.

Paragraph 29

The Separation in 1517

The Cismontane and Ultramontane Observants, assembled in the convent of Aracoeli, requested the Pope not to force them to unite with the Conventuals because the difference in the conception of the Rule was too great. They would unite willingly however if all Conventuals would accept the reformed life and if a reformed friar were appointed General. The Pope laid this proposal before the Conventuals who, after long reflection, declined such a union since, as they said, they could live according to the papal privileges with a good conscience. Thereupon Leo X excluded non-reformed members from the election of the General, that is, the Conventuales Deformati according to the statutes of 1508. He separated the others – the Conventuales Reformati, together with the smaller congregations of Amadeans, Clareni, the Friars of the Capuche – from the dispensed Conventuals, and united them with the Observants into the Ordo Fratrum Minorum, with or without the addition of de Regularis Observantiae. It is to be regretted that the Order retained that title “of the Regular Observance” up till 1897, instead of simply accepting the designation which St. Francis had given and the Pope had expressly confirmed.

Leo now called all the reformed friars capable of voting to Aracoeli. Here, under the presidency of the Cardinal Protector, Grimani, and two other cardinals, all further business took place. First of all the vicars of the Observants were declared true provincials and the discreet true custodes. Then the right to vote of the rest of the reformed friars was examined. The reading of the Bull, Ite et vos in vineam meam, dated May 29, 1517, was next in order. This is usually called the Bull of Union, since it united all the reformed Friars Minor. It could with just as much right be called the Bull of Separation, insofar as it finally separated the non-reformed Conventuals from the main body of the Order.
The chief points may be summed up thus:

- All reformed Friars Minor must in future give up all special names and privileges and subject themselves entirely to the General.
- The General is to be elected by the provincials and custodes of the reformed Conventuals, by the vicars and discreets of the Observants (who from now on are likewise provincials and custodes), and by the vicars of the Amadeans, Clareni, and Friars of the Capuche. These small congregations are also permitted to send two additional electors for each province in which they have houses.
- In order that those reformed convents whose provincial has not embraced the reform may also take part in the election of the General, these convents may, according to the Brief *Romanum Pontificem* (cfr. par. 28) elect two friars to act as delegates of their province at the election of the General. In all 142 voters convened.
- As the electors, so naturally also the General to be elected must belong to the reform.
- To ensure the unity of the Order for the future, all formation of parties was prohibited under severe penalty and the drafting of common Constitutions was promised.
- The Bull also contains important ordinances concerning the Constitutions. The office of the General lasts only six years, that of the provincial only three.
- The Order is divided into two families, *Familia Cismontana*, and *Familia Ultramontana*, from which the General is to be elected alternately.
- A Commissary General is to be elected every three years to represent the family from which the General was not chosen. He remains subject to the General, however, and has only as much power as the General Chapter grants him.

After these preliminary steps, the election took place on June 1. The Cismontane Vicar General, Christopher Numai of Forlì was chosen General. Even before this the Pope had deposed the former General, Bernardine, and commanded him to hand the seal of the Order over to his successor.

The *Conventuales Deformati*, who now constituted the minority in the Order since the secession of their reformed confreres, were enraged at the transfer of the office of General to the reform parties, and circulated the false report that the Pope had let himself be bribed for a large sum. They then elected a General for themselves in the Convent of the Dodici Apostoli, according him the title “Minister General” and not “Master General” as the Pope had commanded. Leo therefore annulled the election, but later confirmed the elected friar as Master General and forbade him to take any other title.

Then with even greater minuteness, he repeated his ordinances on June 14, 1517, in the Bull *Omnipotens Deus*, which was also called *Bulla Concordiae*. Here he says:

- The Conventuals may elect only a Master General who must be confirmed by the *Minister Generalis totius Ordinis*, just as was formerly the case with the Vicar Generals of the Observants. For the first election, however, the Pope himself gives the confirmation.
- Similarly the individual provinces of the Conventuals have to elect a *Magister Provincialis*, who must ask for confirmation from the *Minister Provincialis* of the Observants.
- In the government itself however, the *Magistri* are just as independent as were the former Vicars of the Observants. The Minister General has the right to visit the
Conventuals *paterne*, and must be honorably received by them “as the superior of the entire Order.”

