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3 The *Rule* and life of the Friars Minor

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The *Rule* and life of the Friars Minor is this: to observe the Holy Gospel of Our Lord Jesus Christ by living in obedience, without anything of one's own, and in chastity.

(RB, 1)

These opening lines of their *Rule* have guided the followers of Francis of Assisi for some 800 years. To 'observe' the Gospel can mean both looking at it carefully, as in 'observing' the stars, and carrying out what it asks, as in 'observing' a law or a principle. The Franciscan *Rule* thus requires those who profess it to pattern their lives according to the Gospel of Christ, putting its teachings into practice as members of a religious order of the Catholic Church.

The earliest draft of this *Rule* followed by Francis of Assisi and his brothers received its first approval in 1209. Since that time it has inspired many to become saints, just as it has spawned bitter controversies over its application in changing circumstances of Church and society.¹ Bearing in its train this complex heritage, it continues to guide the lives of a multitude of the followers of Francis to this day. A thorough history and analysis of the Franciscan *Rule* and its influence through the centuries would require a long study indeed, and one that is highly desirable. Our purposes here are more modest, and of an introductory nature: to examine critical moments in the development of that *Rule* and its interpretation, from 'a few words written down simply' in 1209, through its several redactions, its formal approval in 1223, and its early interpretation by the brothers themselves and the papacy in the years immediately after the death of Francis.

THE EARLIER 'RULE' AND THE LATER 'RULE'

Two redactions of a *Rule* composed by Francis of Assisi and his brothers have come down to us. One is called the Earlier *Rule*, First *Rule*,

Rule of 1221 or *Regula non bullata*; and the other is known as the *Later Rule*, *Rule of 1223* or *Regula bullata*. In addition we have several sets of Fragments of an *Earlier Rule*, which are not identical to the redactions of 1221 and 1223.

The 'original' manuscript of the *Earlier Rule*, if such a term is correct, has not come down to us. Instead, we have a rich and complex tradition transmitting the text of the *Earlier Rule*, with some twenty-two manuscripts from the fourteenth and fifteenth centuries. Its earliest printed edition was prepared by the Irish Franciscan scholar Luke Wadding in his *Opuscula beati Francisci*, published at Antwerp in 1623.² Modern critical editions of its text, with inevitable variations, have been published by David Flood, Kajetan Esser and Carlo Paolazzi.³

For the *Later Rule* matters are more straightforward: we have the original papal bull containing the text of the *Rule* as it was approved in 1223, as well as an authentic copy in the Vatican Registers of the pontificate of Honorius III.⁴ Oddly enough, there are slight discrepancies even between these two texts. The standard Latin edition is that of Kajetan Esser.⁵

Several texts offer citations from a version of the *Rule* that is neither that of the *Earlier Rule* nor the *Later Rule*. These Fragments can be found in three independent collections: a fourteenth-century manuscript of the Worcester Cathedral Library (cod. Q 27); in the work of the French friar and author Hugh of Digne, *Exposition of the Rule of the Friars Minor* (1245–55); and in the *Remembrance of the Desire of a Soul* by Thomas of Celano (1247). The full text of this version of the *Rule*, one perhaps developed between the 1221 and 1223 redactions, has not come down to us in any manuscript.

THE EARLIEST FORM OF THE 'RULE'

A famous fresco in the basilica di San Francesco in Assisi shows Brother Francis and his first companions as they are received in Rome by Innocent III at St John Lateran in 1209. The setting, as rendered by the artist, was meant to impress, and it did, foreign dignitaries and visiting bishops, kings and ordinary pilgrims. Within that great complex of the Lateran Basilica and the papal court, the small group from the north-central town of Assisi was probably notable only for being poorly clad and unshod. But groups of reformers, both orthodox and dubious, inspired by the words and deeds of Jesus in the Gospel, were no strangers to that grand house. Pope Innocent, astute and careful about any hint of heterodoxy, was capable of flexibility as he tried to

steer towards the mainstream of Church life lay and religious movements that were expanding during his pontificate (for example, the Humiliati of northern Italy, the Trinitarians, the Hospitallers of the Holy Spirit).

After what the early documents describe tactfully as an initial hesitation, it appears clear that Innocent granted an 'approval' of some kind to this small band of sincere men from nearby Umbria, with Brother 'Francesco' as their guide. No document from the papal chancery mentions this meeting or any approval of a 'proposal of life' (a *propositum vitae*), the most basic text regulating the life and activities of a nascent community in the Church.

