

Religionis zelus (3 July 1528)

1 Clement, bishop, servant of the servants of God, to the beloved sons Ludovico and Raffaele da Fossombrone, professed members of the Order of Friars Minor, health and apostolic blessing.

2 *Zeal for religion*, goodness of life and customs and other praiseworthy merits of honesty and virtue, because of which you are recommended to us by persons worthy of belief,¹ urge us to comply favourably with your desires, in so far as this is possible for us in the Lord, especially those things regarding the salvation of souls and the spread of religion.

3 The petition that you have presented to us recently affirms that you, in the past, moved by the desire to serve the Most High, entered the Order of Friars Minor called the Observance, in which, having made profession, you have lived for some time. Having obtained then the permission of your superior at the time,² in conformity with the apostolic letters regarding the union and concord among the said friars and those called Conventuals,³ you joined them, welcomed kindly by the provincial master of the Marches,⁴ joining the friars and circumscription of that province.

Afterwards, since for the salvation of your souls and the glory of God, you desired to lead an eremitical life and observe the Rule of blessed Francis, in so far as human frailty permits, the aforesaid provincial master gave you permission to approach the Roman Curia in petition from us and from the Apostolic See what seemed appropriate to ask and obtain for the salvation of your souls and the glory of God.

4 Also our beloved son Andrea, cardinal priest and of the title of Saint Prisca, protector of the aforesaid Order, authorised you to present the said petition, in such a way however that one of your group must present himself each year, as a sign of submission in the name of you all, to the provincial master or to the chapter of the province of Conventual Friars where you live. Further, that the said provincial master may visit you, if he considers it opportune, once a year but not more often. And whenever he finds that you do not observe the said Rule, to admonish you so that you may observe it more perfectly, obliging you in the necessary ways. Apart from this, however, he may not transfer you from place to place, nor can he order or oblige you in anything. Rather he is obliged to protect and defend you so that in peace you may serve the Most High in divine matters, as is said to be clearly expressed in the patent letters of the same cardinal protector and of the provincial master.

5 Therefore the petition has been humbly addressed to us, which we deign to grant you, from apostolic favour, to lead this type of eremitical life, and we provide for the matters already mentioned in the appropriate way.

6 Therefore we, desiring the salvation of souls, absolve each of you and regard each of you absolved from any censure, penalty or other church sentence of excommunication, suspension or interdict, in whatever incurred, whether *a iure* or *ab homine*, exclusively in order to the effect of this letter. Considering the aforesaid letters and their content as sufficiently explicit, by apostolic authority we grant you in virtue of this present letter: to lead the eremitical life according to the aforesaid Rule; to wear the habit with the square cowl;⁵ to receive anyone into

¹ These persons are Caterina Cybo, the cardinal protector Andrea della Valle, Ludovico's major superiors and the bishop of Camerino Giangiacomo Bongiovanni with their letters of recommendation, cardinal Lorenzo Pucci (major penitentiary) and protector of the Camaldolese, and Giacomo Simonetta. Cardinals Ercole Gonzaga and Egidio Caniso of Viterbo were also probably involved.

² In 1527, that superior was Giovanni Pili da Fano. His successor was Paolo da San Severino.

³ *Ite vos*, 29 May 1517, of Leo X. However, with apostolic authority, the general statutes promulgated in the Chapter of 1526 granted provincial ministers to allow their friars to transfer to the Conventuals.

⁴ Ludovico Santoni da San Leo was provincial minister of the Conventuals 1527-1530.

⁵ Cf 3*Cel* 2,2; *Leg. Maior, Miracoli* 1,1 (FF nn.826 e 1256); Clareno, *Tribulationes* VII, 222; *De Conformitate* V, 104.

your community whether secular cleric or priest, or layman;¹ to wear the beard, both for them and for you; to withdraw to any hermitage or place, given the consent of the owners of the said places, and there to dwell, to lead an austere and eremitical art and to beg anywhere. And we grant you permission and full and free faculty to use, possess and enjoy *æque principaliter*, freely and legally, and each and every privilege, indult and favour granted to the Order of Friars Minor and to the Hermitage of the Camaldolese of blessed Romuald and his hermits to this day or in the future, both in general or in particular, in the same way in which they use, possess and enjoy them and will enjoy them in the future.²

7 Furthermore with these apostolic writings we order all archbishops, bishops, abbots, ecclesiastic dignitaries, canons of metropolitan churches or other cathedral churches, vicars general of the aforesaid archbishops, bishops and abbots, to lend you effective defence either personally or by other means, and to make it possible for each and everyone of you to use and enjoy in peace all of the aforesaid faculties, and permit any one of you to be ill-treated, impeded or disturbed by contravening this letter. Rather they are to prosecute at their discretion any dissident or rebel by means of censures or penalties or other lawful provisions, without right of appeal and, if necessary, having recourse to the secular arm.

