

the new round table

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THE CAPUCHIN LAY BROTHER: A JURIDICAL-HISTORICAL STUDY Justin J. Der, Capuchin

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(First of Two Special Issues)

THE NEW ROUND TABLE is a publication of the Province of St. Joseph of the Capuchin Order, facilitating critical research into Franciscan history and resources, for the purposes of making applications to contemporary Capuchin life.

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The Capuchin Lay Brother: A Juridical-Historical Study (Part I)

Justin J. Der, Capuchin

The lay friar Justin of Panigalec served the Capuchin Order as commissary provincial of the Umbrian province. He died in 1547. The above etching of this Capuchin friar is an etching from the *Flores Seraphici*, by Charles of Arembergh, published in Munich in 1640.



Introduction

Justin J. Der, Capuchin, was perpetually professed as a friar of the Province of St. Augustine in 1958. He received his B.A. from St. Fidelis College in Herman, PA in 1957, and was ordained in 1960. Der was awarded his M.S. from Fort Hays Kansas State University in 1971, and studied canon law at The Catholic University of America, where he received his J.C.L. in 1978. From 1964-1970, Justin Der served as assistant general secretary of the Capuchin Order in Rome, and is currently the assistant chancellor for the Diocese of Pittsburgh. This paper was presented as a dissertation in partial fulfillment for his doctoral degree, under the direction of Mark Said, OP, J.C.D., at the Pontifical University of St. Thomas (Angelicum) in Rome. Justin Der was awarded his J.C.D. for his studies in canon law in 1984.

Twenty-one times in its history the church has felt a need to convoke an ecumenical council. In the early centuries these were often called to condemn heresies which threatened the community of believers. In later days they were convened to provide much needed legislation to govern the church, and to prevent abuses from destroying the structure. In more recent times the councils have been instruments of reform, calling the church and its people to a return to the basic teachings of the gospel and the obligations of the Christian calling.

In our day we have experienced, and are experiencing, the impact of the Second Vatican Council (1962-65). Convoked by Pope John XXIII, and completed by Pope Paul VI, the Second Vatican Council wrought vast changes in Catholic life. It touched every facet of Christian life in its work to make the church and the people of God aware of their vocation to be followers of the Lord Jesus.

As part of his plan of renewal for the church, Pope John XXIII also called for total revision of the church's law, as provided for in the *Codex Juris Canonici*. First published in 1917, the code was seen by John to be in need of updating and changing in order to meet the needs of the church in the latter half of the twentieth century. The work of revision of the code began shortly after the Second Vatican Council adjourned in 1965, and was successfully brought to fruition by Pope John Paul II on January 25, 1983, with the publication of the apostolic constitution *Sacrae Disciplinae Leges*.

Among the areas most significantly touched by the decrees of the Second Vatican Council, and the new code of canon law, has been that which touches the lives and activities of religious men and women, those who have consecrated themselves to the service of God and the church through the profession of evangelical counsels. In the first paragraph of the *Decree of the Up-to-date Renewal of Religious Life (Perfectae Caritatis)*, the council proposes to deal with the life and the discipline of those institutes "whose

members make profession of chastity, poverty, and obedience, and to make provision for their needs, as our times recommend."¹

Each religious institute has been asked to renew itself, both corporately and individually, in accord with gospel principles and the teachings of the church. They have been urged and requested to "return to the sources of the whole of the Christian life and to the primitive inspiration of the institutes, and their adaptation to the changed conditions of our time."²

In the Capuchin-Franciscan Order this mandate has been taken seriously. Since 1965 there have been five general chapters (ordinary and extraordinary) in 1968, 1970, 1974, 1976, and 1982, which have dealt with the adaptation of the laws of the order to the desires expressed by the church. In addition, four plenary councils of the order have been held in Quito, Ecuador; Taize, France; Mattli, Switzerland; and Rome. These councils were convoked to treat particular subjects which are of importance to the entire order: the life of poverty, the life of prayer, the missionary vocation, and the formation of the friars.

One particular area which has captured the attention of the order and its elected representatives since the call to renewal was made has been the very nature of the Franciscan vocation. Returning to the life and writings, and the early biographies of Saint Francis, one cannot but be struck by his emphasis on fraternity as the means for him and his followers to follow Christ in the evangelical way of life. Fraternity for Francis was not an abstract term but something concrete, something to be lived, to be experienced. In his concept of fraternity Francis saw all of the friars coming together to pray, to work, and to share the gospel values. It mattered little to Francis what was the socio-economic, political, class, or educational status of a prospective member of the fraternity. All were called to be brothers, and were to be willing to live the gospel life that Francis, and the authorities of the church, had chartered for them.

In our own day much attention has been paid within the order to this concept of fraternity, and the ways in which the order, its provinces, and the individual friars, can implement it. Much has been written of the equality of all the members of the order, and the necessity of assuring that this equality permeates the life of the order. Yet, there remains a problem-area which, until resolved, inhibits the order from expressing the totality of the concept of equality. This concerns the position of the lay friars in regard to the possibility of holding some elected and appointed positions within the family of the order. It is to this area that this thesis is directed.

An overview of the history of lay brothers, *conversi*, and coadjutors, in the early days of the religious life, beginning with the earliest forms of

¹All references to the documents of the Second Vatican Council are from *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery (Collegeville: The Liturgical Press, 1975).

²*Perfectae Caritatis*, 2.

religious life in the east and the west, is given in Chapter I. This is not an exhaustive study, nor does it cover every aspect of the constitutional law of the orders concerning their lay members. It sets a tone and gives an insight to the position held by brothers in the monastic orders prior to Francis.

Chapter II tries to examine from the life, the writings, and the actions of Francis, his concept of the nature of the order which he founded and guided for seventeen years. What was the mind of Francis with regard to fraternity, and the equality to be practiced among the brethren? What effect did the legislation of the church play, especially the decrees of the pontiffs and those of the Fourth Lateran Council, in influencing the early Franciscans? What was the mind of Francis as seen by his earliest biographers?

In Chapter III an attempt is made to show the changes that took place within the order after the death of Francis. Especially important to this chapter is the study of the legislation which came into being within sixteen years of the death of Francis and which dramatically changed the order from a fraternity of equals to a clerical fraternity, in which priests of the order gained the ascendancy. Legislation both from within and without the order had a clericalizing effect which has perdured through the centuries. Examples are given of such legislation, along with legislation from the constitutions of various Franciscan families.

The Capuchin Order traces its origins in the Franciscan family from the year 1525. The first legislation of the Capuchins was enacted in 1529. In Chapter IV an examination is made of the Capuchin legislation over the last four centuries, with special reference to the position of the lay brothers within the framework of the order. Finally, in this chapter, a treatment of Capuchin legislation since the Second Vatican Council is presented, together with the present state of the lay brother's position in the order, and the possibilities open for him and all the members of the order to hold elected or appointed offices.

Since the code of canon law has only recently taken effect (November 27, 1983), there has not been ample opportunity for canonists and other experts to adequately comment on all the ramifications the new law will bring to the church and religious life. Chapter V is an attempt to look at the new legislation as it pertains to the religious life, and the nature of authority within the clerical religious institutes. Since the Capuchins are such a clerical institute the canons under question have a particular relevance to them. Lastly, one particular canon (c. 129,2) is examined because it is believed that this canon is extremely important for any future development within this area of jurisprudence.

The position of the lay brother within the community or the order is not a problem that is singular or unique to the Capuchins. Within the last several years several communities, of ancient vintage, have grappled with it in the desire to adequately express the unity and fraternity that should exist between members of the same family. The author writes only from a

Capuchin perspective, but believes that many of the principles brought forth in this thesis might be of use to other communities as they strive to renew their legislation, or bring it into conformity with the sound traditions of their institutes, their founders, or the spirit found within the community. It is in this hope that the thesis was written. No hard and fast dictates are given or recommended, but theories are advanced that perhaps will shed some light on an area which deserves careful attention and concern.



Chapter I The Origins of Lay Brothers in the Church

By the 9th Century, *The Rule of St. Benedict* (c. 535-545) became the universal code governing western monasticism, and was known for moderation and clarity. This graphic of St. Benedict the Abbot (died c. 547) was created by Michael Gaffney, Capuchin.

Evangelical Roots

Among the most misunderstood of the many facets of the religious life in the church is the institute of lay brothers. The many recent publications dealing with lay brothers are evidence of the interest aroused by this important and complex institution. Often enough, questions are raised concerning the very existence of this class of religious, as if one were to question the need or the rationale for a separate class of religious men within the framework of an order or a congregation. Questions are also raised concerning the role of the brother in the institute and his participation in the internal life of the society in which he has vowed his life. In fact, the brother in most clerical orders or congregations is looked upon as somewhat of an anomaly by a society which rewards advancement and progression in status as realistic goals, whether in the clerical, the secular, or the intellectual worlds. Most people today are unmindful that the great majority of religious in the early days of the church were not ordained ministers of the church, but were men living a vowed life to work and pray and live in community for their own sanctification, and the sanctification of the world in which they lived.

In the beginnings of monasticism, both in the east and the west, the notion of fraternity or brotherhood was paramount. The distinction between cleric and non-cleric was little emphasized, since among the early religious very few had received the sacrament of orders. Ordained religious were sufficient usually for the spiritual needs of the community.¹

If we were to trace the term *brother* back to its Christian roots we would look no further than the gospels where the Lord says: "You are all brothers" (Mt 4:19). The early fathers of monasticism, Pachomius, Basil, and Benedict, used the term to denote the members of their religious families that gathered around them and followed their rules of life.²

For the last several centuries the general law of the church has maintained a uniform subordination of the lay members to the clerical members in

¹W.B. Ryan, "Brothers, Religious," *New Catholic Encyclopedia*, 1967, vol. 2, p. 821.

²M. Sauvage, "Fratello," *Dizionario degli istituti di perfezione*, 1977, vol. 4, p. 773.

clerical religious institutes. It is not the sacrament of orders that determines a hierarchy within the religious states, but rather the constitutions of the various religious societies that provide for the distinction of the members into various classes. We hope to point out that such was not always the situation and that, in fact, in some orders there was little distinction made by the founders, and that in the early days of some orders no hierarchy of membership existed. The distinction of membership came about partially as a result of the legislation of the church, and partially from the orders themselves. We do not lay blame in this regard, as both the church and the orders had their reasons for determining the classes of membership within the religious communities. At times these distinctions were brought about because of the pressing needs of the church in a given period, the exigencies of evangelization, or in response to abuses which crept into the religious life at various periods. It is important to note, however, that the division into classes is not essential to the nature or the mission of the religious life, and that such division was not envisioned in the earliest rules of life.

Early Monastic Legislation

Since this study will examine the structure of the Franciscan Order and the position of the lay brother within that order, it seems that there is no possibility to treat in an exhaustive manner the institute of lay brothers in the earliest religious families before the time of Francis. We wish, however, to give an overview of the legislation concerning membership in religious orders prior to the foundation of the Friars Minor, with special emphasis on the institute of the lay brother.

Historically, the institute of lay brother appeared as a full-fledged and constitutive element of the religious life toward the end of the eleventh century in the Benedictine Abbey of Hirsau and its sister monasteries. At about the same period they were introduced among the Carthusians for the purpose of enabling the monks to observe the Rule of St. Benedict.³ Jacques Dubois, OSB, has argued that many historians link the origin of lay brothers with various monastic aberrations, among which he lists: a.) the distaste for manual labor as a means of perfection and its subsequent abandonment, while retaining the supervision of the same; b.) the wealth of the monasteries becoming so great that it was impossible for them to be supervised or cultivated directly and so outside help was required; c.) lengthy liturgies becoming a norm so that little time was left to perform the mundane or ordinary physical tasks which had to be left, as a consequence, to others; d.) the clericalization of the monasteries as the monks acquired new obligations (their long studies tended to isolate them from the world of the craftsman, the artisan, and the laborer).⁴

³T.A. Brockhaus, *Religious Who Are Known as Conversi* (Washington: Catholic University Press, 1946), p. ix.

⁴J. Dubois, "Converso," *Dizionario degli istituti di perfezione*, 1977, vol. 3, pp. 110-113.

As Dubois points out, this is a rather negative rationalization for the institution of lay brothers as a separate class within the framework of the monastic family. What positive element was there that attracted men of every strata of society to join the ranks of the religious families in roles of service? Dom Maurice Laporte, O. Cart., expresses the thought that the better element of monastic servant aspired to live a consecrated life modelled on that of the monks.⁵

Eastern Monasticism

The monastic state, as originally conceived, was an institution which established and regulated a religious life of asceticism and prayer lived in common, or in solitude. From the time of Antony of Egypt, and Pachomius in the East, to the Celtic monasteries and the continental foundations of Martin of Tours, men of all classes and occupations were welcome to follow the eremitical and cenobitical life.⁶

From its inception the monastic life was almost exclusively lay in origin. The prime signification of the word *brother* had its roots in the gospels, which the early leaders of the monastic movement adopted literally. Thus, the monastic movement in its earliest days was almost totally lay in membership, and this was a situation which perdured for centuries. Priesthood was looked upon as a great honor, but it was not essential to the life of the monastery. An early follower of Pachomius is quoted as saying: "We are laity without any importance."⁷ Some monks did receive sacred orders, but in many cases refused to exercise them, as exemplified by St. Jerome. Their motives ranged from the desire to remain humble, to remain in solitude without the pressures of apostolic work, and to avoid any semblance of vain glory.⁸

The constitutions of St. Basil warned against the temptation to receive the priesthood.⁹ St. John Climachus wrote: "The monk must be attentive only to virtue and wisdom, all the rest, including the priesthood, does not belong to his vocation."¹⁰

⁵Maurice Laporte, "Frères," *Dictionnaire de spiritualité ascétique et mystique*, 1964, vol. 5, pp. 1193-1204.

⁶David Knowles, *From Pachomius to Ignatius: A Study in the Constitutional History of the Religious Orders* (Oxford: Clarendon Press, 1966), p. 4; J. Gribomont et al., "Monasticism," *New Catholic Encyclopedia*, 1967, vol. 9, p. 1036.

⁷L.Th. Lefort, *Les vies de Saint Pachôme et de ses premiers successeurs* (Louvain, 1943), p. 392.

⁸Sauvage, pp. 763-764.

⁹J.P. Migne, ed., *Patrologiae Graecae*, XXXI, p. 1369.

¹⁰Sauvage, P. 764; Cf. I. Hausherr, "La théologie du monachisme chez saint Jean Climaque," in *Théologie de la vie monastique* (Paris, 1961), p. 402.

The first fixed point in the constitutional history western monasticism is the *Rule of St. Benedict*, written circa 535-545.¹¹ In little use for over a century from the time of its composition, this rule began to gain favor with various monastic foundations, and by the time of the ninth century it was, except for the Celtic monasteries, the universal code governing religious men in the western church. Not until the founding of the canons regular in the tenth century, and the mendicants in the thirteenth, were other rules to achieve importance or great following.

In Chapter I of his rule, Benedict defines the various types of monks that were found in his time.

It is plain that there are four types of monks. The first are the cenobites, those that do their service in the monastery under a rule and an abbot . . . The second are the anchorites or hermits; . . . the third and detestable kind of monks are the sarabaites, who have been tried by no rule nor experience; . . . the fourth kind of monks are those called the gyrovagues, who spend all their lives long wandering about diverse provinces.¹²

Benedict excluded all but the first kind, the cenobites, from his rule of life. The sarabites and the gyrovagues he considered caricatures of the monastic ideal, and the anchorites as unable to dwell in community. "Leaving these alone, therefore, let us set to work, by the help of God, to lay down a rule for the cenobites that is, the strongest race of monks."¹³

In his rule, Benedict had abolished all differences, except those based on clerical orders, among the men who came to join his monastery, and commanded the abbot to make no distinction of persons in the community.¹⁴ Regarding priests, Benedict said:

If anyone in priestly orders asks to be received into the monastery, let not consent be too quickly granted; but if he persists in his request, let him know that he will have to observe all the discipline of the rule, and that nothing will be relaxed in his favor . . . And if there be a question of any appointment or other business in the monastery, let him expect the position due to him according to the time of entrance, and not that which was yielded to him out of reverence for the priesthood.¹⁵

Benedict, thus, distinguishes between the priestly life and its purpose, and the monastic state. Pachomius expressed similar thoughts in the rule of life for the monks of the East:

Whenever any cleric or holy man wishes to come to the monastic state, due reverence should be paid to his orders, as divine law prescribes for us; in as far as observance of the rule binds, he is to be treated as equal to the others.¹⁶

¹¹Knowles, p. 6.