As he was approaching his death, the same Brother Francis, now nearly blind, composed his *Testament*, in which he serves as the chief witness to the events of 1209. 'The Most High himself revealed to me that I should live according to the form of the Holy Gospel. And I had this written down simply, in few words, and the Lord Pope confirmed it for me.'⁶

The approval was most probably simply verbal, as can be gathered from this early account of the meeting by Thomas of Celano, whose *Life of St Francis* was written shortly after the saint's death:

When he [Innocent III] recognised the wish of the men of God, he first considered the matter and then gave his assent to their request, something he completed by a subsequent action. Exhorting and then warning them about many things, he blessed St Francis and his brothers and said to them: 'Go with the Lord, brothers, and as the Lord will see fit to inspire you, preach penance to all. When the almighty Lord increases you in numbers and grace, come back to me with joy, and I will grant you more things than these and, with greater confidence, I will entrust you with greater things.'

(1 Cel., 33)

BEGINNING FROM THE GOSPEL

The earliest elements shaping the *Rule* must be sketched by using biographical (hagiographical) sources, since we have no texts from Francis about these early stages. At the beginning of his conversion (1206–7) Francis apparently followed a way of life recognised within the sphere of ecclesiastical jurisdiction, probably associated with the 'order of penance', the life of devout laity ('penitents') who followed a sober

and prayerful way of living, whether as solitaries or in communal settings.⁷ Bishop Guido of Assisi indicated that he considered the young Francis under Church jurisdiction by allowing a dispute between Francis and his father Pietro to be heard in his episcopal court (1 Cel., 15). The young Francis worked, we suppose with appropriate approval, on the repair of churches owned by the canons of San Rufino (the church of San Damiano) and by the Benedictine monks of the abbey of San Benedetto of Mount Subasio (the chapel of Santa Maria degli Angeli) (1 Cel., 21). Francis at some point had begun to dress in the clothing of a hermit and had worked among lepers, perhaps in the hospice of San Rufino dell'Arce, staffed by 'penitents' of Assisi (1 Cel., 17). We have no indication of a '*Rule of life*' that the young Francis was following, unless it was generally the life of these 'penitents'.

The next phase of development may be that described by Celano, when Francis hears the reading of the Gospel in the little church of Santa Maria degli Angeli:

The restoration of that church took place in the third year of his conversion. At this time he wore a sort of hermit's habit with a leather belt. He carried a staff in his hand and wore shoes. One day the Gospel was being read in that church about how the Lord sent out his disciples to preach. The holy man of God, who was attending there, in order to understand better the words of the Gospel, humbly begged the priest after celebrating the solemnities of the Mass to explain the Gospel to him. The priest explained it all to him thoroughly line by line. When he heard that Christ's disciples should not *possess gold or silver or money, or carry on their journey a wallet or a sack, nor bread nor a staff, nor to have shoes nor two tunics*, but that they should preach *the kingdom of God and penance*, the holy man, Francis, immediately *exulted in the spirit of God*. 'This is what I want', he said, 'this is what I seek, this is what I desire with all my heart.'

(1 Cel., 22)⁸

This amalgam of synoptic texts (Matthew 10: 9–10; Luke 9: 2; Mark 6: 12) would find its way into the brothers' Earlier *Rule* (chapter 14). Here we may have the memory of an initial inspiration from the Gospel as recalled by Francis and communicated to his brothers in later years. At the time, as the account makes clear, Francis was alone. This 'life' was to be lived by a single, enthusiastic young man: only with the arrival of the earliest companions would this 'life' become the heart of an order's *Rule*.

THE FIRST BROTHERS CONSULT THE GOSPEL

In his *Testament*, Francis affirms, 'And after the Lord gave me some brothers, no one showed me what I had to do, but the Most High Himself revealed to me that I should live according to the pattern of the Holy Gospel.'⁹ We know the names of some of the earliest brothers of Francis. The first to arrive was Brother Bernard (of Quintavalle), followed shortly afterwards by a Brother Peter (perhaps Peter Catania) (1 Cel., 24). The question of a 'form of life' was thus posed in a new way, not for Francis alone, but for a small group of men. When referring to the 'revelation' of how to live according to the Gospel, the memories of Francis's companions describe the event of consulting a Gospel book (AP, 11 and 3 Soc., 29). After sincere prayer for divine guidance on their 'way of life', they opened the book three times and found the following three texts in answer to their prayer:

If you wish to be perfect, go, sell everything you have and give it to the poor and you will have treasure in heaven; and come, follow me.

(Matthew 19: 21; 'everything' from Luke 18: 22)

If anyone wishes to come after me, let him deny himself, and take up his cross and follow me.

(Matthew 16: 24)

If anyone wishes to come to me and does not hate father and mother and wife and children and brothers and sisters, and even his own life, he cannot be my disciple.