8 The³ apostolic constitution of Boniface VIII, of happy memory and our predecessor, issued in a synod, a general council, and then in two other synods;⁴ nor other papal constitutions or rulings; no statutes or customs of the said Order, even if they were confirmed by oath or approved by the Apostolic See or reinforced by other bonds; nor privileges, indults or apostolic letters granted by any of predecessor Roman pontiff or by ourselves or by the Apostolic See, whether with the vigour of general law or perpetual statute, or by *motu proprio*, with full knowledge and the fullness of our authority; with any kind of clause - whether invalidating, abrogating, annulling, revoking, preserving, limiting, rehabilitating, declarative – or attestations, repeals of abrogations, or other more effective measures, or other very valid and extraordinary clauses granted, confirmed and renewed, even many times, in whatever way, in the consistory.

In a special way we expressly depart from all these, for this one time only, while leaving their vigour otherwise intact, notwithstanding anything to the contrary, also in the cases where in order to obtain a valid repeal specific verbatim reference to them and their contents is necessary; and those general clauses, even if equivalent, may be insufficient, but express mention must be made, or a specially determined form must be observed and be expressly affirmed that cannot be absolutely derogated to them. In this letter we consider their content to be sufficiently expressed, as reproduced word for word, and all the modalities and forms specifically established in the matter are observed.

9 Therefore it is not permissible for anyone among men to infringe this document of our absolution, concession, ruling and repeal, or with daring boldness to go against these. If anyone will presume to attempt this, let him know that he will incur the indignation of almighty God and the blessed apostles Peter and Paul.

Given in Viterbo, in 1528 year of the Incarnation of the Lord, 3 July, in the fifth year of our pontificate.

¹ So as not to offend the Observants faculty is granted only to receive clerics and laymen, and not religious. However, Ludovico took advantage of the privileges of the Camaldolese that allowed them to receive religious.

² The privileges granted the Camaldolese are found in the bull of Eugene IV, *Illa quae* of 24 November 1435.

³ The two paragraphs of number 8 are composed of curial legal jargon and are difficult to translate sensibly. Making sense of the jargon is more difficult by the levels of parenthesis in the logical structure of the text. As a possible help I have included a table below that attempts to divide the content into meaningful pieces. Essentially, number 8 states the Bull acknowledges any departure it makes from all possible legal precedents, and states that it fulfils requirements as a legal document.

⁴ “*dietè*”; *Tenerem cuiusdam constitutionis*, 5 May 1298, confirmed by *Religionum diversitatem* constitution n.23 of the second council of Lyon which prohibits the foundation of new religious Orders. This was echoed by constitution n.13, *Ne nimia religionum* of Lateran IV.

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Logic structure of number 8

The apostolic constitution of Boniface VIII		of happy memory and our predecessor
	issued in a synod, a general council, and then in two other synods	
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no statutes or customs of the said Order, even if they were confirmed by oath or approved by the Apostolic See or reinforced by other bonds	nor privileges, indults or apostolic letters granted by any of predecessor Roman pontiff or by ourselves or by the Apostolic See whether with the vigour of general law or perpetual statute,	
	or by <i>motu proprio</i> , with our full knowledge and the fullness of our authority;	
	with any kind of clause,	whether invalidating, abrogating, annulling, revoking, preserving, limiting, rehabilitating, declarative,
	or attestations, repeals of abrogations or other more effective measures, or other very valid and extraordinary clauses	
	granted, confirmed and renewed even many times, in whatever way, in the consistory -	
In a special way we expressly depart from all these, for this one time only, while leaving their vigour otherwise intact, notwithstanding anything to the contrary		also in the cases where in order to obtain a valid repeal specific verbatim reference to them and their contents is necessary
		and those general clauses, even if equivalent, may be insufficient
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