¹²*Regula Sancti Benedicti*, I. All translations of St. Benedict's Rule are from Paul Delatte, *The Rule of St. Benedict: A Commentary* (New York: Benziger, 1921).

¹³*Regula Sancti Benedicti*, I.

¹⁴*Regula Sancti Benedicti*, II, "Non ab eo persona in monasterio discernatur."

¹⁵*Regula Sancti Benedicti*, LX.

¹⁶*Vita Sancti Pachomii*, in *Acta Sanctorum*, vol. 3, p. 303. English translation from Paul Delatte, *The Rule of St. Benedict: A Commentary* (New York: Benziger, 1921), p. 414.

In light of these statements by Benedict and Pachomius we see that their primary purpose was to safeguard and maintain the integrity of the monastic ideal. Benedict makes provision for the priest who enters the monastery to give a blessing, and to say mass if he is asked to do so by the abbot. "Otherwise," Benedict commands, "let him presume to do nothing, knowing that he is subject to the discipline of the Rule; but rather let him give an example of humility to all."¹⁷ Apart from certain liturgical functions the priest member of the community followed the same regimen as his fellow monks. According to later monastic customs, when priest-monks were more numerous, priest-novices were sometimes reduced to the position of laymen and were allowed the privilege of saying mass only after their profession and after a strict examination.¹⁸

According to Benedict, the priest-monk's precedence in the community was dated according to the time that he entered the community, rather than from the time of reception of any sacred order. The abbot could give him a higher ranking, but he could also withdraw the same.¹⁹

Although Benedict sought to eliminate distinctions between the members of the monastery, there was a subtle distinction made according to the age of those entering into the religious state. One group was made up of those who had been offered to the monastery by their parents while infants, or while very young. The other group consisted of those who came to the monastery after having lived for some time in the world. The members of the first group were called *oblati*, for they had been offered. Those of the latter group were called *conversi*, as they were converted from a secular way of living to the religious state.²⁰

Although the monks were grouped into these two categories, they were, nevertheless, equal in status and each monk had to perform the same monastic duties. They were both obliged to assist at the liturgy, in the recitation of the Divine Office, and to take their turns serving at table and in the kitchens.²¹

The name or title of *conversus*, thus came to signify a monk who had entered the monastery and the religious state only after having lived for some time in the world. Brockhaus points out that about the same time *conversus* achieved this meaning, it also acquired a new and more specific definition.

The evolution of the meaning of *conversus* corresponds to the development of the Benedictine Order, especially from the time that the order entered upon the new fields of apostolic work and education. The concentration of its whole strength in these fields led naturally to a division among the Benedictine preparation for the clerical state, and who could thus be used for educational work, and those who had no such education. It was not long before the former were generally known as *literati*, and the latter as *illiterati* or *idiotae*.²²

¹⁷*Regula Sancti Benedicti*, LX.

¹⁸Delatte, p. 416

¹⁹*Regula Sancti Benedicti*, LX.

²⁰Brockhaus, p. 2.

²¹*Ibid.*, p. 3.

²²*Ibid.*, p. 4.

Clericalization

Yet, this last named group were monks in the fullest sense of the word. They vowed the same life and observance as the *literati*. Except in the churches and in processions where precedence was determined by the reception of orders, they retained their rank or seniority according to the date of their entrance into the monastery. Since clericalism was already becoming established in the order, the *conversi* did not seem to flourish. The evolution of the Christian society demanded clerics to minister to them; likewise, the monks were given the task of evangelizing western Europe, and priest-monks were assigned to this task. Jacques Leclercq makes note of the fact that at the end of the eighth century, 20 percent of the monks were either priests or deacons; at the end of the ninth century the figure had risen to 60 percent, and at the end of the tenth century the figure rose to 75 percent of the membership of the abbeys.²³

It can be said that from the death of St. Gregory the Great (604 A.D.) until the age of Charlemagne (742-814 A.D.) the monasteries and abbeys grew and flourished. The most important houses grew to be vast institutions, the centers of widespread economic and territorial organization.²⁴ The main outlines of government and of the spiritual life were drawn from the *Rule of Benedict*, but little else. The wealth and the prosperity that the feudal system brought to the monasteries led to the destruction of the monastery as a self-contained unit. The increasing educational and ministerial endeavors led to the general introduction of the custom that the monks should proceed to the reception of orders; likewise, there was a gradual disappearance of manual, and above all, agricultural work as normal employment for the members of the monastery.

The growth of the monasteries and their spread over the face of Europe parallels the decline of manual employment of the monk within the monastery. Most of the monks sent by Gregory the Great to evangelize England were priests, or shortly became priests. The missionary activity of the monks throughout the continent necessitated a large number of priests. Monks during this time are also found serving shrines in Rome and elsewhere in Italy. Knowles states that by the time of Charlemagne the monks had come to be numbered among the lettered, and to be set on a level with all clerics.²⁵ Knowles further notes that the cleavage between the *literati* and the *conversi* continued to grow as medieval economic and ecclesial conditions changed.²⁶

²³Jacques Leclercq, *Chances de la spiritualité occidentale* (Paris, 1966), pp. 142, note 34; Sauvage, p. 764.

²⁴David Knowles, *The Monastic Order in England* (Cambridge: University Press, 1949), p. 19.

²⁵Ibid.

²⁶Ibid., pp. 19-20.

It can be said that the Benedictine life, as envisioned by Benedict, suffered a traumatic blow at the Council of Vienne in 1311 at the hands of Pope Clement V. It was then decreed that, "the monks, without any distinction, should be promoted to all of the orders if the abbot should so desire, and if there does not exist a legitimate motive to the contrary."²⁷

With the monks becoming more and more involved with ministerial work annexed to the clerical state, and with the monasteries becoming larger and more affluent, the heavy labor was performed by serfs and hired servants. As more hired retainers were employed the monks began to make rules which would govern their employment and their relationship to the monasteries. These were regulations somewhat analogous to those regulations which governed religious life. Such regulations can first be seen at work in Einsiedeln, and in Italy among the Vallombrosians. Among the various regulations certain characteristics are found which indicate the status of those for whom they were formulated: the lay state, a pious life, a loose connection with the monastery, the giving of their services to the monastery in return for the protection and spiritual direction which the monastery provided.²⁸

Conversi laici

It seems that it was in the regulations of the Abbey of Einsiedeln that the term *conversi laici* was first used. They were, thus, distinguished from the religious *conversus*. "The fact that these retainers did practically the same work as the *monachi conversi* in contemporary abbeys suggests itself as the reason for their being called *conversi*, with the modification *laici*."²⁹

The use of the same term, *conversum laicus*, or a similar one, *famulus*, can be seen among the Vallombrosians, the Camaldolese, and the reform of St. Peter Damian at Fonte Avellana. "Every monastery official had a definite number of these servants assigned to help him; they had a certain hierarchy among themselves, there being *famuli mediocres* and *famuli magistri*."³⁰ These servants did not take religious vows, though there were some attempts to make religious out of them, especially when they were to be entrusted with some of the more important tasks of the monastery.

By the time of Gratian's *Decretum*, medieval canonists had distinguished two broad divisions among Christians; namely, those dedicated to the service of God; clerics, and *conversi* and laymen. This distinction Gratian

²⁷*Corpus Juris Canonici* (Leipzig: Friedberg, 1879-1881), 2v. C. 1. *de statu monachorum vel canonicorum regularium*, III, 10, in Clem.

²⁸Brockhaus, p. 7.

²⁹Ibid.

³⁰Ibid., p. 10.

furthered in his distinction between the classes of Christian people.³¹ Some writers had early distinguished three classes in the church: clerics, monks, and laymen. Lawrence Landini, OFM, believes that the reason Gratian does not single out monks as a special group was that, by this time, they had become, for the most part, priests and clerics.³² He states that the abbot usually had to be a priest. Another author states that the *conversi* mentioned by Gratian and placed in the same category with the clerics refers to the many laymen who flooded the monastic foundations in the eleventh and twelfth centuries. We have already referred to the fact that, in earlier times, the term *conversus* was applied to an older man who entered a monastery in contradistinction to an *oblatus*, a young man who had been offered to the monastery or entered the monastery at a very tender age.³³

Cistercian Reform

At the same time in history, we find the beginnings of the Cistercian Reform. Under the guidance of St. Robert of Molesme and his followers, the monastery of Citeaux was founded in 1098. The purpose of the new establishment was the instituting of a life of poverty, simplicity, and eremitical solitude, under the guidance of the *Rule of Benedict* in its strictest interpretation. Recalled to the Abbey of Molesme, Robert was succeeded by St. Alberic, and later by St. Stephen Harding who first promulgated the statutes of Citeaux. These regulations rejected all feudal revenues and based the monastic economy on the manual labor performed by the monks themselves, aided by the lay brothers (*conversi*).

The *conversi* were introduced at Citeaux to enable the monks to lead a more truly Benedictine life. The *conversi* were not to take over the manual labor of the monks altogether, but were to supplement with their labor what

³¹"Duo sunt genera Christianorum. Est autem unum, quod mancipatum divino officio, et deditum contemplationi et orationi, ab omni strepitu temporalium cessare convenit, ut sunt clerici et Deo devoti, videlicet conversi. Kleros enim grece latine sors. Inde huiusmodi homines vocantur clerici, id est sorte electi. Omnes enim Deus in suos elegit. Hi namque sunt reges, id est, se et alios regentes in virtutibus, et ita in Deo regnum habent. Et hoc designat corona in capite. Hanc coronam habent ab institutione Romanae Ecclesiae in signo regni, quod in Christo expecatur . . . Laos enim est populos. His licet temporalla possidere, sed non nisi ad usum. Hihil enim miserius et quam propter nummun Deum contemnere. His concessum est uxorem ducere, terram colere, inter virum et virum iudicare, et ita salvari poterunt, si vicia tamen benefaciendo evitaverint." c. 7, C. XII, q. 1: Friedberg I, 678.

³²Lawrence Landini, *The Causes of the Clericalization of the Order of Friars Minor* (Chicago: Franciscan Herald Press, 1968), p. 13.

³³K. Hallinger, "Woher kommen die Laienbrüder," *Analecta Sacri Ordinis Cisterciensis* 12 (1956), 1-104.

the monks themselves could not do. Thus, they were considered primarily as laborers, and secondarily as religious.³⁴

The first fathers of Citeaux abolished of set purpose both the oblation of infants and the education of boys within the monastery. . . . An early statute, giving precision to the *Consuetudines*, decreed that no novice was to be received under the age of fifteen, and no boy taught in the monastery unless he was already a novice. . . . The division of the choir monks into *nutriti* and *conversi* thus vanished; all Cistercians were in the old sense of the term *conversi*, but the name was transferred by them to the new class of laboring monks which they introduced into northern lands and came to bear the meaning which it has ever since retained.³⁵

Monks Versus Conversi

Dubois points out that as the term "monk" came to be gradually used to denote a clerical religious, so the term *conversus* came to be monopolized by the lay religious. In themselves, Dubois states, the terms should be practically synonymous, but by this time, *monk* had clerical overtones, along with juridical responsibilities, and thus made its use as a term for a member of a Cistercian community impractical. *Conversus*, on the other hand was unencumbered by the contemporary canonical vocabulary and was therefore suitable for designating a new type of religious, without forcing them into any ready-made canonical mold.³⁶

This change in terminology, however, was not without its problems. Some bishops of dioceses in which the Cistercians had founded monasteries, or neighboring prelates, began the practice of incorporating these *conversi* into the ranks of their clergy and their communities. It was to put an end to this practice that led Pope Innocent II to address a bull to Stephen, Abbot of Citeaux, on February 10, 1132, in which it is stated: "But no archbishop, bishop, or abbot may receive or retain without your permission any of the *conversi*, who are not monks, but who have made profession in your monasteries."³⁷ In the same language another bull was addressed to St. Bernard of Clairvaux a few days later, and to the abbot of Pontigny on December 23, 1142.³⁸

³⁴For a further history of the evolution of the status of the lay brother within the monastic orders, cf. J. Dubois, "Converso," *Dizionario degli istituti di perfezione*, 1977, vol. 3, pp. 111-114. The author compares the Benedictine lay brother with lay brothers of other Benedictine families or foundations, e.g. the Vallombrosians, the Carthusians, the Cistercians, and the Cluniacs. The customs in each foundation often varied, as did the terminology in describing the vocation of the *conversus* or *laicus* who entered their monasteries.

³⁵Knowles, *The Monastic Order in England*, p. 634.

³⁶Dubois, pp. 111-112.

³⁷Jacques Dubois, "L'institution monastique des convers," *I laici nella "Societas Christiana" dei secoli XI e XII* (Milano: Vita e Pensiero, 1968), p. 248.

³⁸*Ibid.*

Role of *Conversi*

The *conversi* were truly religious, though not monks, and after their postulancy and novitiate they made to the abbot a solemn vow of obedience, which included living a poor and chaste life. Inasmuch as the *conversi* were primarily laborers, and drawn from the uneducated class of the populace, their prayers were shorter than the monks, who recited the Office. Usually a set number of *Pater Noster* and *Gloria Patri* were substituted. They did not live a common life with the monks in many of the monasteries but dwelt in their own residences, a *domus inferior*, or on the granges in the case of the Cistercians. "To assure the permanence of the institute of the lay brothers, and thus the lasting success of the Cistercian reform, the unconditional subordination of the *conversi* to monks and the strictest separation between the two classes was found necessary."³⁹

Dubois takes a less radical view of the role of the *conversi*, or lay brother, in the Carthusian and Cistercian reforms. As with the monks, the *conversi* devoted themselves to prayer and work. In his view they were neither servants, nor the anonymous manpower in colossal commercial enterprises. They were administrators, grange masters, and craftsmen. He points out that the leading differences between the two classes was found in the fact that the monks had an active role in the liturgical life of the monastery and were dedicated to intellectual pursuits, while the *conversi* were not. He sees the main difference to be that the monks were clerics, while the *conversi* were laymen.⁴⁰ He concludes his study by noting that the institution of the lay brothers as it existed in the Carthusian and Cistercian Orders gave laymen the possibility of entering the monastic life without being submitted to clerical obligations which they did not desire.⁴¹

Brockhaus and Landini view the role of the *conversus* in a harsher light. A *conversus* was never allowed to become a choir-monk. In a like manner those priest-monks or cleric-monks who wished to become *conversi*, for reasons of humility, were usually forbidden to do so in order that the class distinction could be maintained. The *conversi* were not admitted to the chapter of the monastery, and were denied any role in elections. As a means of keeping them in a subordinate role, they were forbidden to follow any intellectual pursuits and, in fact, were forbidden to read or write.⁴²

The *Conversus* in Other Orders

The Cistercian legislation was a radical departure from the law followed by religious up to that time. This legislation exercised a profound influence

³⁹Brockhaus, p. 22.

⁴⁰Dubois, p. 112.

⁴¹*Ibid.*, pp. 112-113.

⁴²Brockhaus, p. 23; Landini, p. 14.

on the religious and the social life of western Christendom. That this legislation on lay brothers affected the development of this institute can be seen in the legislation of the canons regular, the Carthusians, and ultimately the mendicants. According to Knowles:

The Charterhouse had from the early days a clear conception of the function of its lay brothers which combined the ideas of Vallombrosa and Citeaux. The *conversi* existed to cultivate the land and perform all the heavy manual tasks in order to safeguard the seclusion of the monks; they were never permitted to grow beyond a fixed number or to occupy responsible administrative positions; at the same time their life was fully recognized as a vocation, and was carefully regulated on lines similar to those of the monks, but with a more cenobitic complexion. In the early days of the order they had cells, offices, and an oratory wholly separate from those of the monks, and closely connected with the quarters of the guests.⁴³

The life of the Carthusian lay brother was, as also that of the choir monk, directed to contemplation. "The only difference is in the secondary means to the common end, because for the brothers as for the priests solitude and silence are essential and are the characteristic means for their perfection."⁴⁴ It is especially in the role given to manual work that the life of the Carthusian brother is distinguished from that of the priests. The regulations of the charterhouse still establish separate rules for the brothers which regulate their worship, work, *horarium*, and instruction. The Cistercians, and also the Carthusians, did not place the direction of the *conversi*, or lay brothers, under the immediate direction of the abbot or prior, but under the directions of the procurator or vicar.⁴⁵

The thesis of the monastic orders was that the institute of the *conversi* was established so that the choir monks would be enabled and free to live according to their rule. With the coming of the mendicants it can be seen that the focus is changed. The function of the mendicant *conversus* was to relieve his clerical confreres of tasks and works that would hinder them in their apostolic activity and ministry. In the monastic system the lay brothers formed a separate institute apart from that of the choir monks. Among the mendicants the *conversi* constituted an integral, albeit lay, element within the very heart of the orders.⁴⁶

⁴³Knowles, *The Monastic Order in England*, pp. 378-379; *From Pachomius to Ignatius*, pp. 16-19.