(Luke 14: 26)

Those texts are probably among the earliest elements of the brief document presented by Francis and his brothers in their meeting with Innocent III in 1209. Over the next decade and more, they were retained in the very opening chapter of the brothers' *Earlier Rule*.¹⁰

THE EARLIER 'RULE' (1221)

During the next twelve years the 'form of life' followed by these brothers gradually expanded into the document known as the *Earlier Rule* or *Regula non bullata*. By the time of its final revisions at the brothers' Chapter at Pentecost of 1221, the content of the *Rule* had increased greatly from those 'few words' originally presented to Innocent III. A brief summary of the content of the *Earlier Rule* will illustrate this, dividing the text into thematic sections.

The life of these brothers (Prologue–chapter 3)

Overall, the focus in this section is on the basic commitment required by the life of the brothers: this life is approved by the Church (Prologue); is based on the Gospel (1); and identifies norms for joining (2.1–3), along with specific practices of prayer and fasting (3).

Brothers and ministers (chapters 4–6)

The superiors or prelates are to be called ‘ministers’, and their service to the brothers is described (4.1–6), as well as the correction of the ministers and the other brothers (5.1–17), recourse to the minister in time of difficulty, and the avoidance of other titles (e.g., ‘prior’) (6.1–4).

Daily life of the brothers (chapters 7–9)

The work of the brothers is outlined in a general way (7.1–16), as is the prohibition of money as payment for their work (8.1–12). The brothers’ work is supplemented by seeking alms, and all should care for the needs of their brothers (9.1–16).

Brothers who are lesser (chapters 10–13)

Caring for the sick is an important task (10: see 7.15). The use of harsh words is forbidden (11: see 7.13–16). Relationships with women are regulated, especially for clerics (12: see 7 in general). Sexual misconduct is severely punished (13: follows from 12).

Living in the world as evangelical men (chapters 14–17)

The brothers’ behaviour in the world is formed by the Gospel’s demands (14). The brothers’ use of animals is strictly limited (15). The brothers’ behaviour among Muslims and others should be humble (16). The brothers’ external behaviour and internal attitudes in ministry should reflect humility (17).

Issues of Catholic identity (chapters 18–21)

Chapters 18 and 19 may answer questions faced by ministers in the provinces and contain no scriptural references. These may reflect the concerns and the vocabulary of the ministers themselves, lacking the characteristic marks of Francis’s way of writing. These can also be read as brief formulas to implement decrees of the fourth Lateran Council, added to the *Rule* presumably in 1216, at the first chapter of the brothers after the council. Chapter 20 also harks back to the fourth Lateran Council, specifically on norms for confession of sins and reception of Holy Communion, followed by a model text for preaching (21).

Assorted topics (chapters 22–4)

An account of salvation history, or perhaps an early *Testament* of Francis, is included (22). It is followed by an invitation to praise and an exhortation (23). As a conclusion, there is a 'cover letter' to accompany the text once it had received the anticipated confirmation of the pope (24).

CARDINAL HUGOLINO, AND THE QUESTION
OF ADOPTING ANOTHER 'RULE'

An important figure in the development of the *Rule* is Hugolino, cardinal bishop of Ostia, designated by Honorius III as cardinal protector of the growing fraternity of Friars Minor (or, *fratres minores*). The circumstances of this designation are given by Thomas of Celano in these terms:

At that time St Francis approached the lord Pope Honorius, who was then at the head of the Roman Church, humbly asking him to appoint the lord Hugolino, bishop of Ostia, as father and lord for him and his brothers. The lord Pope bowed to the holy man's request and, kindly agreeing, entrusted to the bishop his authority over the order of the brothers.

(I Cel., 100)

Cardinal Hugolino served as legate, a diplomatic representative of the papacy, with special responsibility for bringing order to the highly varied world of new religious communities in central and northern Italy. He was actively involved in advising Francis during the time the *Rule* was being developed. As cardinal and later as pope, he also drafted legislation for the community of Clare and her sisters at San Damiano, and used this legislation as the basis for an 'order of San Damiano' which he founded (though Clare did not join it).

The early 'form of life' of Francis and his brothers was 'confirmed' by Innocent III six years before restrictive legislation on religious *Rules* was enacted at the fourth Lateran Council in 1215. Its canon 13, 'On the prohibition against new religious orders' (*Ne nimis religionum prohibitis*), forbade the approval of any new religious *Rules*, so it was important for Francis and his brothers to demonstrate papal approval previous to the council, as Francis explicitly recalls in his *Testament*. Because the years following the council still saw no definitive, written approval of the *Rule* of the Friars Minor, some brothers with wide knowledge of

religious *Rules*, apparently with the support of Hugolino, tried to convince Francis to accept an already approved *Rule* and to abandon the project of a new *Rule* based on Gospel texts that had been 'in process' for more than a decade and was still unfinished at the time of the famous chapter of Mats (dated by many to 1221).