- The prohibition concerning the confiscation of houses is renewed.
- If the Conventuals wish to lead a reformed life, retaining however their privileges, their immediate superiors alone have to accomplish this reform. But if they wish to renounce their privileges, and to place themselves entirely under the obedience of the ministers, they can do so in all the larger houses with the consent of two thirds of the friars in the convent.
- Individual Conventuals may transfer to the Observants provided they have first informed their superiors of their intention.
- The Bull also stated that in processions and in all public acts the Conventuals must give precedence to the Observants.

In order to preserve peace, the two branches of the Order had an *Instrumentum Transactionis et Concordiae* legally drawn up in the presence of the Cardinal Protector. This document repeats the main points of the papal Bulls mentioned above. The Master General therein solemnly declared that neither in person nor through others would he strive for an alteration of the decrees of Leo X nor would he permit any appeal relating to these decrees.

In spite of this, however, the Pope, already on December 6 of the same year, had to remind the Conventuals of the precepts referring to precedence, and to declare expressly that the Observants and reformed friars were true Friars Minor and justly called themselves sons of St. Francis. It seems incredible that the non-reformed Conventuals of that time should have esteemed themselves as the only true sons of St. Francis, but the words of the Pope admit of no other meaning.

This exhortation did not bear fruit and so, on April 15, 1518 he published an encyclical to the spiritual and civil princes in which he first of all treats of the history of the separation and then threatens to place all the Conventuals resisting his commands under the obedience of the General and the Minister Provincials who will be obliged to bring about their reform by force with the help of the civil authorities. In the light of this encyclical, the report is no longer improbable that Leo X at that time thought of completely suppressing the Conventual Order, that is, of allowing the non-reformed convents to die out, as had already been planned in the Statutes of Julius II. Much strength, which was later spent in useless and foolish conflicts would in that case have found a better outlet, and the unity of the Order would have remained intact. This could no longer be effected by any other means than by the suppression of one party. The two parties, the reformed and the non-reformed, were so different in manner of life and in their attitude towards the Rule that it was impossible for them to find peace in a united society. If both parties were to be permitted to continue, complete separation was the only solution. Every sincere friend of the Order will deplore this fact, no matter to which family of the whole Order he belongs today.

It would be unjust to identify the Conventuals of today with their regulated discipline with the non-reformed Conventuals of the 15th century, just as the Friars Minor of today have no cause to defend the mistakes made by the Observants of those times.

This however all will be forced to say: the reform, the main support of which was the Observance, supplied new power and new spirit to the Order, and retained for the foundation of St. Francis its distinctive character.
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<td>1. St. Francis</td>
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<td>Vicar General: Peter Catania</td>
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<td>11. Arlotto of Prato</td>
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42. Aegidius Delfini of Amelia 1500-1506
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44. Philip Porcacci of Bagnacavallo 1510-1511
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VICARS GENERAL AND GENERAL CHAPTERS
OF THE OBSERVANTS UNTIL 1517

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| Nicolas Rodolphe (for French Observants)            | 1415 |                 |
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Peter Riario 1472-1474
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<tr>
<td>Clement VII (Avignon)</td>
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<td>Boniface IX (Rome)</td>
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<td>Benedict XIII (Avignon)</td>
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<tr>
<td>Alexander V (Pisa)</td>
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<td>Eugene IV</td>
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<tr>
<td>(Felix V)</td>
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<td>Nicholas V</td>
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<td>Calixtus III</td>
<td>1455-1458</td>
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<td>Pius II</td>
<td>1458-1464</td>
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<td>Leo X</td>
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