⁴⁴*The Carthusians: Origin, Spirit, Family Life* (Westminster, MD: Newman Press, 1952), p. 99.

⁴⁵*Ibid.*, pp. 100-101.

⁴⁶Francis Lehner, ed., *Saint Dominic: Biographical Documents* (Washington: Thomist Press, 1964), pp. 250-251; V.F. O'Daniel, *The Friars Preachers: a Seventh Centenary Sketch* (Somerset: Rosary Press, 1917), p. 47.

Conclusions

From what has been written it seems that several elements coalesced to form the institute of the lay brother, or *conversus*, during the early ages of Christian religious life. At the beginnings of the earliest foundations all members were brothers according to the evangelical interpretation. As the religious became more institutionalized it drew men from all walks of life, both the educated and the uneducated, the cleric and the laymen. At first there was no distinction based on class origin. As time developed, however, the religious were called upon by the church to undertake tasks which required the use of sacred orders, e.g. the work of evangelization. The orders, also, fostered a spirit in which advancement was given to those educated and to those possessing the clerical state. It cannot be said, then, that the institution of the lay brother, or *conversus*, was unilaterally made either by the church or by the individual religious foundation. Rather, it was a combination of factors which caused the orders to become two-tiered in structure, with one level open only to the educated clerical class, while the other was open to the rustic or common folk, often lacking in education, who performed the manual tasks of the monastery or abbey.

As regards their canonical status it seems certain that the original *conversus* was always considered a genuine religious and an integral part of the religious family. With the passage of time the meaning of the word *conversus* was substantially changed so that they were no longer considered part of the monastic family but rather adjuncts who performed the manual work. Later, they again were regarded as true religious, especially among the Cistercians and other reforms of the Benedictine family.

As the role of the *conversus* developed, they achieved, again, a canonical status within the church and the religious life and their duties and obligations were more clearly defined. For all practical purposes they were removed from posts of authority and supervision within their communities and served the religious family by performing work that would encumber the choir monks from living the rule. The concept of *conversus* would undergo a drastic metamorphosis in the thirteenth century with the advent of the mendicant orders.



Chapter II

St. Francis and the Beginnings of the Friars Minor

Local tradition holds that the above depiction of Francis, known as the *Greccio Francis*, was painted a year before the saint's death. The extant work is a 14th century copy of the original (which has been mislaid), and was discovered in the Greccio hermitage. It depicts Francis reduced to precarious health, and displays an attitude of one who suffers.

Beginnings

The beginnings of the Friars Minor can be traced to an encounter of Francis of Assisi with the Lord on February 24, 1208, at the Chapel of Our Lady of the Angels in Assisi.¹ The gospel for that day told how Christ had sent his apostles into the world to preach and to heal; and as the priest read those words, Francis was visited by God.² To Francis these words were a personal message and an indication of what Christ was calling him to do. After mass, Francis asked the priest to explain the scriptures to him. Thomas of Celano in his work, *The First Life of St. Francis*, written in the years 1228-29, gives the following account:

When he (the priest) had set forth for him all these things, the holy Francis, hearing that the disciples should not possess gold or silver or money; nor carry along the way scrip; or wallet or bread, or a staff; that they should not have shoes, or two tunics; but that they should preach the kingdom of God and penance, he immediately cried out: "This is what I wish, this is what I seek, this is what I long to do with all my heart."³

After all this had been explained to him, Francis immediately began a literal living of the gospel, living a life of poverty and penance. From that moment in history Francis' task was to follow in the imitation of Christ,

¹The chronology of these years varies according to author. John Moorman in *A History of the Franciscan Order*, dates the event in 1206. Fr. Cuthbert Hess of Brighton in *A Life of St. Francis of Assisi*, has it taking place in 1209. Raphael Huber in *A Documented History of the Franciscan Order* places it in 1208, as does Landini in his work previously cited. Omer Englebert and Raphael Brown also agree with the 1208 dating of the event in their chronology published in *St. Francis of Assisi: English Omnibus of Sources*, edited by Marion Habig (Chicago: Franciscan Herald Press, 1973), pp. xi-xiv. for this and all other dates regarding the life of Francis we have followed the last cited work, known hereafter as *Omnibus*.

²*I Cel 22 (Omnibus, pp. 246-247); 3Soc 25 (Omnibus, p. 915); LM III:1 (Omnibus, pp. 646-647)*, for the key to abbreviations of the medieval biographies of Francis, see the appendix at the end of this issue.

³*I Cel 22 (Omnibus, pp. 246-247)*. *The First Life of St. Francis* by Thomas of Celano was commissioned by Pope Gregory IX. His second life of the saint was written between the years 1250-1253. See *Omnibus*, pp. 181-182.

consciously, literally, and uncompromisingly. It was also the beginning of a new experiment in Christian living which, in time, would attract thousands of followers to the gospel way of life. But it was some time after Francis' enlightenment before anyone showed a desire to join him in his new life. Francis, at this time, apparently did not contemplate the founding of any stable community, or indeed have a desire to associate others with him. He began, however, his own personal ministry among the citizenry of Assisi the following day.⁴

Two months later, the first two disciples of Francis joined him. On April 16, 1208, Bernard of Quintavalle, a certain Peter, and Francis, went to the church of St. Nicholas and begged God to make known to them His will. Opening the book of the gospels at random, three times, they came upon the passages of Matthew 19:21; Luke 9:2-3; and Matthew 16:24.⁵ We can date the birth of the Franciscan movement from this event and from the inspiration given to Francis and his first companions by the Lord in the gospels, and from their interpretation that these words were meant to be a way of life for them, and those who would follow.

First Followers

Within the first year after he received the inspiration to lead the gospel life, Francis was joined by eleven other men. Most of these were laymen, but Sylvester, whose cognomen is unknown, was listed in the early chronicles as a priest.⁶ Peter Cataneo is listed as a canon and a doctor of the law, although there is no substantial evidence that he was an ordained priest.⁷ The way of life for this nascent fraternity was based on gospel values. Throughout his life, Francis was insistent with others, with church authorities and with all of the brothers, that his way of life was evangelical and, therefore, not to be tampered with. The rule that he later composed and gave to the brethren as a model for his followers to imitate began: "The rule and life of the Friars Minor is this: to observe the holy gospel or our Lord Jesus Christ."⁸

⁴I Cel 23 (*Omnibus*, pp. 247-248); *LM* III:2 (*Omnibus*, p. 647).

⁵I Cel 24 (*Omnibus*, pp. 248-249); Anon 10-11 [*The New Round Table* 36 (1983), 36]; 3Soc 27-29 (*Omnibus*, pp. 916-918); II Cel 15 (*Omnibus*, pp. 374-375); *LM* III: 3 (*Omnibus*, pp. 647-648).

⁶3Soc 30 (*Omnibus*, p. 919); II Cel 109 (*Omnibus*, p. 452); *LM* III:5 (*Omnibus*, pp. 648-649).

⁷*Jordan of Giano* (cf. appendix) 11-12, found in Placid Hermann, ed. and tr., *XIIIth Century Chronicles* (Chicago: Franciscan Herald Press, 1961), pp. 26-28. (hereafter cited as *Chronicles*); Huber, pp. 8,11.

⁸*The Later Rule* I:1. All English translations of the writings of Francis of Assisi come from Regis Armstrong and Ignatius Brady, eds. and trs., *Francis and Clare: The Complete Works* (New York: Paulist Press, 1982). All page references also refer to this edition. This citation may be found on page 137.

To all appearances the first friars were a lay brotherhood not unlike other apostolic groups of that time.⁹ It was not, however, an exclusive lay brotherhood, nor was it intended to be such. The criterion for admission was that a man be led by the spirit of God to embrace the evangelical life. Celano describes the vocational calling of the early friars:

There was indeed at that time a great rejoicing and a singular joy among St. Francis and his brothers whenever one of the faithful, no matter what his status might be, rich or poor, of high or low birth, of lowly regard or high esteem, prudent or simple, cleric or unlettered or layman from the Christian people, led on by the spirit of God, came to put on the habit of holy religion.¹⁰

Celano, in other parts of his works, makes a distinction between the unlearned and the learned who were called to be disciples of Francis. For the most part, the learned are almost always equated with clerics, or those in orders. The unlearned are all others, and are called in various places, *idiotae*, *laici*, *ignoranti*.¹¹ Felder points out that idiot was not a pejorative term, since the apostle Paul called himself one in reference to his knowledge of Christ. In the Middle Ages the word *ignotus* (*ignoranti*) did not only mean those that were lacking in instruction, but also a layman (*laicus*) in opposition to a cleric, since it was only the clerics who possessed a superior culture.¹² In the same way, the lay brothers were called *idiotae* to distinguish them from priests. For this reason St. Francis was an *idiotae*, and gave this name to his first companions.¹³

Cleric and Lay

Kajetan Esser, OFM, points out that in the writings of Francis himself we learn much about the social origins of the friars. We have already noted that Celano and others make distinctions between the learned and the unlearned. Esser notes that the most common distinction found in those days was between those who were *clerics* and those who belonged to the lay class. He states that we must not take the word *cleric* in a restrictive sense, such as it has today, but that, nevertheless, it did include all those in a canonical

⁹Landini, pp. 253-4.

¹⁰I Cel 31 (*Omnibus*, pp. 253-254).

¹¹Hilarin Felder, *Storia degli studi scientifici nell'Ordine Francescano* (Siena, 1911). p. 69.

¹²St. Francis uses the words *clericus* and *sacerdos* only once in *The Later Rule* (III:1 and VII:2), and the word *presbyter* twice (VII:2). This contrasts sharply with his repeated use of *frater* which appears 53 times. The same contrast can be seen more dramatically in *The Earlier Rule* in which *clericus* is used four times, *sacerdos* nine times (six times in ch. XX which reflects canon 21 of the IV Lateran Council), and *presbyter* only once. In the same document *frater* appears 104 times. Throughout his writings, Francis uses *clericus* 28 times and *frater* 308 times, thus indicating his vision of the Order. Cf. Jean Francois Godet and George Mailloux, *Corpus des sources Franciscaines*, (Louvain: Publications du centre de traitement électronique des documents de l'Université de Louvain, 1976), vol. V, pp. 72, 120-121, 200.

¹³Felder, p. 69.

sense; it also included those who were educated in the schools of that era, and, indeed, anyone who could read.¹⁴

In every instance Francis speaks of this difference as of something taken completely for granted; so that nowhere can we find a reason for asserting that he preferred laics, while regarding clerics with reserve. The Order was open to both groups and neither had a preference. Likewise, the clerical state nowhere appears as a prerequisite for office in the Order.¹⁵

The lack of discrimination in the order among the first friars was also a source of admiration among the people. The example that they practiced and preached was not lost on the populace, many of whom were led to reformation and penance. Celano writes that among the friars: "not even lowness of birth or any condition of poverty stood in the way of building up the work of God in those whom God wished to build it up."¹⁶

In the early Franciscan literature, no particular notice is taken of class origins, occupations, or societal status of those who wished to join Francis. Whether they were of the nobility, or worked the feudal lands, whether educated or uneducated, "all generally should be called Friars Minor."¹⁷

Papal Authority

As the first friars began their lives of poverty and the work of evangelization, especially in the preaching apostolate, Francis saw the need for some type of approval from the competent ecclesiastical authorities. At an earlier date, Francis had already received the approbation of the bishop of Assisi, and now sought the approval of the Holy See. Before setting out for Rome in 1209, Francis had written a short rule of life, which was nothing more than a simple commentary on the scripture texts which had guided him thus far.¹⁸ We might ask why Francis, at this point in the early life of his community, wished to write a rule of life, inspired by the scriptures, and submit it for approval to the highest authorities in the church. Esser is of the opinion that Francis wanted to express in few and simple words a guide for *regulated* community life in virtue of its *form of life* as other religious orders. Evidently, Francis' vision led him far beyond the Umbrian countryside where he and his followers first preached their evangelical message. Esser writes:

¹⁴Cajetan Esser, *Origins of the Franciscan Order*, tr. Aedan Daly (Chicago: Franciscan Herald Press, 1970), p. 33; *The Earlier Rule* III, XV, XVII, XX (Armstrong, pp. 107-135); *The Later Rule* III (Armstrong, p. 139); *A Letter to the Entire Order* (Armstrong, pp. 56-57).

¹⁵Esser, p. 33.

¹⁶*I Cel* 31 (*Omnibus*, pp. 253-254).

¹⁷*The Earlier Rule* VI:3 (Armstrong, p. 114).

¹⁸There has been considerable discussion concerning the time when Francis journeyed to Rome to seek the papal approval of his primitive rule. For further information one is referred to note 117 of the notes on the lives of St. Francis by Thomas of Celano found in *Omnibus*, p. 569. The author opts for the year 1209.

Here again Francis is acting on his own initiative. He obviously wanted a way of life that would have significance for the *whole* church. Otherwise, he would have been satisfied with the approval of his bishop. . . We sense here too how conscious Francis was of his mission and how necessary for this mission was a way of life fixed by rule, in conformity therefore with the life of a religious order.¹⁹

Francis and his followers, on arriving in Rome, had secured the help of Cardinal John of St. Paul who would intervene for them at the papal court and with Pope Innocent III.²⁰ According to David Flood, OFM, Innocent III reversed the attitude, heretofore prevalent, among recent pontiffs of forcing itinerant preachers to enter monastic structures or suffer the wrath of the church. Innocent opened the church to these movements on the condition that those animated by evangelical ideals adhere to established doctrine and ecclesial authority.²¹

The pontiff received Francis and his band of followers and, after listening to them explain their way of life, gave preliminary approval for them to preach the gospel. He did, however, have reservations on the group's rejection of every possession, personal as well as communal. This, to him, was both too difficult and unfeasible.²² Another meeting was held with Innocent III with the cardinals of the curia in attendance. At this meeting several cardinals spoke against the approval of Francis' way of life, or of his *order*, because its principles seemed to surpass human power. After an intervention by Cardinal John of St. Paul, who argued that the objections thus far made imputed impossibility to the teaching of the gospel, Innocent III gave verbal approval to Francis' primitive rule, and once again gave them permission to preach repentance.²³

Flood writes:

In 1205, a canon of St. Augustine was sent by Innocent III with his bishop on a mission against the Albigensian Manicheans. The Spaniard Dominic made poverty and itinerant preaching (the strong points of the religious movements) his apostolic approach. Gradually, he was joined by companions. In 1215, Dominic, returned to Rome to present himself to the Pope. This offered Innocent III the opportunity to consolidate papal policy regarding evangelical movements.

In 1210 two other groups also sought the approbation of Innocent. . . He examined the small band that came from Assisi, gave encouragement to Francis and his brothers, and declared himself ready to support them in the future. Francis and his companions rode the wake of the gospel poverty movements. They entered the scene as the church, abandoning its century-long suspicions, was beginning to elaborate new arrangements designed to receive these movements into its official life.²⁴

¹⁹Esser, p. 25.

²⁰*I Cel* 33 (*Omnibus*, pp. 254-255); *3Soc* 49-53 (*Omnibus*, pp. 932-936); *II Cel* 17 (*Omnibus*, pp. 377-378).

²¹David Flood and Thadee Matura, *The Birth of a Movement* (Chicago: Franciscan Herald Press, 1975), p. 10.

²²Raphael Huber, *A Documented History of the Franciscan Order 1182-1517* (Milwaukee, 1944), p. 13.

²³*I Cel* 33 (*Omnibus*, pp. 255-256); Rosalind Brooke, *Early Franciscan Government* (Cambridge: University Press, 1959), p. 60; Huber, p. 13; L. DiFonzo, "Francescani," *Dizionario degli istituti di perfezione*, 1977, vol. 4, p. 467.

²⁴Flood, pp. 11-12.

Tonsure

St. Bonaventure tells us in the *Legenda Major* that: "he (Innocent III) approved the rule, and gave them a mission to preach repentance, conferring the clerical tonsure on the laymen among Francis' companions, so that they could preach the word of God without interference."²⁵ Lazaro Iriarte states that Cardinal John of St. Paul, with the authority of the pope, conferred tonsure on Francis and his followers and that this action guaranteed ecclesiastical immunity.²⁶ Cousins, in his edition of the *Life of Francis* by St. Bonaventure, translates Bonaventure as saying that Innocent III "had small tonsures shaved on the laymen among Francis' companions."²⁷

The question of the tonsure is important to consider since the tonsure was usually the sign of acceptance into the clerical state by those who received it. Salimbene degli Adami and *The Legend of the Three Companions* state that Francis and his followers became clerics, and that Innocent III, by his action, made the order a clerical foundation. There are others, however, who would dispute this and declare that the first friars received a ritual tonsure, the so called small tonsure *juxta formam ecclesiae*. There was a distinction made between the large tonsures worn by clerics and monks, and the small tonsures worn by religious laymen.²⁸

We agree with Landini, who doubts that the tonsures received in 1209 were clerical tonsures.