When blessed Francis was at the general chapter called the chapter of Mats, held at Santa Maria degli angeli, there were five thousand brothers present. Many wise and learned brothers told the Lord Cardinal, who later became Pope Gregory, who was present at the chapter, that he should persuade blessed Francis to follow the advice of those same wise brothers and allow himself to be guided by them for the time being. They cited the *Rule* of blessed Benedict, of blessed Augustine, and of blessed Bernard, which teach how to live in such order in such a way.

Then blessed Francis, on hearing the cardinal's advice about this, took him by the hand and led him to the brothers assembled in chapter, and spoke to the brothers in this way: 'My brothers! My brothers! God has called me by the way of simplicity and showed me the way of simplicity. I do not want you to mention to me any *Rule*, whether of St Augustine, or of St Bernard, or of St Benedict. And the Lord told me what He wanted: He wanted me to be a new fool in the world. God did not wish to lead us by any way other than this knowledge, but God will confound you by your knowledge and wisdom. But I trust in the Lord's police that through them He will punish you, and you will return to your state, to your blame, like it or not.'

The cardinal was shocked, and said nothing, and all the brothers were afraid.

(CA, 18)

The story, as recalled by Francis's companions some years after the event, certainly points to awareness among the brothers of other 'approved' *Rules*, and Francis's clear rejection of these. What did the *Rules* of these three saints, Benedict, Bernard and Augustine, signify in the lifetime of Francis?

Francis knew the Benedictine monks, with their abbey of San Benedetto above the walls of Assisi, on the slopes of Mount Subasio. Their monastic life presented the figure of a community of monks gathered around its abbot, bound by obedience and stability of place. Their community was affiliated with the Cluniac abbey of Farfa, an

influential and prosperous monastery to the south. When Clare came to join Francis and his brothers at Santa Maria degli Angeli on the evening of Palm Sunday in 1212, they accompanied her first to a monastery of Benedictine nuns where she stayed for a short while, San Paolo delle Badesse, in nearby Bastia. The monks of San Benedetto granted the use of the little church of the Porziuncula to Francis's early fraternity, after he had worked on its restoration early in his conversion. There is thus no hostility between the Friars Minor and the followers of St Benedict – quite the contrary! Yet Francis did not wish to accept the *Rule* for monks that guided Benedictine monasticism in his day.

Bernard of Clairvaux and Cistercian monks followed the *Rule* of St Benedict, so the reference to a '*Rule* of St Bernard' probably refers to the basic Cistercian legislation outlined in St Stephen Harding's early twelfth-century *Carta Caritatis*. The Cistercians represented a highly esteemed form of Benedictine life in the thirteenth century within the circle of Cardinal Hugolino (two Cistercians served as his advisors), and these 'white monks' were considered a model for religious life in the pontificates of Innocent III and Honorius III. Their legislation, with provision for regular international chapter meetings, became the norm for religious orders after the fourth Lateran Council. The Cistercian reform's insistence on architectural simplicity, personal poverty and manual labour had gained the admiration of many in the Church of Rome and beyond. Yet Francis does not wish to adopt the '*Rule* of St Bernard'.

Various communities of Clerics Regular followed the *Rule* of St Augustine. These were groups of priests sharing a common life modelled on the Acts of the Apostles (hence, 'apostolic life'), holding property in common, praying together and frequently dedicated to a ministry of preaching. Such twelfth-century communities as the Canons of Prémontré under Norbert of Xanten followed a form of this 'apostolic life'. Dominic Guzman similarly chose the *Rule* of St Augustine at the time of the official recognition of the order of Preachers or Dominicans by Honorius III in 1216. But this *Rule*, intended for communities of clerics, was not chosen by Francis and his brothers.

While not accepting any of these already tested *Rule* for himself and his brothers, Francis incorporated elements that would have seemed familiar to members of other orders: common liturgical prayer; the importance of work; obedience towards a superior; and regular gatherings for decision-making. But there are also significant differences. For monks, though travel was allowed, it was hardly the norm, as the

ordinary daily occupations of prayer and work presumed a settled, orderly and cloistered life. Francis presumed movement as part of his brothers' way of life. Preaching at this time frequently included disputation, public argument between opposing sides, especially against heresy, as was the case of Cistercian preachers in the south of France, and that of Dominic and the Friars Preacher, in the context of the Albigensian or Cathar heresy. Francis forbids preaching of this kind, emphasising instead the importance of an example of meekness and an attitude of submission towards others, whether friend or foe. And while he emphasises the importance of obedience, the one to be obeyed is called 'minister and servant' of the brothers, and the obedience owed to him is limited by such criteria as discernment and the demands of conscience.

Most basically, the difference that Francis and (some) brothers insisted on was the inspiration of texts taken directly from the Gospel as the organising principle of their 'life and Rule'. They insisted that the 'form' or 'pattern of the Holy Gospel' (not the description of the 'Apostolic Church' in the Book of Acts) was to be their guide in shaping their life together. To use the Gospel as the basis for this 'Rule and life' was not unprecedented among the new religious movements of the time, but it was the privilege of Francis and his brothers to see their version of a Gospel-based life (*vita evangelica*) officially approved. For Francis, as his *Testament* indicates, this commitment to an 'evangelical life' was a matter of divine inspiration and required of him firm resistance to pressures (whether from Hugolino or the brothers) to accept a previously approved *Rule* for his fraternity.

HONORIUS III CONFIRMS THE 'RULE' ('SOLET ANNUERE' 1223)

Late in 1223, 'Brother Francis' finally received the official approval of the 'Rule and life' of the order of Friars Minor, addressed to him on 29 November. Fourteen years had passed since he had presented to Innocent III those 'few words' that expressed his understanding of a life 'according to the pattern of the Holy Gospel', as he explains in his *Testament*. The original papal bull, *Solet annuere*, approving the *Rule* of the Friars Minor, is kept at the basilica di San Francesco in Assisi, enshrining, between its salutation and conclusion, the text which still serves as the *Rule* of the order.

When read with a knowledge of the Earlier *Rule* of 1221, several of its characteristics are immediately apparent. It is much briefer than the earlier text (less than half its size). Rather than the twenty-four

chapters into which the Earlier *Rule* is customarily divided, the Later *Rule* has twelve. Nearly all the citations of the Gospel and other scriptural passages have been removed. There is some technical language from canon law and a more orderly structure, eliminating some of the repetitions and lengthy exhortations of the 1221 document.

When considering the authorship of the *Rule* in its various forms, a word must be said about the presence of Cardinal Hugolino, a protector of the order in its early years. Several years after the death of Francis, when Hugolino had become pope as Gregory IX, he issued an important document that interpreted the meaning of the Later *Rule*. In *Quo elongati* (28 September 1230) he describes his role in the composition of the *Rule* in these terms: 'as a result of the long-standing friendship between the holy confessor and ourselves, we know his mind more fully. Furthermore, while we held a lesser rank, we stood by him both as he composed the aforesaid *Rule* and obtained its confirmation from the Apostolic See.'¹¹ This role of 'standing by' Francis during the *Rule's* composition could imply that Hugolino–Gregory had a role in shaping its content, though it is not possible to determine from the text of the *Rule* itself what that role might have been.

THE CONTENT OF THE LATER 'RULE'

In recent decades scholars have proposed a division of the text into thematic units, rather than using the artificial division of twelve chapters (most probably chosen for purposes of public reading). The text can be summarised under the following headings for each theme:

'To observe the Gospel of Jesus Christ' (Prologue–1.1)

The basis of the brothers' life is the Gospel (1.1); and it is lived in the Church (1.2–3).

'To receive this life' (2.1–3.9)

The basic demands of conversion include renunciation of possessions, correct Catholic belief and commitment to chastity (2.1–6). Those joining the brothers must be free in giving their goods to the poor (2.7–8). During the year of probation they are clothed in poor clothing (2.9–10). 'To be received to obedience' at profession of this *Rule* has life-long consequences (2.11–13); the clothing of the brothers is simple, and those who dress differently are not to be judged (2.14–17). The common prayer of the brothers is the Divine Office (3.1–4); and they undertake bodily fasting like the other faithful (3.5–9).

***Lesser ones in the world* (3.10–14)**

The brothers are to be peaceful among others, humble, walking from place to place, greeting others with 'Peace', relying on the hospitality of others.

***Work and providing for the brothers* (4.1–5.4)**

Provision must be made for the needs of the brothers, but without use of money (4.1–3). Brothers should 'work faithfully and devotedly' for their daily support (5.1–4).

***'Heirs and kings of the kingdom of heaven'* (6.1–7.3)**

Renunciation and itinerancy are hallmarks of this life (6.1–6); and brothers should show they are members of the same family, brothers in the Spirit (6.7–9). Penance for the brothers' sins is accompanied by mercy (7.1–3).

***The ministers and the brothers* (8.1–10.6)**

The minister general is elected at a chapter (8.1–5). The preaching of the brothers is regulated by the minister (9.1–4); and authority and obedience in the fraternity are to be governed by this *Rule* and the needs of the soul (10.1–6).

***The brothers' attitudes and behaviour in ministry* (10.7–12)**

The brothers must be on guard against pride, desiring the 'Spirit of the Lord' and avoiding worldly norms for success.