The clerical tonsure, in itself, gave no juridic right to preach. . . . In our opinion, these "small tonsures" were a device of the moment, inspired by Innocent or one of the cardinals, whereby Francis and the others might more easily be recognized as being associated with the hierarchy of the church and as belonging to some approved order. . . .²⁹

James M. Powell, in a study on the papacy and the early Franciscans, makes the following observations:

. . . the imposition of the tonsure by the Pope on the lay friars may be viewed as an acceptable means for giving concrete significance to the oral approval, removing it from the purely abstract quality of verbal significance in much the same way as the granting of a banner to a papal vassal gave concrete expression to that relationship. It provided a visible sign of the subjection of the friars to the clerical discipline and, in the absence of any document, gave a limited safeguard not merely to the church, but also to them by indicating that they were approved preachers of penance.³⁰

²⁵LM III:10 (*Omnibus*, pp. 652-653).

²⁶Lazaro Iriarte, *Franciscan History*, tr. Patricia Ross (Chicago: Franciscan Herald Press, 1983), p. 7.

²⁷LM III:10, translated in *Bonaventure: The Soul's Journey into God; The Tree of Life; The Life of St. Francis*, tr. Ewert Cousins (New York: Paulist Press, 1978), p. 206; Also cf. *II Cel 17* (*Omnibus*, pp. 377-378).

²⁸For a further study of the sources on this continuing controversy one is referred to Landini, especially the notes on pp. 30-31.

²⁹Landini, p. 32.

³⁰James M. Powell, "The Papacy and the Early Franciscans," *Franciscan Studies* 36 (1976), pp. 253-254.

Whatever this little tonsure was, its intended purpose was to associate the first friars with the hierarchy of the church, and thus make it easier for them to use their liberal permission to preach penance everywhere. The juridical effect is still quite unclear because of conflicting statements from various sources which attribute various qualities to the reception of the tonsure. In the *Decretals of Gregory IX* it is stated that those who receive the first tonsure from the hands of their abbots belong to the clerical state.³¹ Alessandro da Ripabottoni states that the tonsure received was not a clerical tonsure but the monastic or religious tonsure which signified separation from the world and dedication to the religious state.³² We must disagree with the position of Moorman who holds that the purpose for the reception of the tonsure was that Innocent III was anxious that Francis' group cease to be a lay movement, and that it be incorporated into the clergy.³³

Growth in the Order

With the approval of the church having been given, Francis was able to pursue his dream of living the life of poverty and preaching that he envisioned. He was also able to draw others to his manner of life and, consequently, the number of friars increased rapidly. The numbers drawn to Francis and his order grew so speedily that it had been estimated that in 1221, twelve years after the verbal approval of *The Primitive Rule*, there were between three and five thousand friars in the order.³⁴ Such a large number, plus the mandates of the Fourth Lateran Council (1215) made the need for a better organization and discipline imperative. It is interesting to note that one of the conciliar decrees forbade the founding of new religious orders. Each new community had to accept "the rule and foundation of one of the approved orders."³⁵ Iriarte makes the statement that this prohibition did not apply to the Friars Minor because Innocent III declared that their form of life was previously approved by the Apostolic See. He supports his theory without documentation, but from a statement in the *Legend of Perugia*, 67.³⁶

³¹c.11, X, I, 14, Friedberg: v.2, 129.

³²Alessandro da Ripabottoni, *I fratelli laici nel Primo Ordine Francescano* (Roma: Laurentianum, 1956), p. 106.

³³Moorman, p. 19.

³⁴L. DiFonzo, "Franciscani," *Dizionario degli istituti de perfezione*, 1977, vol. 4, p. 491.

³⁵"Lest too great a diversity of religious orders lead to grave confusion in the Church of God, we strictly forbid anyone in the future to found a new order, but whoever should wish to enter an order, let him choose one already approved. Similarly, he who should wish to found a new monastery, must accept a rule already approved." Canon 13 of the Fourth Lateran Council translated in H.J. Schroder, *Disciplinary Decrees of the General Councils: Text, Translation, and Commentary* (St. Louis, 1937), p. 255.

³⁶Iriarte, p. 8.

The Earlier Rule (1221)

In the early days of the order the life of the friars depended on their relationship, as individuals, with Francis. This was no longer possible, and some means had to be found to insure a stable way of life while preserving the ideals of *minoritas* (minority) and *paupertas* (poverty) which were the foundation stones of Francis' way of life.

Francis had already proposed a way of life to the pope, and had this confirmed by Innocent III in 1209. The text of this way of life or *The Primitive Rule*, as it is sometimes referred to, has not survived the centuries. The broad outlines, however, are known and include: the duty of living according to the gospel, the absolute poverty of the group, a permanent penitential way of life, and the obligation of working in order to sustain oneself and the community.

From the time of the oral approval of Innocent III the order continued to grow, as we have already noted. One unifying element that was introduced to bind the friars together, and keep them faithful to their ideals were the chapters of the order. Esser states that there were regular gatherings of all the friars, including even the novices. One evident reason for the chapters was the desire of Francis to see all of the friars who had been sent to foreign lands to preach the life of penance. According to Esser:

The friars reported to their holy Father all they had experienced, confessed their possible failings, and received correction and penance . . . These three elements — the recounting of experiences, confession of faults, and instruction — seem to have become without any great planning the usual program of these gatherings.³⁷

During this period the first friars were sent out to foreign lands, and the order was divided into provinces for purposes of better organization. Jordan of Giano describes the early chapters of 1217 and 1219. During this latter chapter Francis sent friars to France, Germany, Hungary, Spain, and those parts of Italy where they had not been before. It seems probable that the first missionary friars (friars sent to non-Christian lands) were sent to Morocco.³⁸

As long as the primitive fraternity was still small in number, however, the charismatic personality of Saint Francis substituted for the lack of precise regulations and specifications that would come in a longer Rule. . . . After the marvelous growth of the order, especially after 1217 and 1219 when the friars scaled the Alps and crossed the Mediterranean it was necessary to provide new guidelines to maintain the ideals and enthusiasm of the primitive fraternity. Furthermore, the impact of the Fourth Lateran Council (1215), as well as the papal initiatives of Pope Honorius II, contributed to the development of the primitive rule.³⁹

³⁷Esser, p. 71.

³⁸Ibid., p. 77

³⁹From the editors' introduction to *The Earlier Rule* in Armstrong and Brady, *Francis and Clare: The Complete Works* (New York: Paulist Press, 1982), pp. 107-108.

The Earlier Rule was written in 1221. It is often called the *Regula non bullata*, because it was never officially approved. Because of the great influx of new members the order had divided into provinces, and these jurisdictions were governed by ministers provincial. Moreover, certain abuses had crept into the life of the order during Francis' preaching missions. There was the need to determine more precisely the office of the ministers provincial, and to make the rule a more effective instrument for the direction of the members and for the government of the order. During the years 1220-1221, Francis drew up a revision of the primitive rule to bring it into harmony with the needs of the day. This rule, however, was not presented to the Holy See for approval, due to internal friction within the order. It consisted of twenty-three chapters, with a heavy emphasis on a scriptural basis for the way of life to be lived within the order. The document reflects the ideals of Francis and of his early followers, and can rightly be termed a *spiritual* document rather than a codified or juridic set of norms. Francis himself did not consider the *Earlier Rule* a final expression of his ideas or those of his order, and it was the opinion of his closest advisors that it lacked the sufficient legal terminology to satisfy the Holy See.⁴⁰

Chapter III of *The Earlier Rule* contains some important prescriptions regarding the obligation of all the friars to pray and to fast. In this chapter Francis writes:

For this reason all the brothers, whether clerical or lay, should celebrate the Divine Office, the praises and prayers, as is required of them. The clerical (brothers) should celebrate the office and say it for the living and the dead according to the custom of the clergy. . . . And they may have only the books necessary to fulfill their office. And the lay (brothers) who know how to read the psalter may have it. But those who do not know how to read should not have any book.⁴¹

This would seem to indicate that early in the history of the Franciscan movement, the founder recognized a distinction between clerical and lay elements within the order. No statistics are available to determine the ratio of clerical to non-clerical members during this period. Francis, however, does not consider the distinction between clerical and lay members as disruptive of fraternity. In point of fact, his way of life is quite contrary to the monastic practices which we have alluded to in Chapter I. Esser points out that in Chapter VII of this rule Francis accepts the fact that friars come from all classes of workers: "Everyone should remain in that skill and office in which he has been called."⁴² Later in this same rule Francis states that all the friars are akin to him: ". . . those who preach, pray, work, whether cleric or lay . . ."⁴³

⁴⁰Iriarte, p. 22-23.

⁴¹*The Earlier Rule* III: 3-4, 7-9 (Armstrong, p. 111).

⁴²*The Earlier Rule* VII:6 (Armstrong, p. 115); Esser, p. 33.

⁴³*The Earlier Rule* XVII:5 (Armstrong, p. 122); Esser, p. 33.

The Later Rule (1223)

Urged on by the friars, Francis began to revise the rule during the years 1221-23. With the help of Cardinal Ugolino he was able to present it to the Chapter of Pentecost of 1223. This rule was then approved by Pope Honorius III in the bull *Solet annuere* on November 29, 1223, and for this reason it is often referred to as the *Regula bullata*, in contradistinction to the *Regula non bullata*. It must be emphasized that this rule was not a new rule. Honorius indicated as much when approving it. He said: "We confirm for you with our apostolic authority, and by this document, ratify the rule of your order herein contained and approved by our predecessor, Pope Innocent . . ." ⁴⁴ It can thus be said that *The Primitive Rule* of 1209, *The Earlier Rule* of 1221, and *The Later Rule* of 1223, were but stages in the development of the one rule of the Friars Minor. "When *The Later Rule* is studied against the background of *The Earlier Rule*, its marvelous vision of gospel life comes into focus. This is a pattern or form of life that is meant to be lived in the pursuit of the gospel mission . . ." ⁴⁵ *Solet annuere* gives the papal recognition and approbation to the mission of Francis, and to the way of life pledged by him and his brothers.

One aspect of the rule of 1223 which stands out and compliments the idea of *minoritas* (minority) in the life of the friars is that of fraternity. It can be seen in the exhortations of Francis to the friars to practice charity, to care for the sick, the sinners among them, and for the duties of ministers in visiting and admonishing the friars. Perhaps it can best be seen in the perfect equality that should exist among all the friars, be they cleric or lay. All were to be equal, according to the gospel, because all were brothers. ⁴⁶ Landini states:

The final Rule is written for all the brothers and only twice does it make a needed distinction between the brothers who are laymen and those who are clerics and priests. Chapter three distinguishes between them with regard to the obligations of the divine office. Chapter seven envisions the possibility that the ministers may be priests and thus able to absolve penitent brothers. If the ministers are not priests, which was usually the case in 1223, the ministers are to see to it that penance is imposed by other priests of the Order. Except for these two instances, the final Rule makes no distinction between the brothers. ⁴⁷

The evolution of the rule from *The Primitive Rule*, approved orally by Innocent III in 1209, to *The Earlier Rule* of 1221, to the final redaction which was approved by Honorius III in 1223, provides an interesting study in the thinking of the pontiffs of that era and their reason for various actions in the stages of approbation. Innocent III was responsible for the principle of preserving the institutional integrity of the church and of

⁴⁴*The Later Rule* [Preface] (Armstrong, p. 137).

⁴⁵The editors' introduction to *The Later Rule* (Armstrong, p. 136).

⁴⁶Mt 20:25-28; Lk 22:26

⁴⁷Landini, p. 42.

securing the obedience and the loyalty of various new movements. ⁴⁸ It was Innocent who was chiefly responsible for canon 13 of the Fourth Lateran Council. ⁴⁹

The purpose of this canon was to reserve to the Holy See the approval for the various groups, both clerical and lay, that had sprung up in the preceding years, and reserving the approval of their *proposita* (rules of governance), and of recommending them to the bishops for the principal purposes of preaching against the heretics. In effect, this policy did not give definitive approval or confirmation to these groups as true religious institutes. Canon 13 posed problems for the two great founders of religious orders of those days, Dominic and Francis. The way of life they proposed for their followers differed substantially from the other groups to which this canon was directed. MacCarone sees the inherent difficulty in explaining this canon forbidding new rules, and the subsequent approval of the Friars Minor by Honorius III. He argues, as do others, that Innocent III had given verbal approval in 1209 and that this was a *singular* incident. ⁵⁰

There is little doubt that the pontiffs, beginning with Innocent, saw the establishment of the Friars Preachers and the Friars Minor as great movements in the life of the church; that each of these orders would become major supporters of the reform movement within the church; and that their strength lay in their orthodoxy and loyalty to the church. Most authors contend that the oral confirmation of *The Primitive Rule*, the reception of the tonsure, and the command by Innocent to Francis to return at a later date for further approval, constitute a *de facto* recognition and approval of the order and its rule, notwithstanding the later decree of the Fourth Lateran Council. Honorius III's approval of the rule in 1223 can be viewed as a further approval of that given by Innocent III. Honorius was well aware of the difficulties facing the institutional church, and the work of reform that was needed to restore church discipline, piety, and its spiritual direction. To this end he foresaw that with a judicious use of papal authority he was able to support the work of the newly founded mendicant Friars Preachers and Friars Minor. They would serve as instruments of reform. ⁵¹

Powell makes the assertion that Honorius, in approving the rule, and in other actions, circumvented the intent of canon 13 of the Fourth Lateran Council since he saw great opportunities presented to the papacy by the mendicant orders. He later modified canon 10 of the council which regulated the apostolate of preaching. In the bull *Vineae Domini custodes*

⁴⁸Powell, p. 249

⁴⁹Cf. note 35 for translation of this canon.

⁵⁰Michele MacCarone, "Riforme e innovazioni di Innocenzo III nella vita religiosa," *Studi su Innocenzo III*, (Padua, 1972), p. 304.

⁵¹Powell, pp.252-60.

(October 7, 1225), he associated the Friars Minor with the mission of the Friars Preachers, to preach the word of God, and to be an instrument of reform within the church.⁵²

Clerical Order?

In *The Later Rule*, confirmed by Honorius III, we note that the word *cleric* is used several times, but it is not clearly indicated whether Francis always used the word in the strict or the narrow sense, or in a broader one. In the strict sense of the word it would mean all of those men who had been admitted to the clerical state by the reception of the tonsure. Esser points out, however, that it was not unusual at that time to ascribe the term to those who were educated in schools, and in the widest sense, to those who could read.⁵³ Salimbene, writing in 1283-84, was scandalized by some of the friars who could not even read, wearing a tonsure.⁵⁴ In the broad sense, then, the clerics could be taken to be those who were somewhat educated, and even, technically, numbered among the *illiterati*.⁵⁵

Francis does seem to use the word *clericus* in its different meanings at various times in his writings. At times he is speaking of them in the strict sense, as when he speaks of those who have the care of the sacraments, as in *The Letter to All the Faithful*, *The Letter to the Clergy*, and *The Letter to the Custodians*.⁵⁶

Optatus Van Asseldonk makes an interesting point in noting that Francis, in Chapter XVII of *The Earlier Rule*, makes no distinction between the various classes of friars when he speaks of the preaching apostolate. Van Asseldonk states that Francis wished to give to each of his friars a program for the evangelical life, which would be valid everywhere for each of them. In a triple affirmation, contained in verses 3, 5, and 9 of Chapter XVII, Francis exhorts "all the brothers." In the first, each brother is exhorted to exercise the work of preaching, and is to do so in whatever condition of circumstance he finds himself placed. In the second exhortation, all the friars are cautioned that they possess nothing of their own except vices and sins. Lastly, Francis says that all the brothers must be on their guard against pride and empty boasting.⁵⁷

⁵²Ibid., p. 261.

⁵³Esser, p. 33.

⁵⁴*Cronica fratris Salimbene de Adam*, ed. O. Holder-Egger, *Monumenta Germaniae Historica Scriptores* 32 (Hannover-Berlin, 1905-1913), p. 102.

⁵⁵Esser, pp. 34-35.

⁵⁶Cf. *The Second Version of the Letter to the Faithful* (Armstrong, pp. 66-73); *A Letter to the Clergy* (Armstrong, pp. 49-51); *The First Letter to the Custodians* (Armstrong, pp. 52-3).

⁵⁷Optato van Asseldonk, "Lo spirito del Signore e la sua santa operazione negli scritti di Francesco," in *L'esperienza di Dio in Francesco d'Assisi*, ed. Ettore Covi (Roma: Laurentianum, 1982), pp. 156-158. Van Asseldonk in the same article on p. 143 makes a strong point for Francis' attitudes towards those who study only in order to achieve fame, avarice, etc., without following the spirit of the evangelical life.

Reference has already been made earlier in this chapter that in *The Earlier Rule*, Francis made provision in Chapter III, of a distinction made between the clerical brothers and their manner of celebrating the Divine Office; and the manner that the lay brothers would perform an office containing other prayers.⁵⁸ Chapter III of *The Later Rule* repeats this provision with only minor changes.⁵⁹

In chapter VII of *The Later Rule* Francis foresaw the possibility that some of the ministers (general or provincial) might not be priests, and so they are to send friars who have sinned to priests of the order who will absolve the penitent friar.⁶⁰

Throughout these writings it can be seen that the idea of *fraternitas* (fraternity) was uppermost in the mind of Francis. In fact, this was the hallmark of the order. There was to be a perfect equality between clerics and laymen, as all were brothers according to the evangelical injunction. As has been noted above, *The Later Rule* of 1223 makes only two references to differences in classes, clerical or lay. Otherwise there were to be no distinctions between the friars. "The Rule of the Minors is written only for brothers. The issues contained there always concern the brothers, e.g., the brothers who are to be received, the brothers who are to preach, the brothers who are ministers, etc."⁶¹

The Friars Minor were not the first religious order in which laymen and clerics lived side by side in religious life. It must be noted, however, that the friars were never considered *conversi* in the monastic sense of the word. It was the mind of Francis that all of the friars would form a fraternity in which all, cleric and lay, would live together under the same rule, and enjoy the same rights and privileges regardless of the fact that some were ordained, or at least in the clerical state, and others were not. Distinctions between the members of the fraternities were thus to be erased, except in cases where the exercise of orders was mandated or necessary.

Friars Preachers and Friars Minor

Landini compares the equality between the cleric and lay members of the Friars Minor with the Order of Preachers, founded at approximately the same time.

St. Dominic founded an order which from its very start, was principally clerical in membership and purpose. The *conversi* who entered the order were only an integral, not an essential part of the brotherhood. They had nothing to do with the government of the order. The bull of Honorius III approving the Dominicans recognized them as an order of Canons Regular with the right of adjoining laymen to the order.⁶²

⁵⁸*The Earlier Rule* III:3-10 (Armstrong, pp. 111-112).

⁵⁹*The Later Rule* III: 1-4 (Armstrong, p. 139).

⁶⁰*The Later Rule* VII (Armstrong, pp. 141-142).

⁶¹Landini, pp. 42-3.

⁶²Ibid., p. 43.

When we compare the two orders, composed of both clerical and lay members, we might ask what the mind of the founders was in their plan of organization or purpose. The mind of Dominic seems clear enough: his was to be an order of clerics whose primary task was to preach the word of God, and stamp out the heretical teachings that were threatening the church. Lay members were allowed to join the order, but their chief function was to be of service to the clerical members, and assist them by providing needed services to them. These brothers did not have active or passive voice in the government of the order. As was the case of Citeaux, they were not permitted to pass from the state of *conversus* to that of cleric. The first brothers were allowed a psalter, but this, too, was prohibited to them after 1220, and they were forbidden to have an interest in books.⁶³

The intention of Francis, on the other hand, seems quite opposite of that of the Friars Preachers. Fraternity and equality of all the members was uppermost in his mind. Although it seems clear the majority of friars in the time of Francis were lay, he did not consider his movement a lay movement in the church; but a movement open to all classes of men, cleric and lay, who would follow an evangelical rule of life. In his writings there are very few distinctions made on the basis of class, and only when necessary, as for example in the administration of the sacraments, especially the celebration of the Eucharist and the administration of the sacrament of Penance. Francis rejected no one; all of the faithful (men), of whatever condition and led by the spirit of God, were able to be invested with the habit.⁶⁴

In the early Franciscan literature no particular notice is taken of the differences of origins, occupations, or class of the first friars. "Whether nobles or peasants, rich or poor, learned or unlearned, cleric or lay, 'let all in general be called Friars Minor.'" ⁶⁵

Thomas of Celano writes that Francis and the early friars were filled with joy:

... There was indeed at that time a great rejoicing and a singular joy among St. Francis and his brothers whenever one of the faithful no matter who he might be or of what quality, rich or poor, noble or ignoble, despised or valued, prudent or simple, cleric or unlettered or lay, led on by the spirit of God, came to put on the habit of holy religion.⁶⁶

Celano quotes another instance in which the mind of the founder is made even more clear:

When St. Francis was shaved, he often said to the one who shaved him: "Be careful that you do not give me a large corona. For I want my simple brothers to have a share in my head". He wished finally that the order should be for the poor and unlearned, not only for the rich and the wise. "With God," he said, "there is no respect for persons, and the minister general of the order, the Holy Spirit, rests equally upon the poor and simple." He wanted this thought inserted into his rule, but since it was already approved by papal bull, this could not be done.⁶⁷

⁶³J. Bonduelle, "Convers," *Dictionnaire de droit canonique*, 1949, vol. 4, pp. 571-573.

⁶⁴*I Cel 31 (Omnibus)*, pp. 253-254.

⁶⁵Esser, p. 34, quoting *The Earlier Rule* VI:3 (Armstrong, p. 114).

⁶⁶*I Cel 31 (Omnibus)*, pp. 253-254.

⁶⁷*II Cel 193 (Omnibus)*, p. 517.

From the above quotation it is evident that these words were pronounced by Francis after the publication of the bull of Honorius III, *Solet annuere*, on November 29, 1223. In a recent study by Octavianus Schmucki, OFM, Cap., on *The Letter to the Entire Order* in which Francis speaks of devotion to the Eucharist, the proper recitation of the mass, and the obligation of praying the Divine Office, the author argues that a state of clericalization had already infiltrated the order, since much of the letter is addressed exclusively to the priests and clerics of the order.⁶⁸ Esser has dated this letter shortly after the return of Francis from the Middle East, about 1220.⁶⁹ Schmucki posits the thesis that the *Letter to the Entire Order* supposes a state of clericalization that was quite general throughout the order. He argues that it was impossible to say this before 1224, because it was only in that year that Francis wrote the letter, after a series of papal documents that showed that the order was becoming more clerical. With the growth and presence of an ever increasing number of priests within the order, certain privileges were found necessary. Thus, on March 29, 1222, Honorius III granted to the Friars Minor the privilege of reciting the Divine Office and celebrating the Eucharist during times of general interdict.⁷⁰ Schmucki makes the observation that in this document Honorius not only granted the concession to the friars, but applied it also to the churches they would possess in the future. In 1224, the same pontiff issued another bull, *Quia populares tumultus*, (December 3, 1224), in which he gave the friars the privilege of having portable altars, of having solemn masses, "without prejudice to the rights of the parochial churches." Schmucki believes that Francis foresaw the need for such an accommodation, and thus the privilege of the portable altars to serve the friars in the friaries.⁷¹ Landini makes the observation:

These privileges proved, however, to be more than a response to a concrete need. Whether granted with this intention or not, the privileges certainly created a climate within the order conducive to whatever further clericalizing tendencies were yet to come.⁷²

When looking at the *Letter to the Entire Order* which Francis wrote toward the close of his life, and when he was already afflicted with a variety of illnesses, we cannot but conclude that he was aware of the tendencies that were creeping into the order. Francis returns to the same theme of clerical

⁶⁸Octaviano Schmucki, "La lettera a tutto l'Ordine di San Francesco," *L'Italia Francese* 55 (1980), 245-286.

⁶⁹Cajetan Esser, "Über die Chronologie der Schriften des hl. Franziskus," *Archivum Franciscanum Historicum* 65 (1972), 28-39.

⁷⁰*Devotionis vestrae precibus* (March 29, 1222), in *Bullarium Franciscanum*, I, p. 9, no. 10.

⁷¹*Bullarium Franciscanum*, I, p. 20, no. 17; Schmucki, p. 247.

⁷²Landini, p. 59.

presence in the order and the respect that must be paid to priests and theologians in his *Testament*.⁷³

In his study on the clericalization of the Friars Minor, Landini writes that Honorius III gave the Friars Minor a clerical orientation, not only through the papal documents already mentioned, but also through a clerical orientation in their apostolate to the infidels, and in the work of preaching.

But the papacy . . . played up the role of the cleric more than that of the layman. This Honorius III did by singling out such offices that only an ordained friar could perform . . . In the course of time, this association grew so strongly that the very *ratio existendi* of the Order of Friars Minor itself was seen by the friars themselves as the exercise of priestly ministry.⁷⁴

Landini also asks the question whether Francis, an ordained deacon, was himself responsible, at least subtly, for reorientating the order through the various letters and messages he composed. He cites the *Letter to the Entire Order*, the *Testament*, the *Admonitions* (especially number 7), and various letters to the friars, e.g., to St. Anthony of Padua in which Francis commended the teaching of theology.⁷⁵

We believe that while these tendencies may have been present, Francis himself was still committed to a fraternity or order in which there would be little or no distinction between the various friars, regardless of their position or state of life prior to their entrance into the order. It can be seen in the early history of the order that the equality desired by Francis was almost universally put into practice. In apostolic work, government, manual labor, and in the life of prayer of the fraternity, laymen and clerics were placed on equal footing, unless by the nature of the work the sacrament of Holy Orders was required. Not even with regard to the apostolate of preaching does *The Later Rule* distinguish between clerics and laymen. Chapter IX of *The Later Rule* imposes the same rigid requirements on all of the friars.⁷⁶ All that was required was that they be examined and approved by the general of the order, and that they receive their commission to preach from him.

The same fraternal equality can be seen in the number of laymen who exercised positions of authority or leadership during the lifetime of Francis. One may mention Elias of Cortona, who served as vicar general of the order (1220-1227), John of Parenti who was elected minister general and served in that office from 1227-1232. It was only after the term of Elias as minister general (1232-1239) that the first priest, Albert of Pisa, was elected to the position of minister general.

⁷³There is little doubt about dating these writings of Francis toward the very end of his life. For further information regarding dating, cf. the general introduction as well as the introductions to the individual works in Armstrong, pp. 9-10, 55, 153.

⁷⁴Landini, p. 59.

⁷⁵Ibid., pp. 52-55.

⁷⁶*The Later Rule* IX (Armstrong, p. 143).

Conclusions

From the evidence that has come to us from contemporary biographers and historians, we can come to certain conclusions regarding the intentions of Francis, his ideals which guided the fledgling community, and the very nature of the fraternity which he founded. Descriptions given by contemporaries are in agreement on how the Franciscan movement came into being, although the dating of certain events is sometimes left open to question. We can conclude, also, that this movement was not just another grouping of pious men, such as was prevalent at the time of the foundation, but that it was recognized early in its existence as a true *religio* or order, and was approved as such by the highest authorities in the church, especially the pontiffs Innocent III and Honorius III. This community, or fraternity, differed greatly from already existing forms of religious life. It was an order of men who banded together as brothers and they viewed their existence as that of a *fraternitas* (fraternity) from its very inception. They were confirmed in their judgment by the approval of the church.

It is also evident that in this new order the members came from all walks of society, and that no distinction was made or attached to conditions of class or birth. Esser points out that this did not signify a reaction to the existing social and political order, whereby the lower social strata sought to gain for themselves a higher status in the church and society.⁷⁷ It was a response to the call for evangelical practice of the Christian virtues and evangelical counsels.

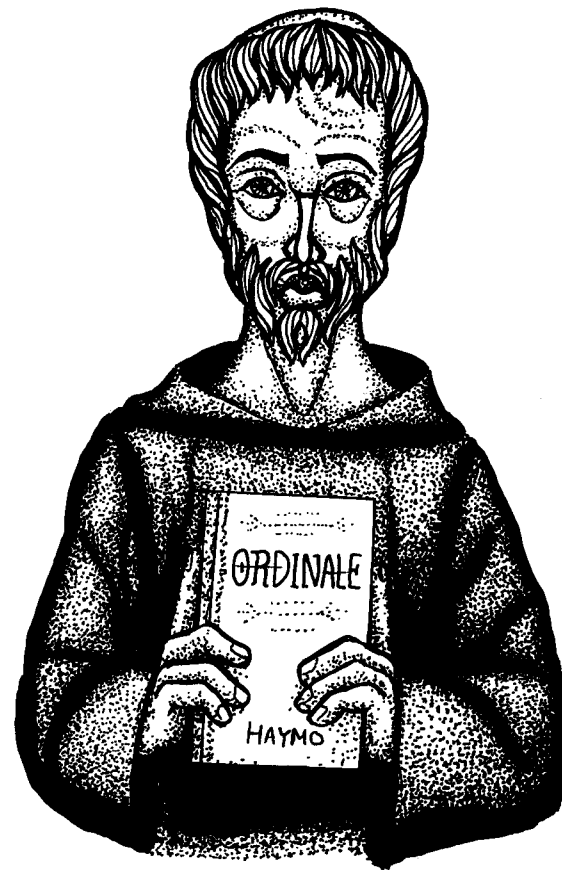
One can also see from the legislation that was written by Francis, with the help of others at times, that the order was neither consciously lay nor clerical. Rather "clerics and laics" were united in a Christian community, or fraternity, in which all shared the title *brother*. Even in the title of the order Francis strove to give an indication that this was a fraternity of lesser *brothers* with the emphasis on the lack of class distinction. Consciously or unconsciously, the very title gave evidence that this order was striving to replace the feudal principle of class-distinction which had been accepted by most of the existing orders.⁷⁸

It can be said, then, that these were the general conditions prevailing in the order at the time of the death of Francis on October 3, 1226. We have seen that, according to some, there was already a nascent movement toward the eventual clericalization of the order, and that Francis may well have been aware of this trend. Upon his death in 1226 many and severe difficulties arose, especially in the area of government of the order, and in the direction that the order should take in response to the task of fulfilling its mission. These factors were to effect a change in the structure of the

⁷⁷Esser, p. 41.

⁷⁸Ibid., p. 42.

order, a change which began shortly after the death of Francis. These changes continued for several years until it could be claimed that the very composition of the order was essentially altered from that of the mind of the founder. In the same vein we can state that the original charism of fraternity was diluted, as the order became more clerically oriented both *de facto* and *de jure*.



Chapter III The Order After the Death of Francis

Haymo of Faversham served as minister general of the order from 1240-1244, and "he, more than any other single man fixed the constitutional and social lines along which the Order was to travel during the thirteenth century." [cf. David Knowles, *The Monastic Order in England* (Cambridge: University Press, 1949), I, p. 173.] The above depiction of Haymo of Faversham was created by Michael Gaffney, Capuchin.

Upheaval in the Order

With the death of Francis in 1226, many and severe difficulties began to surface, especially in the area of the governance of the order, and in the direction that the order would take in fulfilling its mission. Lazaro Iriarte writes that there were two main causes for the difficulties: the group of educated men (*uomini di lettere*), to which belonged all of the immediate successors of Francis, became more numerous and influential; secondly, the Holy See positively thrust on the mendicant orders privileges and exemptions which took them farther from their initial ideals of simplicity. Gregory IX, in particular, did not know the limits of his solicitude or kindness, in his attempts to remove obstacles from the apostolate of the Friars Minor.¹

The order, thus favored, was transformed from a fraternity of clerics and laymen who were equal in all things and dedicated to the humble and prophetic work of preaching the gospel to an order of clerics. As clerics, the Friars Minor became exempt from episcopal jurisdiction, became more centrally organized, and were dedicated to a multiplicity of ecclesial activities.

Although the Friars Minor were recognized as an order composed of clerics and laymen, it was the laymen who predominated numerically the order at the time of Francis' death.² St. Bonaventure mentions the rarity of priests in the early days of the order.³ By the time that Bonaventure himself became the minister general of the order in 1257, the trend had reversed itself, and the clerics were in the majority.

Following the death of Francis the order's governance was entrusted to Friar Elias who served as the vicar general. In 1227, John Parenti was

¹Iriarte, p. 31.

²Landini, p. 119

³St. Bonaventure, *Exposito super regulam Fratrum Minorum*, in *Opera Omnia*, VIII, p. 426.

elected the minister general and sought to harmonize the tensions within the order by calling friars back to the perfect observance of the rule without appealing for exemptions or privileges.