***The brothers' relationships with people they meet*
(11.1–12.2)**

The brothers among believers (lay, religious, men, women) must behave in an upright way, avoiding occasions of scandal (11.1–3); the brothers are to be 'submissive and subject' when among Saracens and non-believers (12.1–2).

***Assuring fidelity* (12.3–4)**

The brothers must have a cardinal protector, appointed by the pope, helping to assure their constancy in Catholic identity.

A FIXED 'RULE' AND A CHANGING CONTEXT

Early Franciscan texts record tensions among the brothers in the period immediately preceding the final approval of the *Rule*. There are

several accounts, some embellished with dramatic details, illustrating a particular tension between Francis and a group of ministers from various provinces or regions. Thomas of Celano himself gives one example, in his second account of the life and virtues of Francis, *The Remembrance of the Desire of a Soul*:

there are some among the prelates who draw [the brothers] in a different direction, placing before them the examples of the ancients and paying little attention to my warnings ... Who are these people? They have snatched out of my hands my religion and that of the brothers. If I go to the general chapter, then I'll show them what my will is!

(2 Cel., 188)

The changing demographics of the order saw better-educated clerics, including those from higher ranks of medieval society, joining the brothers in large numbers. The number of 5,000 brothers given for the chapter of Mats, dated to 1221, may be an overstatement, but there was a significant growth in numbers. Those 'senior brothers' and 'prelates' who are pictured as allies of Cardinal Hugolino at that chapter represent forces that were not always favourable towards Francis and his ideas. The so-called *Dictate on True and Perfect Joy*, generally considered an authentic *logion* of Francis, pictures Francis as one who is rejected at the central meeting-place of the order, Santa Maria degli Angeli, because he is 'simple and stupid', one who does not fit the profile of the brothers' new membership.¹²

These tensions between certain leaders within the fraternity and Francis as chief author of the *Rule* may help to explain the vehemence with which he will write his wishes about the observance of the *Rule* shortly before his death.

THE 'TESTAMENT' AND THE DEATH OF FRANCIS (1226)

The most lasting and authoritative interpretation of the brothers' 'life and *Rule*' was issued by Francis in his *Testament* composed shortly before his death (3 October 1226). In it he explains, among other things, the approach the friars are to take in interpreting the *Rule*. Its words are to be understood *simpliciter*, a term that can be rendered as 'simply', or 'plainly' or 'sincerely' (all three nuances of meaning can be found in the *usus scribendi* of Brother Francis). The way its words are *not* to be understood is also indicated: 'without gloss' (*sine glossa*), that is, without the official interpretation given by an *auctoritas* in the margin of

the document. Francis intends to bind his brothers to interpret the *Rule* through the lens of his *Testament*, ordering that whenever the *Rule* is copied or read, the *Testament* must accompany it. Yet, he insists, 'the brothers may not say: "This is another *Rule*." Because this is a remembrance, admonition, exhortation, and my testament.' The reason for its composition is also given: 'that we might observe the *Rule* we have promised in a more Catholic way'. So, while not being a *Rule*, it is a guide to living according to the *Rule*. The ministers may not add or take away from its words; they are always to keep this text together with the text of the *Rule*.

The great care shown by Francis in trying to protect the *Rule* and his own *Testament* from the work of *glossatores* reveals a real preoccupation. We sense from his words that some brothers (or others) had the legal acumen to reinterpret both texts in a way that changed their original meaning. The *Testament* is meant to prohibit treating these documents in the way that experts in canon law or theology interpreted texts by means of authoritative commentaries (*auctoritates*). By linking the public reading of the *Testament* to the reading of the *Rule*, Francis is trying to assure that such an approach will never be allowed.

Of particular concern seems to be preserving certain basic values, based on the Gospel itself. Francis mentions the requirement of poverty in buildings and churches used by the brothers, the importance of manual labour among them, and the obedience of the ministers and all the brothers to the *Rule*'s prescriptions. From the emphatic tone of the *Testament* one is tempted to detect in Francis a certain fear about future developments in the order and its observance of the *Rule* after the founder's death. In fact, it would not be long after his death that questions about both the *Rule* and the *Testament* would need to be answered at the highest levels.

THE 'RULE' AFTER THE DEATH OF THE FOUNDER:
'QUO ELONGATI', GREGORY IX, 1230

Hugolino was the man who, as cardinal protector, had served as intermediary between Francis's followers and the Roman Church. Following the death of Honorius III, in 1227, he (Hugolino) was elected pope on 19 March 1227 with the name of Gregory IX. Within a short time he canonised Francis; he commissioned the *Life* of the new saint composed by Thomas of Celano; and he began preparations for the building of the great basilica di San Francesco in Assisi, laying the foundation stone on 17 July 1228.