The ministers provincial, however, were of a different mind, and believed that the difficulties manifested or which were on the horizon could only be solved by recourse to higher authority, i.e., to the Apostolic See. Many of the friars began to see the impossibility of following the exact footsteps of Francis. They began to side with Friar Elias' view regarding the impossibility of the literal observance of the rule, which applied to the whole order. The discussion then turned to the observance of the *Testament*. Questions were asked whether it obliged under sin; whether it had the same legal force as the rule; whether an interpretation of the rule, as decreed by the *Testament* could be obtained from the Holy See. Especially acute was the discussion on the prohibition to accept or use money. How were the friars to live, to provide living accommodations, and to develop the order?

Quo Elongati

The stage was then set for an appeal to the Holy See. Pope Gregory IX, who as Cardinal Ugolino was the first cardinal protector of the Friars Minor, had ascended the chair of Peter in March of 1227. Ugolino was a personal friend and defender of Francis, and many believe that he assisted the saint in the writing of the rule of 1223. In fact, Ugolino, as Gregory IX, in his bull *Quo Elongati* (September 28, 1230) makes the statement: "We gave assistance in preparing the aforementioned rule, and in obtaining confirmation of it from the Apostolic See when we were still holding a lesser office."⁴ In his bull, *Quo elongati*, Gregory IX undertook the first papal exposition of the rule of the Friars Minor. From the decrees of this document one can see the beginning of the clerical orientation of the order, sometimes at the expense of the *laici*. The contents of this important document are the following: 1) the *Testament* in itself is not of obligatory force, since Francis never obtained any papal confirmation for it. It represents only the private wish of Francis, but imposes no obligation binding in conscience. Hence, the friars are perfectly justified in seeking an interpretation of the rule, which the *Testament* forbade; 2) the friars are not obliged to follow all of the evangelical precepts, but only those mentioned in the rule; 3) the necessity of a financial advisor is provided for by a *nuntius* who is to take into custody all moneys and to distribute them in the name of benefactors according to the needs and the decision of the friars; 4) in regard to real estate, the friars are to possess nothing, either as individuals or as a community; they shall have the use (*usus simplex*) of all

⁴*Bullarium Franciscanum*, I, p. 56.

mobile goods; but title to immovable goods, real estate, buildings, etc., shall remain in the hands of the donors.⁵

Quo elongati, thus, marks a turning point in the order. The privileges granted to the friars, the possibility that they could be housed in solid and dignified convents, the use of books for study and preaching — all of this was granted that the order retain the possibility to grow and develop, and meet the demands laid upon it.⁶ The friars, instead of assuming the responsibility for adapting the rule to the needs of the time, and in accordance with the spirit of the rule as was the wish of Francis, chose, in the chapter of 1230, to have recourse to ecclesiastical authority to interpret the letter of the law. Iriarte points out that this juridic solution, together with the scholastic distinction between *precept* and *counsel*, signalled the end of the heroic era of the order — the interests of the institution prevailing over the purity of the ideals and the gospel values embraced by Francis.⁷

Continued difficulties experienced by the Friars Minor in their preaching apostolate, together with those experienced by the Friars Preachers, led Gregory IX to intervene numerous times on their behalf. Mention may be made of the bulls *Nimis iniqua* (August 21, 1231), and *Nimis prava* (August 22, 1231).⁸ In the first of these the pope describes the plight of the Friars Minor most vividly and the persecution that they suffered at the hands of the prelates of the church on account of their preaching ministry. Landini believes that the reason for the hostility of the prelates toward the friars was that the friars enjoyed privileges allowing them their own oratories and divine services.

We do not think it is too much to say that the more basic issue was greed inspired fear on the part of the prelates of a rapidly growing order of clerics already endowed with many privileges — an order destined to enjoy great success in the pastoral ministry of the church.⁹

The second bull, mentioned above, was addressed primarily to the prelates of France and contained the same directives allowing the Friars Preachers and the Friars Minor permission to preach and carry out their apostolic activity. In another bull, *Cum qui recepit* (June 12, 1234),¹⁰ Gregory commends the friars as apostles spreading the word of God. It is his hope, following the plans and the hopes of the Fourth Lateran Council that they be received as co-workers. The provisions made by Gregory for insuring that qualified clerics and priests be equipped for preaching,

⁵*Ibid.*

⁶John Moorman, *A History of the Franciscan Order: From its Origins to the Year 1517* (Oxford: Clarendon, 1968), pp. 90-91.

⁷Iriarte, pp. 32-33.

⁸*Nimis iniqua*, in *Bullarium Franciscanum*, I, p. 74, no. 63; *Nimis prava*, in *Bullarium Franciscanum*, I, p. 75, no. 65.

⁹Landini, p. 62.

¹⁰*Bullarium Franciscanum*, I, p. 127, no. 131.

naturally, led to more friars equipping themselves for this apostolate, which in turn led to an increase in theological studies. Naturally, the cleric or the priest-friar began to gain the ascendancy within the order.

On April 6, 1237, Gregory IX issued yet another bull, *Quoniam abundavit iniquitas*.¹¹ Stating that the Lord had raised up the Friars Minor to carry on the work of Christ, he said that one of their major tasks was to root out all heresy and vices. To accomplish this end they have dedicated themselves to preaching the word of God, while living in voluntary poverty. "Quite clearly, the pope is defining the Order of Friars Minor in terms of the existing needs of the church."¹²

In the bull Gregory asks the assistance of all the bishops that the Friars Minor be permitted to perform the task given them by the church, and to cooperate with the friars so that the fruit of their ministry may more easily be obtained. Nor should the bishops impede the faithful from attending the sermons of the friars or of confessing to them. The bull, at least by implication, presumes that the friars attached to the preaching ministry are adequately prepared for this task. The type of preaching the friars are to do would be such that only learned clerics would do, and the encouragement given to allow the faithful to confess to the friars clearly indicates that the pontiff was speaking of priest-friars. The pope continues that this type of preaching and apostolic work are consistent with their profession in the order. It can be seen that with the publication of this bull the order began to be seen, and was, irrevocably oriented toward a clerical bent.¹³

Immediate Successors of Francis

One may question the intent of Gregory IX and his advisors in directing the above named bulls to the Friars Minor. Was it a routine matter, or was there a conscious effort to clericalize the order in order to defuse the complaints and the abuses of certain prelates? There is no doubt that the directives contained in the bulls served to further a pastoral need which had been mandated by the Fourth Lateran Council and which had not as yet been fully implemented. In doing so, i.e., in the publication of the bulls, Gregory IX can be said to have positively fostered the clericalization of the order. It is also evident from the reading of these documents that the Holy See had little regard for the laymen (*laici*) and their role in the order founded by Francis as a fraternity (*fraternitas*).

The fact that a bull like *Quoniam abundavit iniquitas* was directed to the Minors is still significant since it outlines the apostolate of the Friars Minor in a way that presumes the nature of the order to be principally clerical. It is precisely this sort of thinking, i.e., the identification of the vocation of the Friars Minor with the priestly ministry that is in large measure responsible for the clericalization of the order. The ranks of the order were already beginning to swell with like-minded clerics. Hence, it will not be long before legislation is enacted to secure the order's clericalization.¹⁴

¹¹*Bullarium Franciscanum*, I, p. 214, no. 224.

¹²Landini, p. 65.

¹³*Bullarium Franciscanum*, I, p. 215.

¹⁴Landini, p. 66.

John Parenti was minister general of the order from 1227-1232. He was removed from office in the general chapter of 1232 and replaced by Elias of Cortona, who had acted as vicar general of the order from the death of Francis until the election of John in 1227. Elias held the office of minister general for seven years, until the chapter of 1239.

These were tumultuous years for the order, for it was expanding at a rapid rate, new apostolates were being undertaken, and the whole question of theological studies was a matter that still needed resolution. Elias, for his part, seems to have been singularly incapable of resolving many of these problems. His personality was abrasive, and his personal life left many of the friars scandalized. Although he had the confidence of Francis during the latter's lifetime, he was not chosen as minister general in the chapter of 1227. In the chapter of 1232, it seems that his election as minister general was engineered by Gregory IX.

After his election, his style of governing often put him at odds with the ministers provincial. The most notable disagreement was over the position and the treatment of lay brothers. Elias was himself a layman, and he made no distinction between them and the clerics when he was admitting postulants or choosing officers. His impartiality was commendable, and he could cite as precedent the example of Francis; but the clerics thought that the time for such equality as had existed in the early days of the order had passed. Brooke makes the statement that the clerics, "despised the laity because they were ignorant of Latin and because they could not administer the Sacraments."¹⁵ They were, in the judgment of the clerical friars, useless persons who could bring no profit to the order.¹⁶ Brooke posits the theory that the ministers provincial deplored the large percentage of lay brothers as a characteristic that was shared with a large number of heretical movements which were active at this time. The older orders were predominantly clerical in composition and the Friars Minor should be the same. To his credit, it must be said that Elias would not let them have their way, and was accused of obstructing essential progress.¹⁷

A general chapter of the order was convoked by Gregory IX in 1239, and convened in Rome under the presidency of the pontiff. At this chapter Elias was deposed from his office and Albert of Pisa was chosen as the new minister general. Writing circa 1258, and recounting the early days of the order, Thomas of Eccleston gives an account of the election of Albert as the minister general in succession to Elias. "Therefore after the minister general

¹⁵Rosalind Brooke, *Early Franciscan Government* (Cambridge: University press, 1959), p. 60.

¹⁶Salimbene degli Adami was especially harsh on the lay friars, and accused Brother Elias of favoring the lay friars over the educated and the priestly friars. Alessandro da Ripabottoni in *I fratelli laici nel Primo Ordine Francescano* (Roma: Laurentianum, 1956) gives several examples of Salimbene's anger and the vituperation he rained on the lay friars, pp. 138-140.

¹⁷Brooke, p. 161.

had said mass, the Pope (Gregory IX) said to the brothers who had not been part of the chapter: 'You have now heard the first mass ever celebrated by a minister general of your order.'"¹⁸ This was the first time that the friars had a priest as their leader and the event was not allowed to pass unnoticed, with the new leader possibly intimating that he represented the priestly party in the order in opposition to Elias.

Clerical Directions

The deposition of Elias and the election of Albert did, in fact, signal a change in the direction of the order. Information about the generalate of Albert is sketchy, since he held office for only eight months. It can be said, however, that the reform of the order was high on the list of priorities both for the new general and the general chapter. Many of the laws enacted in Albert's short tenure were disciplinary in nature, enacted to curb abuses that had arisen during the seven years of the generalate of Elias. None seem to have affected the relationship between the clerics and the lay members of the order. This was left to succeeding chapters and generals.

Haymo of Faversham

In November of 1240 a general chapter was convoked to elect a successor to Albert. Chosen was Haymo of Faversham, the provincial of England and a master at the University of Paris. Haymo served as minister general for four years, and it seems that if one man were responsible for changing the orientation of the Friars Minor from a fraternity of equals to a clerical order, it was he.¹⁹ It was during his generalate that the first laws were enacted which prohibited lay friars from exercising the office of superior whenever there was a sufficient number of priests to discharge the offices of authority. It is also probable that he enacted legislation restricting the entry of candidates into the order who would remain lay friars.

A general chapter was held in 1242 at which a number of statutes were enacted which governed the admittance of new members in the order. Most of these laws have been lost in the course of centuries, but some indicators of their content are known from other legislation. It is known that Haymo received a bull from Gregory IX on June 19, 1241, permitting the provincial ministers to authorize suitable brethren to admit postulants in their absence, provided that "only those be received who would be useful to the order, and the example of whose conversion would be edifying to others."²⁰

¹⁸Thomas of Eccleston (cf. appendix) 13 (*Chronicles*, p. 156).

¹⁹Landini, p. 85.

²⁰*Gloriantibus vobis*, in *Bullarium Franciscanum*, I, p. 298, no. 344.

Brooke argues that this permission, along with other rules governing admission into the order were included in a set of rules passed by the chapter of 1242. She argues that St. Bonaventure, in 1257, referred to a *constitutio de receptione*, which might as well indicate a collection of regulations as a single statute.²¹ Iriarte states that Haymo was an admirer of organization, apostolic efficiency, and the doctrinal prestige of the Friars Preacher. Haymo, according to Iriarte, changed the physiognomy of the order so that it became clerical. He excluded lay brothers from every function of government and reversed admission of lay brothers only to those who would perform domestic service.²² Hughe of Digne, writing shortly after the chapter of 1242, refers to a *statuta* which restricted membership in the order.²³ Brooke offers an explanation of Haymo's reasoning when she writes:

Haymo, personally acquainted with Jordan of Saxony and kindred in spirit to Raymond of Penaforte can reasonably be suspected of introducing them (legislation restricting admission). The measure directed against laymen was so drastic, and involved so fundamental a change in the Order's composition, that it can hardly be explained as a reprisal, due to jealousy at the favor shown to laymen by Elias. It sprang rather from Haymo's conception of what the Order should be like, which he was now in a position to implement, and would still have been introduced even if Elias had not numbered a kindness for laymen among his sins . . . Recruitment of laymen into the Order practically ceased and those that were admitted were relegated to the background to perform menial tasks and servants of the other brethren.²⁴

One may wonder at the rigor with which Haymo followed this course of action. One reason that is both plausible and convincing is the changing nature of the ministry given to the friars by the church. From a wandering group of penitents, who were loosely organized, and formed by the ideals of their founder, they became a multitude of men from every Christian nation. They took on a more centralized organization for a more efficient operation and for the guidance of the thousands who had joined the order. The Apostolic See, with such a great number of apostolic-minded men at their disposition, increasingly committed to them, along with the Friars Preachers, more roles as missionaries, preachers against heretical teachings, and leaders of popular devotions. The church, in effect, used the friars to further its goals seeing that the guidelines established by the Fourth Lateran Council still had to be implemented in many parts of the Christian world. Against this background, we see Haymo striving to attain the goals set for the friars along with his own conception on the need for educated friars and of friars who were able to administer the sacraments. Once the lay brothers were excluded from office and prohibited from any work outside the

²¹Brooke, p. 244; St. Bonaventure, *Epistolae officiales*, in *Opera Omnia*, VIII, p. 469.

²²Iriarte, pp. 35-36.

²³Hugh of Digne, *Expositio*, f. 35vb "In hoc secundum regulam et statuta circa recipiendorum condiciones multa est diligentia et inquisitio adhibenda." Quoted by Brooke, p. 243, note 2.

²⁴Brooke, pp. 244-245.

friaries, a stereotype of lay brother begins to emerge, one that Haymo perhaps unintentionally fostered. We come to see the lay members of the fraternity deprived of active and passive voice, reduced to domestic chores in the friaries, and to the begging of alms. In a word, they became content to be placed at the "service of the clerical brothers," according to a concept which was attributed to St. Francis in the middle of the 13th century.²⁵

Following Haymo's ideas we see that the type of person desiring admission to the Friars Minor as a lay member begins to change. No longer do we have candidates with education or culture, non-desirous of pursuing or receiving sacred orders, as was the case with Peter Cataneo, Elias of Cortona, John Parenti, and others. Now we see that those desirous of entering the Friars Minor as lay brothers are from the uneducated classes, often without a secure religious or social base, and often only in search of a secure life within the walls of the friaries.²⁶

Haymo's ambition was that the friars should promote a union between the life of poverty and the study of theology in the belief that such a union would be an effective weapon against ignorance and heresy. He wanted the friars to be preachers and fully equipped for the ministry of the Word, and the direction of souls. This meant that, in the future, the majority of the friars must be in sacred orders, or aspire to them.

The Holy See, likewise, sanctioned this position. In the bull *Ordinem vestrum* (November 14, 1245), Innocent IV decreed that the minister provincial had the faculty to delegate the power to receive candidates into the order. Vicars and other suitable friars were now capable of being delegated to exercise this power. But they were to receive only literate men and others, in favorable circumstances, who could be useful for the order.²⁷ "That the literate are singled out," Landini says, "indicates more clearly that this faculty is granted in favor of the reception of clerics into the order."²⁸

Expositions of the Rule

It should not be surprising that the Holy See and the learned among the friars, and especially those who held the reins of government, should hold to this clerical mentality since it was already expressed in the canon law of that time. The *ius vigen* (existing law) of that era was concerned for the most part with the rights, privileges, and the obligations of clerics. Laymen were considered inferior to clerics, and were not to be placed on the same level. This view is expressed in the *Decretum Gratiani* with regard to laymen judging clerics, and helping in the administration of church goods:

It is not right that a layman should be a vicar of the bishop and judge ecclesiastics. In one and the same office there should not be such a distinction of office . . . men of diverse professions are not to be joined in one office.²⁹

²⁵LP 10 (*Omnibus*, p. 986); Iriarte, pp. 98-99.

²⁶Iriarte, p. 99.

²⁷*Bullarium Franciscanum*, I, p. 400.