In 1230, two years after his election, Gregory already had a serious question to answer about the authority of Francis, one posed by a delegation of brothers sent by the general chapter of the order. Its members included the respected preacher Anthony of Lisbon (later of Padua); the future minister general, Haymo of Faversham; and Leo of Perego, a future archbishop of Milan. They had come in order to ask Gregory to clarify certain doubtful points regarding the *Rule*. Specifically, the brothers wished him to decide how the rapidly expanding order could legitimately make use of property, buildings and materials (books, for example) while remaining faithful to the text of their *Rule*, which forbade appropriating anything to themselves. And, to make things more difficult, they had to interpret those provisions of the *Rule*, it seemed, according to the meaning that Francis had given in his *Testament*.

Their questions received close attention from a pope whose career had been built on the elaboration and interpretation of *Rules* for newly founded or reformed religious communities. His response, in the bull *Quo elongati* on 28 September 1230, was the beginning of a long series of papal interpretations of various points of the *Rule*, one that concluded only with the pontificate of Paul VI after the second Vatican Council (1962–5).¹³

The first difficulty to be addressed was the binding force of the *Testament* of Francis, with its prohibition of ‘glosses’ and explanations of the *Rule*. If that prohibition could not be overcome, no further reflection on the *Rule* and its interpretation would be possible.

Gregory addresses it as a problem of uncertainty: ‘Since you are doubtful in regard to your obligation to observe this *Testament*, you have asked us to remove the uncertainty from your conscience and that of your brothers.’¹⁴ He resolved the question by using the principle that ‘equal cannot bind equal’, i.e., that Francis could not bind others who were to follow him in the future as ministers general of the order.

Furthermore, the *Testament*, unlike the *Rule*, lacked the official approval of any competent authority, that is, the general chapter of the order or the Holy See: ‘For without the consent of the brothers, and especially of the ministers, Francis could not make obligatory a matter that touches everyone.’¹⁵ It was a heartfelt appeal of Francis, venerated as the founder of the order, but it was no more than that. With this authoritative statement, Gregory opened the way for successive interpretations of the *Rule* by the order itself and by the Holy See for the next eight centuries.

The general problem of what was demanded by making profession of a *Rule* identified with observing the ‘Holy Gospel of Our Lord

Jesus Christ' was also faced and resolved rather simply: 'You are not bound by the *Rule* to observe the counsels of the Gospel, other than those explicitly contained in the *Rule* to which you have committed yourselves.'¹⁶

Having resolved that question, Gregory then moved to the more specific problems presented to him, with special attention to the material support of the friars and their work, which could now be answered after the matter of the *Testament* and its authority had been resolved. He clarified that the property used by the friars is not theirs by ownership (*dominium*) but is rather the property of those who gave it, the donors. Friars have the use of these things (books, buildings, furnishings) without being their proprietors.¹⁷ This reply allowed the friars, in good conscience, to assent to large building projects to house the increasing numbers of brothers, including many well-educated men, and to solidify their presence in the world of higher learning in the growing universities of Europe.¹⁸

While the text of the *Rule* remained unchanged, as it does to the present day, the institutional framework in which the *Rule* would be lived had changed substantially by the time Gregory drafted these responses. Over the course of some twenty years, from the early approval of the 'form of life' by Innocent III in 1209 to the promulgation of *Quo elongati*, what had first been a constantly changing response to an early fraternity's experience became a solemnly approved juridical text, with accompanying legal commentary, to be observed within a large and increasingly stable international religious order.

THE 'SACRUM COMMERCIIUM' AS COMMENTARY

An extended allegory called the *Sacrum commercium* may serve as a commentary on Gregory's *Quo elongati*. The work of an unnamed author, but one who is well-informed about the early days of the order, *The Sacred Exchange between St Francis and Lady Poverty* presents the personification of poverty as the Beloved whom Francis seeks.¹⁹ This exaltation of poverty, with rich imagery based on the biblical figure of Wisdom, could represent an elaborate critique of the interpretation of the *Rule* offered by Gregory. We are told, 'poverty is the only thing that everyone condemns so that it cannot be discovered in the land of those living comfortably'.²⁰ Later in the text Lady Poverty asks Francis and his brothers, 'First show me your oratory, chapter room, enclosure, refectory, kitchen, dormitory and stable; your beautiful chairs, polished tables and large houses.'²¹ She is amazed to find they have none of these

things, and that they can provide neither a dish of cooked food nor a knife to cut bread; and no pillow for her head except a stone.²² When they finally comply with her wish to see their enclosure, 'taking her to a certain hill, they showed her all the world they could see and said: "This, Lady, is our enclosure."' ²³

The praise of a life with only the barest necessities, the notion of a world-wide enclosure, and the critique of those with 'kitchen, dormitory and stable' mark *The Sacred Exchange* as a call to return to an earlier understanding of the brothers' life and, just as clearly, an earlier way of understanding the *Rule*. The seeds of division and disagreement over the way the *Rule* should be lived are already evident in this carefully crafted allegory of Francis and his Lady.

CONCLUSION

Eight centuries ago, the *Rule* of the Friars Minor took its earliest form, as Francis of Assisi, according to his *Testament*, had it written down 'simply and in a few words'. Over a span of more than a decade, that early text developed and changed, leaving the record of its growth to 1221, like the rings of a tree, in the rich and complex text of the Earlier *Rule*. With its final confirmation by Honorius III late in 1223, The *Rule* and Life of the Friars Minor assumed the definitive form it has kept until the present. Based on the pattern of the 'Holy Gospel of Our Lord Jesus Christ', it was, according to Francis, 'revealed' to him by the Most High. Early accounts by his companions about their opening the book of the Gospel provide concrete descriptions of the way in which that revelation occurred. Following Francis's death, the issue of interpreting the *Rule* fostered both reform and division among his followers. Its text unchanged, though often reinterpreted over the intervening centuries, that *Rule* remains the fundamental legislation for the Friars Minor in their various branches (order of Friars Minor, order of Friars Minor Capuchin, order of Friars Minor Conventual) throughout the world to the present day.

Notes

- 1 Cf. D. Nimmo, *Reform and Division in the Franciscan Order (1226–1538): From Saint Francis to the Foundation of the Capuchins*, Bibliotheca Seraphico-Capuccina cura instituti historici ord. Fr. Min. Capuccionorum, 33 (Rome, 1987).
- 2 B. P. *Francisci Assisiatis Opuscula Nunc Primum Collecta, Notis et Commentariis Asceticis Illustrata* (Antwerp, 1623), pp. 170–7.

- 3 D. Flood, *Die Regula non bullata der Minderbrüder*, Franziskanische Forschungen, 19 (Werl im Westfalen, 1967); K. Esser (ed.), *Opuscula Sancti Patris Francisci Assisiensis denuo edidit iuxta codices mss.* Caletanus Esser, O.F.M., Bibliotheca Franciscana Ascetica Medii Aevi, 12 (Grottaferrata, 1978); C. Paolazzi, 'La "Regula non bullata" dei Frati Minori (1221), dallo "stemma codicum" al testo critico', *AFH* 100 (2007), 5–148.
- 4 Archivio Segreto Vaticano, *Registra Vaticana* 12, beginning on fol. 155r.
- 5 Esser, *Opuscula*, pp. 225–38.
- 6 *Test.*, 15 *FAED*, vol. 1, p. 125.
- 7 See the full description of the life of penitents in the Middle Ages in G.G. Meersseman, *Dossier de l'ordre de la pénitence au XIIIe siècle* (Fribourg, 1961).
- 8 These events were recalled by his companions, with some variation, in the AP, 8–9; 3 Soc., 25; and LM, 3:1.
- 9 *Test.*, 14, *FAED*, vol. 1, p. 125.
- 10 RB, I. Another text (Matthew 19: 29, Mark 10: 29 and Luke 18: 30) was added to these at an early date: *Everyone who has left father or mother, brother or sisters, wife or children, houses or lands because of me, will receive a hundredfold and will possess eternal life.*
- 11 *Quo elongati* 3, in *FAED*, vol. 1, p. 571.
- 12 *FAED*, vol. 1, p. 166.
- 13 *Quo elongati*, in *ibid.*, 570–5.
- 14 *Ibid.*, 571.
- 15 *Ibid.*
- 16 *Ibid.*, 572.
- 17 *Ibid.*, 573.
- 18 The developments of 1230 would find their culmination at the beginning of the next decade, when the experience of the preceding years was codified in the 'Exposition on the Rule of the Friars Minor' by the 'Four Masters' (1241): Eudes Rigaud, Alexander of Hales, John of La Rochelle and Robert de la Bassée. A reverent but legal-minded reading of the Rule, it would serve generations to come as a guide to the interpretation of that text. *Expositio quatuor magistrorum super regulam fratrum minorum* (1241–1242), L. Oliger (ed.), *Storia e Letteratura Raccolta di Studi e Testi*, 30 (Rome, 1950).
- 19 *FAED*, vol. 1, pp. 529–54.
- 20 *Ibid.*, 532.
- 21 *Ibid.*, 551.
- 22 *Ibid.*, 552.
- 23 *Ibid.*