²⁸Landini, p. 68.

²⁹c. 22, C. XVI, q. 7; Friedberg, I, 806.

Innocent III also declared emphatically "laity, even religious should not be given any faculty over churches or ecclesiastical persons."³⁰ Such a principle was bound in time to affect the relationship of the clerics and the laymen within the order of Friars Minor.

Within the order several friars wrote expositions of the rule, based on their knowledge of what Francis had written, and his intent, and on the succession of papal documents which gave interpretation of the rule. In 1241, in the one and only Chapter of Definitors, which met at Montpellier, four teachers at the University of Paris were asked to write their expositions of the rule. This work has come down to us as the *Exposition of the Four Masters*. These teachers were Alexander of Hales, John of La Rochelle, Robert La Basse, and Odo of Rigauld. Although the *Exposition* that they composed had no legal or binding force, it reveals the problems facing the order, and their understanding of how the rule was to be applied. Their works show them to be favorable to the liberalizing tendencies within the order, and for the acceptance of any papal privilege, especially when greater spiritual good can come to the order or to the church. Landini, in his work, indicates the principal areas in which the Four Masters concentrated their attention, e.g., the right to receive candidates, the power to absolve from sin, the need to have books for theological study. It is beyond the scope of the present paper to make comment on each of these areas. However, there is reason to believe that the Four Masters were writing an exposition or study for an order which had already become quite clerical, or clerically minded. Nowhere in their work do they address the presence of laymen within the ranks of the order. Their (the lay-friars) presence, their work, and their rights are nowhere in evidence. Landini believes that the complete lack of reference to the lay brothers, as negative as the fact may be, is not without significance.³¹

In another study of the rule, Hugh of Digne, probably in the years 1242-3, wrote *Expositio fratris Hugonis super Regulam*.³² Hugh's work is rich in giving us insights into the role of study within the order. St. Bonaventure used this work extensively and even quoted verbatim from it in his work *De Tribus Quaestionibus*. Hugh declares that Francis did not forbid study to the literate, but only to the illiterate and to the layman. He uses the scriptural justification that all men should remain in the vocation to which they have been called (1 Cor 7:42). Later, he qualifies this statement by saying that Francis did not forbid study, but rather wished that the illiterate and laymen not study.

³⁰X, I, 2, c. 10; Friedberg, II, 12-14.

³¹*Expositio Quattuor Magistrorum super regulam Fratrum Minorum*, ed. L. Olier (Romae, 1950); Landini, p. 81.

³²For brief information regarding Hugh and his *Expositio* see Brooke, p. 221, note 2.

Commenting on this, St. Bonaventure writes that Francis wished to curb learning for the sake of curiosity. Should a *laicus* be commanded to study, he would have to obey. Bonaventure also explains Hugh's scriptural commentary by explaining that it is forbidden for a layman to ascend to the clerical state; likewise, a cleric may not become a layman by refusing to study. It is clear from this that the words *cleric* and *layman* are taken in a literary sense, and not a canonical one, although this is not excluded.³³

Hugh of Digne's occupation with the state of studies and of those who should be promoted to studies, indicates a mind-set that presupposes that the intellectual labor of the friars is superior to that of the manual; that the learned friar is better equipped to lead the life of the Friars Minor than a layman. His strong defense of study indicates a trend within the order that will be of consequence as the order becomes more clerical.

Writing in 1257 or 1258, Thomas of Eccleston in *The Chronicle of Thomas of Eccleston*, states that John of Parma who had succeeded Crescentius of Jesi as minister general in 1247, and held the office for ten years was outstanding for his zeal for the order.³⁴ It was John of Parma who declared that the edifice of the order was built on two walls, namely upon holiness of life and upon learning, and that the brothers had raised the wall of learning beyond the heavens so that they were posing the question whether God existed. They allowed, however, the wall of holiness to remain very low. Therefore, according to John, they were not building properly.³⁵ John, as general, also sought that the friars should not avail themselves of privileges, whether from prelates, princes, or even the Apostolic See. Rather, he insisted they should be the least among all by their humility and meekness.

This account of the stewardship of John of Parma conflicts sharply with what, in reality, was occurring within the order. The order continued to benefit from the largesse of the papacy and was awarded various interpretations of the rule or faculties, many of which favored those in studies, or those in sacred orders. Innocent IV, in the papal bull *Ordinem vestrum* (November 14, 1245), gives further power to provincials to delegate the faculty of receiving literate candidates into the order.³⁶ During the pontificate of Alexander IV (1254-1261), the Friars Minor were actively encouraged to participate in the *cura animarum* (care of souls). In the bull *Patris aeterni* (April 9, 1255), he presented both the Friars Preachers and the Friars Minor as men of great learning and honesty. The pope asked that all receive the friars and permit them to observe their rules. By observing their rules, and by their preaching they were helping to eradicate heresy. It

³³St. Bonaventure, *Expositio super regulam Fratrum Minorum*, in *Opera Omnia*, VIII, p. 433.

³⁴Thomas of Eccleston 13 (*Chronicles*, pp. 160-161).

³⁵Ibid, p. 161.

³⁶*Bullarium Franciscanum*, I, p. 400.

can be seen from this piece of papal legislation that the role of the Friars Minor was closely allied with that of the Friars Preacher, a clerical order, and the emphasis was placed on learning as a preparation for preaching and the *cura animarum*.³⁷

St. Bonaventure, Minister General

Following the resignation of John of Parma as the minister general of the order in 1257, the assembled friars chose as his successor, Bonaventure of Bagnoregio. Bonaventure was to govern the order for seventeen years until May of 1274. Some historians have given him the title of "second founder of the Order." Others have attributed to him a total transformation of the order, while others have more rightly said that he brought about the evolution of the order with his gifts of organization. Iriarte contends that Bonaventure did not correct or reform the order.

Conservative by temperament, he accepted things as he found them; but he was quick to see the real dangers both inside and outside the order, and set about tackling them with a mixture of caution and energy.

In his first circular (letter) (April 23, 1257) he outlined his plans for government, which were to defend the Order against external enemies, to maintain positions gained so far, and to establish uniform observance of the Rule.³⁸

In assessing Bonaventure's years as a minister general of the order, we must necessarily take into account that he was an intellectual, trained as a theologian, one of the masters of the University of Paris. We make note of this because of subsequent developments in the order concerning the place of studies, the role of laymen, and legislation which came into force both during Bonaventure's years as minister general, and afterwards. All of these elements are colored by the man himself.

Up to this point in the order's history there were several attempts made to write constitutions which would reflect the spirit of the rule and serve as a practical guide for the life of the friars. They would also incorporate the many changes made by papal legislation, and the chapters of the order. It was not until 1260 that such a compilation was made under the guidance of Bonaventure. *The Constitutions of Narbonne* are essentially a compilation and organization of already existing legislation which were collated by Bonaventure and approved by the general chapter. It must be noted that Bonaventure himself was not the author of the legislation, but the redactor. There is no denying his influence in the selection of the legislation that was included in the constitutions, nor is there any denying that he exercised considerable influence on new legislation proposed by the chapter. In that

³⁷*Bullarium Franciscanum*, II, pp. 29f, no. 39.

³⁸Iriarte, p. 41; also see Regis Armstrong, "The Spiritual Theology of the *Legenda Major* of Saint Bonaventure" (Ph.D. dissertation, Fordham University, New York, 1978), pp. 34-37; Brooke, pp. 272-273.

he enjoyed the confidence of the capitulars and was highly considered as an interpreter of the mind of Francis, the chapter commissioned him to write the definitive life of Francis, disregarding all previous biographies.³⁹

The Constitutions of Narbonne

The Constitutions of Narbonne are the first official collection of rules for the Friars Minor, other than the rule itself. There had been some other attempts at codification, but none bore fruit. Salimbene, writing about the chapter of 1239, states: "A large number of general constitutions were made but not codified; in the course of time these constitutions were codified by the minister general Bonaventure who added a few and sanctioned some with penalties."⁴⁰

Landini, in his study of the causes of clericalization of the Friars Minor, states that not all of the clerical legislation can be found in *The Constitutions of Narbonne*; nor are there any laws that deny to lay friars the possibility of being elected or appointed to offices in the order.⁴¹ There are two pieces of legislation from this chapter, though, which give indication that the capitulars wished to preserve the Friars Minor as a clerical order. We are thus dealing with an accomplished fact. The order had become clerical.

Since God has called us (to religious life) not only for our own salvation but also for the spiritual edification of others by example, counsels, and salutary exhortations, we ordain that no one be received into our Order unless he may be such a cleric who has received competent instruction in grammar or logic, or unless he may be a cleric or a layman whose entrance (into the Order) would cause note and bring good fame among the faithful and the clergy.

If it is necessary to receive a candidate outside of this norm, as, for example to receive a candidate for the sake of having someone to perform domestic work, let not such a one be received without urgent necessity, and only with the special permission of the minister general.⁴²

Brooke writes: "Few changes in the constitution of the order have had such momentous consequences."⁴³ From a reading of the texts it is clear that the chapter was determined to steer the order on a clerical course. It is not clear that the chapter defined the order as clerical in a canonical manner, but the intent and the tenor of the passages are clear indications that the order was headed in such a direction. It is not only the priest or cleric that can save souls by example, counsels, and spiritual exhortations. A layman could perform these missions, and accomplish the same. What is envisioned, however, is an order in which the majority of the members are

³⁹Iriarte, pp. 43-44.

⁴⁰*Cronica fratris Salimbene de Adam*, p. 159. English translation from Landini, p. 129.

⁴¹Landini, p. 130.

⁴²Saint Bonaventure, *Constitutiones generales Narbonenses*, in *Opera Omnia*, VIII, p. 450; Also found in "Documenta," *Archivum Franciscanum Historicum* 34 (1941), 39; English translation is from Landini, p. 130.

⁴³Brooke, p. 243.

clerics or priests. It must be remembered that this was the actual state of the order at the time of the Chapter of Narbonne. "By the time of the Constitutions of Narbonne in 1260, the number of clerics likely surpassed that of the laymen."⁴⁴

The quotations cited from the first chapter of *The Constitutions of Narbonne* clearly envision the order as principally a clerical order. One has to look at the phrase *talis clericus* to see that the priority is given to those who have a penchant for learning, or who by reason of their training, can be promoted to orders, or commissioned for the teaching or preaching apostolates. Bonaventure in a commentary on the constitutions writes of this number:

It suffices if a candidate knows enough grammar to enable him to go on to be confessor, a preacher, or lector lest through a defect of his knowledge of grammar he be unable to carry out these offices.⁴⁵

It would be unfair to attribute to Bonaventure the responsibility for the inclusion of these numbers in the constitutions. He was a member of the chapter, but only *primus inter pares* (first among equals). In a discussion of the rule, he writes in another place:

Let it not disturb you, that the brothers were in the beginning simple and illiterate; rather this very fact ought to confirm in you a faith in the Order. I confess before God that it is this which made me most greatly esteem the life of St. Francis because it is similar to the beginning and the perfection of the Church, which first began with simple fishermen and afterwards advanced to the most illustrious and learned doctors. Thus you will see in the Order of the blessed Francis that God shows that it was not contrived through human prudence but through Christ; and because the works of Christ do not fail but increase, this was shown to be the work of God when wise men did not disdain to descend to the company of simple folk.⁴⁶

One could see in this that Bonaventure was justifying the influx of learned men, especially those preparing for orders, or other clerics. To him it was a sign of divine benediction that such men chose to enter the Friars Minor. One could deduce that the author was fostering a sense of clerical elitism when he mentions that "wise men" did not disdain to join the company of "simple folk." On the other hand, Bonaventure was perhaps indicating that the Friars Minor were a classless order, unlike others which had distinctions built into their structures, and which fostered different classes of membership.

By the time of Narbonne, it was evident that the order was not open to everyone who wished to join the Friars Minor. They must bring with them some skill or be useful to the fraternity to be included in its ranks.

⁴⁴Landini, p. 119; See statistics on the size of the order in 1260 in Brooke, p. 283. She estimates there were 17,500 Franciscan friars in that year.

⁴⁵F. Delorme, ed., *Explanaciones constitutionum generalium Narbonensium*, in *Archivum Franciscanum Historicum* 18 (1925), 514; English translation is from Landini, p. 131; also cf. St. Bonaventure, *Constitutiones generales Narbonenses*, in *Opera Omnia*, VIII, p. 450.

⁴⁶St. Bonaventure, *Epistola de tribus questionibus ad magistrum innominatum*, in *Opera Omnia*, VIII, p. 336.

Reception of ignorant laymen, capable of doing only domestic work, is not to be considered to be an occasion of edification of the populace. Urgent necessity seems to be the only extenuating circumstance. It seems that this article of the constitutions is unduly restrictive since it limits the admission of such men to the minister general, and not to the ministers provincial. The order at this time numbered over 30,000 friars.⁴⁷ To have recourse to the minister general in each individual case where an unlearned man sought admission to the order seems to limit the power and the freedom of the ministers provincial, and severely restricts the admission of such men into the order. It also seems unwieldy given the number of friars in the order at that time. Another number of these constitutions mandates that the provincial chapter report to the general chapter if the minister provincial was remiss in admitting candidates who were not worthy of membership in the order.

In *The Constitutions of Narbonne*, by way of negative description, it is made clear that the order does not want ignorant laymen capable of doing only domestic work since this is not a source of edification for the populace. Nothing is said in the constitutions of laymen who wished to be admitted to the novitiate. In Chapter I, no. 9, of the constitution, the training in the novitiate is described. The article states that during the time of the novitiate studies are not to be pursued, nor are the novices to be promoted to orders, nor may priest-novices hear confessions or be given assigned books of study.⁴⁸

Although *The Constitutions of Narbonne* do not forbid laymen who can read or write to come to the order, it seems unlikely that such men would come to the order and remain as lay brothers. Landini is of the opinion that this number of the constitutions, taken together with I, 5 (quoted above) was tantamount to ruling out the reception of laymen altogether.⁴⁹ Salimbene degli Adami rejoiced that the significance of laymen was almost totally destroyed, since so many restrictions were placed on their admission into the order.⁵⁰ It is also interesting to point out that in 1254, six years before the Chapter of Narbonne, the master general of the Friars Preacher, Hubert of the Romans, decided to reduce the number of *conversi* in the Dominican Order, *exemplo Minorum* (following the example of the Minors).⁵¹

⁴⁷Iriarte, p. 83. The author is at variance with the number of friars in the order that Brooke provides on p. 243 of her work. It seems highly unlikely that there can be such a variance, but no explanation is given by either to support their respective claims.

⁴⁸"Documenta," *Archivum Franciscanum Historicum* 34 (1941), 40.

⁴⁹Landini, p. 133.

⁵⁰*Cronica fratris Salimbene de Adam*, p. 103.

⁵¹A. Callelabut, "Influence de l'Oraison del'Office de S. Francis sur celle de S. Dominique," *Archivum Franciscanum Historicum* 20 (1927) 214; Landini, p. 133.

As has been seen, candidates for the order were not to be admitted indiscriminately, but only those who were useful. This had been expressly declared by Gregory IX in the bull *Gloriantibus vobis* (June, 1241).⁵² Time and again, both in the legislation of the order, as well as in the papal directives, we see that the mission of the Friars Minor, and that of the other orders, is directed toward the concrete needs of the church at that moment in history. The friars were to be evangelizers, preachers, confessors, teachers against heretical movements. The clericalization that became a part of the order may be explained in the reference to these external factors. This is not to declare that the root cause of clericalization was always from the outside, i.e., from the church or after the example of other orders. There was a sufficient ground swell within the Friars Minor that caused many of the friars to push toward a clericalization of the fraternity.

St. Bonaventure — *Expositio super Regulam*

Although most scholars agree that clericalization of the order became an accomplished fact at the Chapter of Narbonne, it would be useful for us to examine the role of Bonaventure once more in his capacity as minister general and chairman of the chapter. Brooke states that apart from the prologue of the constitutions, and a few definitions, St. Bonaventure probably inserted little that was new. She contends that it was unlikely that a thoughtful chairman would attempt to have the chapter consider and approve a major edition of existing constitutions and a major program of new proposals at one and the same time. The inclusion of many important new regulations would almost be certain to provoke arguments, discussions, opposition, and endanger acceptance. Arguing from internal evidence, she concludes that there are very few statutes which can confidently be assigned to Bonaventure.⁵³

The main body of statutes that were promulgated at Narbonne in 1260 had their origin in previous chapters, most notably in the general chapters of 1239 and 1242. Never before had they been collated, and never put down with such order and legal precision, nor were they arranged along the lines of the rule of St. Francis. It was the task of the capitulars at Narbonne to accomplish this, helped in no small measure by the preliminary work and guidance of Bonaventure. Prior to Bonaventure, the most outstanding figure in the history of Franciscan legislation, after Francis, was Haymo of Faversham. Haymo was probably a member of the committee that drafted the statutes passed by the chapter of 1239, and he presided over the chapter of 1242. Knowles states: "He, more than any other single man fixed the constitutional and social lines along which the Order was to travel during the thirteenth century."⁵⁴

⁵²*Bullarium Franciscanum*, I, p. 298, no. 344.

⁵³Brooke, pp. 276-7.

⁵⁴David Knowles, *The Monastic Order in England*, (Cambridge: University Press, 1949), I, p. 173.

As the number of lay friars decreased, the number of cleric friars kept increasing daily. This was the result of the legislation that had evolved within the order, and the changing nature of the order, due to the works committed to it by prelates, and especially the Holy See. This decrease of the lay friars and the increase of the cleric friars, then, gave rise to another problem: the need for secular servants. We do not believe that such an institution ever entered the mind of the founder since he had always encouraged the friars to work with their hands, to serve others, and he himself was pleased to be called the servant of the brethren.

In his *Expositio super Regulam*, written in 1269, Bonaventure explains the friars' vocation to work. The friar must be prepared to work because of the prescriptions of the rule. But, according to Bonaventure, St. Francis does not say that all must do the same kind of work. God has given the grace to work to all, and gives to different men different tasks. There is, therefore, no special virtue in manual work. The friars are called to be imitators of Christ, but there is no evidence that the Lord ever engaged in manual work. Clearly, some of the brethren must do mental and spiritual work which is the highest of all kinds of human labor. The friar, then, may devote himself to the study of scripture and theology, and leave the manual work to those most suited for it.⁵⁵

This policy, espoused by Bonaventure, is consistent with the practice that had grown in the order of hiring others to do the manual work or the maintenance work of the friaries. His thinking paralleled or complimented the belief, prevalent in the order, that the friars must exercise their ministry, and to fail in this would be to abuse the trust laid upon them by God through the church.⁵⁶

We see once more, through these writings, that the work of the friars was defined as more intellectual and slanted towards the needs of the apostolate of those days, especially the preaching apostolate. "In time the preaching apostolate was restricted to clerics and priests of the Order, and the very exercise of the priestly apostolate came to be looked upon as the purpose of the Order itself."⁵⁷

Answering a question as to why the friars do not work with their hands, Bonaventure replied that such work would make it impossible for them to look after others. The friars needed time for the celebration of the liturgy and the Divine Office. Moreover, he adds, the friar is called to the hearing of confessions and preaching.⁵⁸ It seems clear from this that the vocation of the Friar Minor, as described by Bonaventure, is clearly defined in clerical

⁵⁵St. Bonaventure, *Expositio super regulam Fratrum Minorum*, in *Opera Omnia*, VIII, pp. 419-420.

⁵⁶Ibid., 428-429.

⁵⁷Landini, p. 138.

⁵⁸St. Bonaventure, *Determinatione quaestiones circa regulam Fratrum Minorum*, in *Opera Omnia*, VIII, p. 345.

terms. This is not to say that Bonaventure excluded all laymen, non-clerics, from the order. He does admit that their prayer and good example are also of benefit to the church.⁵⁹ We cannot deny, however, that the general feeling and tradition within the order is that the order is clerical, and that the layman (*laicus*) is an exception to the general membership, and does not add much to all that the Friars Minor are called to do in and for the church.⁶⁰

It can also be affirmed that by the time of the constitutions of the Chapter of Narbonne in 1260, the order had radically changed an outstanding characteristic of the early fraternity, which was present in *The Later Rule* of 1223: the fraternal equality among all the brothers regardless of their clerical or lay status. The order became more clerical through successive pieces of legislation, as mentioned earlier, and through successive interpreters of the rule and the mind of Francis. Landini succinctly states that the testimony of Bonaventure, together with the legislative acts of Haymo's generalate and *The Constitutions of Narbonne*, bear witness to the fact that the mentality of usefulness for clerical work in the apostolate was present, pressing, and at last prevailing.⁶¹

After Narbonne

We have already noted that as the number of lay friars decreased and the number of cleric friars increased, the order began to employ secular servants. In legislation during various periods of the order they are called by several names: *famuli*, *pueri servientes*, *pueri vestris servitiis deputati*, *ii qui vestris immorantur obsequiis*, *servitores*, *familiares*, *operarii*.⁶² In the Chapter of Narbonne provision is made for such men to be employed by the friars, and rules are laid down governing their admission into the friaries.⁶³ Similar provisions are found in *The Constitutions of Assisi* (1316).⁶⁴

Although secular servants increased, that is not to say that the lay friars ceased to exist. The role that was given to them differed greatly from the original ideals of Francis and the legislation of the rules: *The Primitive Rule*, *The Earlier Rule* and *The Later Rule*. The lay friars at times, especially after the legislation passed in 1242 and 1260, were thought to be inferior to the cleric friars because of the difference of the vocational especially after the legislation passed in 1242 and 1260, were thought to be

⁵⁹Ibid., p. 321.

⁶⁰Landini, p. 140.

⁶¹Ibid., p. 144.

⁶²Alessandro da Ripabottoni, p. 158.

⁶³St. Bonaventure, *Constitutiones generales Narbonenses*, in *Opera Omnia*, VIII, p. 450.

⁶⁴*Constitutiones Assisienses* (1316), VI, 2, in A. Carlini, ed., *Archivum Historicum Franciscanum* 4 (1911), 288.

inferior to the cleric friars because of the difference of the vocational calling. Nevertheless, they survived as an institution. After Narbonne there is not a large body of laws which deals with them specifically, but there are prescriptions of law which give us some indication of their place within the order, and attitudes toward them. We cannot give attention to all of the pieces of legislation that were written for the lay friars, but we do hope to indicate general areas regarding their reception into the order, the formation which was to be given to them, the laws which outlined their duties, and those dealing with their rights within the order. Due to various developments, splits, and divisions within the order, there was a multiplicity of constitutions or other works of legislation. We will outline only the general trends that were prevalent within the order until 1517 when the division between the Conventual and Observant factions was finalized, and only eight years prior to the beginning of the Capuchin Reform.

Reception of Lay Friars

The Constitutions of Perpignan (1331), *The Constitutions of Martin V* (1430), and *The Constitutions of Alexander VI* (1500), all reflect the thinking of Narbonne in stating that no one shall be admitted to the order unless they are versed in letters, are suited for the life of the order, or in other circumstances may prove useful and give good example.⁶⁵

The Constitutions of Assisi (1316) accepted the norms of the common law with regard to the age of clerics entering the religious life, but made another rule for those who would enter as lay friars. "No one is to be admitted to our Order unless he has completed his fourteenth year . . . No one is to be admitted as a lay friar until his eighteenth year, and then only with the permission of the general."⁶⁶ *The Constitutions of Alexander VI* were more specific in even setting an upper age limit on candidates who wished to be received as lay friars: no one was to be admitted before the eighteenth year, nor after his fortieth year.⁶⁷

Formation of the Lay Brothers

Following acceptance into the order, and following the prescriptions of the constitutions and the general law, the novice was admitted to profession. Those destined for clerical studies or the clerical state were immediately engrossed in their studies or apostolic work. The lay friars were, according to *The Constitutions of Narbonne*, to continue with fervor and perseverance in the practices of piety learned in the novitiate, to confess twice weekly, and receive the Eucharist, after diligent preparation, fifteen

⁶⁵*Constitutiones Martinianae* (1430), in *Annales Minorum*, X, p. 180.

⁶⁶*Constitutiones Assisienses* (1316), I, 1, in *Archivum Franciscanum* 4 (1911), 277.

⁶⁷*Constitutiones Alexandrinae* (1500), II, 1, in da Ripabottoni, p. 164.

times yearly. And so that ignorance would not lead to non-observance, the superiors were to explain to the lay friars, once a year, the legislation of the order.⁶⁸

Because it was thought that a yearly explanation of the legislation of the order was not sufficient, *The Constitutions of Perpignan* (1331) made the obligation even stronger and more precise. The guardian was to explain the rule and the constitutions to the lay friars four times in the year in such a manner that they could understand them.⁶⁹

Duties of the Lay Friars Transfer to the Clerical State

The various constitutions often reminded the lay friars of their state and vocation, and enacted many regulations governing the conduct of their lives. Those who made solemn profession as lay friars were to practice humility and not succumb to the temptation to change. Thus, in various constitutions we read: "No one is to ascend to the clerical state from the lay state without the permission of the general."⁷⁰

Those who had been professed as lay friars and then by some means received ordination were, for the most part, usually treated as if there was no change. The general chapter of 1354 declared: ". . . lay friars promoted to the clerical state will perform the work of lay friars."⁷¹ St. Bernardine of Siena, Vicar General of the Observant friars decreed in 1483: "No novice who has made profession as a lay friar, and afterwards becomes a priest may hear the confessions of lay people, but only those of the friars."⁷²

The Constitutions of Narbonne had forbidden the illiterate friars to pursue studies, and also forbade them the use of books. *The Constitutions of Assisi* (1279), while upholding the principle, made some exceptions permitting the lay friars some small prayer books containing the Office of the Dead and seven psalms, but warned that this was not meant to further studies.⁷³

Among the rights granted to the lay friars was that of wearing a form of the tonsure. This tonsure was different from that worn by the clerical friars, and was meant to indicate that the lay friar was a religious dedicated to the service of God, although not belonging to the clerical state. *The Constitutions of Narbonne* ordained: "The friars shall be shaved fifteen times a year, and the area to be shaved shall not be great, more than three fingers in width and shall not be worn after the manner of the clerics."⁷⁴ In

⁶⁸*Constitutiones generales Narbonenses*, in *Opera Omnia*, VIII, p. 454.

⁶⁹*Constitutiones Perpignanenses*, I, 8, in S. Mencherini, ed., *Archivum Franciscanum Historicum* 2 (1909), 278.

⁷⁰Here quoting *Constitutiones generales Narbonenses*, VI, 11, in *Opera Omnia*, VIII, p. 456.

⁷¹*Memorialia sive Definitiones Capituli generalis anno Domini 1354 Assisi celebrati*, n. 21, in *Archivum Franciscanum Historicum* 35 (1942), p. 223.

⁷²*Chronologia historico-legalis seraphica Ord. FF. Min* (Napoli, 1650), t. I, p. 100 in fine.

⁷³*Constitutiones Assisienses* (1279), rubrica 6, n. 24a, in *Archivum Franciscanum Historicum* 34 (1941), 81.

⁷⁴St. Bonaventure, *Constitutiones generales Narbonenses*, IV, 20, in *Opera Omnia*, VIII, p. 454.

some regions the lay friars, according to an old custom, wore the *parvula corona* (small corona). This custom was not without its critics, however, and the brothers were at times wearing a *corona* similar to that of the clerics. Later constitutions forbade the practice.⁷⁵

In the early days of the order the lay friars enjoyed the right of suffrage in chapters of the order, whether local, provincial, or general. It was the mind of Francis that all of the friars participate in such gatherings. From the chronicles of the order we know that the friars, including the novices, did gather at frequent intervals in Francis' lifetime, and we believe that universal suffrage was exercised, especially after examining the attitudes of Francis toward the ideas of *minoritas* and *equalitas*.⁷⁶ Such a system, although in accord with the Franciscan spirit, was destined to change. In the general chapter of 1239 a statute was enacted which prohibited brothers from becoming superiors in the order, unless there was a lack or absence of priests. The reason given for this statute was that the lay friars were assuming to themselves too much power.⁷⁷ St. Bonaventure seems to justify this regulation by stating that this principle was also valid in the early days of the order, but was never applied because of the scarcity of priests in those days and because St. Francis himself did not wish to become a priest, after the example of St. Benedict.⁷⁸ The issue was definitively settled for all regulars and monasteries by Pope Boniface VIII (1294-1303) who made a general rule forbidding the presence and participation of *conversi* with clerics, or of professed with non-professed, in the election of superiors.⁷⁹

Some groups in the order, however, still allowed the lay friars to come to the chapters and to exercise the rights of suffrage. Mention should be made of the constitutions of the Cismontane friars of the Observance. In this group the lay friars were eligible to enjoy passive voice for the offices of discreet, definitor, vicar provincial, and local vicars.⁸⁰

Due to various interpretations of the rule and interior squabbles the order of Friars Minor was a composite of factions and divisions. Legislation was molded to fit the various divisions within the order, and often reflected viewpoints of influential individuals, or segments, or provinces within the order. The order was effectively divided in 1415 when the Observant Friars gained self-government at the Council of Florence and practical, but not formal independence on January 11, 1446 with the publication of the bull

⁷⁵Alessandro da Ripabottoni, p. 178.

⁷⁶Ibid., p. 180.

⁷⁷*Annales Minorum*, III, p. 26, n. 9.

⁷⁸St. Bonaventure, *Expositio super regulam Fratrum Minorum*, VII, 3, in *Opera Omnia*, VIII, p. 426.

⁷⁹C. 31, I, 6, VI; Friedberg, II, 964.

⁸⁰*Constitutiones Capistranenses* (1443), cap. 1, in *Orbis Seraphicus*, III, p. 96; *Declarationes S. Joannis de Capistrano*, in *Orbis Seraphicus*, III, p. 105.

Ut sacra of Pope Eugene IV.⁸¹ This state of affairs lasted until 1517 when Pope Leo X in the bull *Ite vos* (May 29, 1517), juridically separated the Conventual and Observant Friars. From that time onward the Conventuals and Observants were considered two independent families of the same order, with distinct superiors and legislation. To their ranks were added the Capuchin Friars as the third family of the Friars Minor in 1528, with the publication of the bull *Religionis zelus* of Clement VII (July 3, 1528).⁸²

Conclusions

At the time of the death of Francis the order could be said to be classless with the lay friars holding a numerical supremacy. The first successors of Francis in the post of minister general of the fraternity were lay friars and this condition lasted until 1239 when the first priest-friar was elected as minister general.

Almost immediately upon the death of Francis struggles began between the clerics and the lay friars over interpretations of the rule and *The Testament*, and eventual recourse was made to the Apostolic See. The influence of the Fourth Lateran Council and the publication of the bulls *Quo elongati* and *Quoniam abundavit iniquitas* furthered the hands of those who wished the order to become more clerical-minded. Also, the changing pastoral needs of the church influenced many friars to work for a clericalization of the order.

The prime mover in the process of clericalization was the Englishman, Haymo of Faversham who became minister general in 1240. During his tenure as general the first laws were enacted which prohibited the lay friars from exercising the office of superior when sufficient priest-friars were available. There were also enacted laws which restricted the admission of lay friars, especially the illiterate, into the order. Gradually the formation program of the order was geared to preparation of friars for theological study and preparation for the pastoral ministry. During this time the clerical element within the order began its ascendancy, and further encouragement was given from within the order that the friars should be engaged in the *cura animarum* (care of souls). This emphasis led to a negative attitude toward the lay friars, and in some place admission of lay friars was severely restricted.

St. Bonaventure began his tenure as minister general in 1257 and in 1260 presided over the Chapter of Narbonne where the existing legislation of the order was finally codified in a constitutional manner. By this time the cleric-friars outnumbered the lay friars. It must be noted that Bonaventure was not the prime author of *The Constitutions of Narbonne*, but served as redactor. Nor can it be said that he harbored an anti-lay friar bias. The

⁸¹*Annales Minorum*, XI, pp. 255f.

⁸²*Bullarium Ordinis Capuccinorum*, I, pp. 1-12.

change in the status of the lay and cleric friars resulted from internal struggles within the order, as well as external influences, especially those emanating from the Holy See.

Later legislation, as expressed in various constitutions, further restricted the admission of candidates as lay friars or limited their participation in the governance of the order. The reception, the formation, the rights and duties of the lay friars differed significantly from that of the clerical friars. This was a situation which perdured for centuries as the order became a clerical-exempt religious order. Even with the division of the order into three distinct branches, the Observants, the Conventuals, and the Capuchins, Francis' ideal of a classless fraternity was lost, and the order was divided along clerical and lay lines.

APPENDIX

Abbreviations for Medieval Texts

- Anon* *The Anonymous of Perugia*, by John of Perugia
I Cel *The First Life of St. Francis*, by Thomas of Celano
II Cel *The Second Life of St. Francis*, by Thomas of Celano
Jordan of Giano *The Chronicle of Brother Jordan of Giano*
LM *The Major Life of St. Francis*, by St. Bonaventure
3Soc *The Legend of the Three Companions*
Thomas of Eccleston *The Coming to England of the Friars Minor:*
The Chronicle of Brother Thomas of Eccleston