ST. FRANCIS AND THE EARLY GOVERNMENT OF THE FRANCISCAN ORDER

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The founding and early history of the Order of Friars Minor is one of the most dramatic and instructive episodes in the history of the medieval church. Apart from its general interest to medievalists as one of the major social, religious, and cultural movements of the Middle Ages, the movement is also interesting as one of the more unusual institutional experiments in the medieval church. From a religious viewpoint, the story of St. Francis and the beginnings of his Order touches upon a perennial concern of church historians, theologians, and thoughtful churchmen alike—the frequently equivocal relationship between the Church as a mystical community of faith and its visible embodiment in a human, worldly institution. But this is a matter which is not restricted in its significance to a religious context; considered from the more secular viewpoint of the academic scholar or social scientist, these same events present equivalent problems in the realm of historical, social, or even philosophical explanation. Institutions, religious or otherwise, are a characteristic human creation, the principal means by which men not only organize much of their activity but often seek to express and objectify their ideals and thus attain their loftiest goals and purposes. Institutions hence serve as powerful vehicles of human aspiration and, more concretely, achieve an objective status in the historical process as they influence and unify the behavior of sizeable groups of persons over extended periods of time. Yet, as ideal constructs, institutions also tend to develop certain tensions and inner contradictions in the course of their actual historical development. The subject of this essay is such an example.

I. THE SABATIER THESIS AND THE "TRAGEDY" OF ST. FRANCIS

One must begin any discussion of this topic by explaining that the early history of the Franciscans has been the subject of much discussion and debate among the leading modern students of the movement. This is so for essentially two reasons: first, any scholarly investigation of the subject involves the notorious problems entailed in the primary sources for the life of St. Francis and the early history of the Order; secondly, it equally involves the related controversy concerning certain aspects of the career of St. Francis in his role as founder and first head of the Order. Of first importance among the contending interpretations has been that of Paul Sabatier, whose famous

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biography of St. Francis, appearing in 1893, was largely responsible for the modern revival of interest in St. Francis and, as the pioneering scholarly biography, also established the critical standards from which all subsequent Franciscan studies have proceeded.[1] It is a further measure of the importance of the book that all succeeding biographers of St. Francis have inevitably defined the issues and developed their own positions in terms of the Sabatier interpretation.

Briefly, Sabatier's thesis is that, after its founding and successful establishment, the Franciscan movement was wrested away from St. Francis' leadership, then altered and transformed against his wishes and intentions with irreparable "moral violence" to the founder's original goals. Sabatier sees St. Francis' later life as the story of a tragic conflict between an evangelical ideal and a conservative official policy of the Roman Curia. Primary responsibility, according to Sabatier, rests with Cardinal Hugolino, official protector and patron of the Order (and later Pope Gregory IX), who used as his agent an early disciple of St. Francis, Brother Elias of Cortona. Sabatier's interpretation is important not only because of his prominence as the modern pioneer in Franciscan studies, but also because it has been extremely influential among both scholars and popular religious writers. It has further given rise to a so-called "liberal Protestant" interpretation which views St. Francis as a kind of precursor of the Reformation. This stems from Sabatier's protrayal of the friction between St. Francis and the church authorities as a conflict of principle—according to Sabatier, St. Francis, with his claims to immediate divine inspiration and dependence upon the authority of the Gospels for his ideal of apostolic poverty, asserted an evangelical "spirit of liberty" and the right of individual conscience against the oppressive dogmas and stern legalisms of an authoritarian, traditionalist regime.[2]

This has proven to be an attractive thesis with its strong appeal to the liberal temperament, and has often been accepted quite uncritically by many church historians and medievalists. It has further passed into common currency in much popular writing and opinion, especially in Protestant circles.[3] It has also produced a predictable reaction

[1]The original French edition was first published in 1893. I use here the English translation: *Life of St. Francis of Assisi,* tr. L. S. Houghton (New York, 1925).

[2]See, for example, Sabatier, *St. Francis,* 203, 206, 327, 335.

[3]In fairness, it must be stated that Sabatier himself denied that it was his intention to make St. Francis a "sort of forerunner of Protestantism," although, as A. G. Little points out in this connection, Sabatier's basic error was in representing Francis' struggle as against the Papacy and hierarchy rather than against opposing tendencies within the Franciscan Order itself (A. G. Little, *Franciscan Papers, Lists, and Documents* [Manchester, 1943], 182-83). However, the conception of St. Francis which Sabatier unintentionally created remains ubiquitous. The present writer is a member of a church built within the last few years which has a set of stained glass windows along one clerestory depicting great figures in church history; one grouping, representing the pre-Reformers, has St. Francis in company with Peter Waldo, John Wyclyf, and John Hus.

among Roman Catholic writers, who often tend to romanticize St. Francis excessively in an opposite direction, portraying him as the archetype of the ideal Roman Catholic religious, with the unfortunate result of breeding further misconceptions both on the specific subject of early Franciscanism and our understanding of pre-Reformation Christianity in general. Yet, upon critical testing, it may well be questioned whether either viewpoint can now prevail. Portions of the Sabatier thesis have been re-examined and challenged in recent years in several books of major importance for Franciscan studies.[4] The purpose of this article is also revisionist, but from a somewhat different perspective than that found in most previous studies, specifically St. Francis' work as founder of the Franciscan Order viewed in comparison with the institutional history of other religious orders of his time.

Also, a somewhat unusual methodology has been adopted which requires explanation. In the reconstruction of St. Francis' motives and attitudes which appears in the following analysis, the primary sources cited, with two or three guarded exceptions, are restricted to authentic writings of Francis himself. This "reductionist" approach is employed in a deliberate attempt to circumvent the complex critical problems arising from the polemic nature of most of the early lives of St. Francis and other sources for early Franciscan history, which have formed the major stumbling-block in modern studies of St. Francis.[5] While this is admittedly an unorthodox procedure, the present writer contends that it yields not only a logically adequate solution to the biographical

[4]The following are especially noteworthy: M. D. Lambert's *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order,* 1210-1323 (London, 1961) traces the history of St. Francis' distinctive doctrine of apostolic poverty and its evolution as the battle-cry of the Spiritual party in the Order during the troubled first century of its history. Lambert argues that St. Francis' intentions with regard to apostolic poverty cannot be known with any degree of precision for the reason that, due to the extreme subjectivism of his personal temperament, St. Francis himself had no really consistent and settled conception of what he meant by this teaching in practical terms or the form it should take in the written Rule of the Order. Rosalind B. Brooke, in her *Early Franciscan Government: Elias to Bonaventure* (Cambridge, 1959), surveys the administrative history of the Order from the generalate of Elias to that of St. Bonaventure but she includes substantial discussion of administrative affairs during St. Francis' lifetime. Mrs. Brooke is especially trenchant in her attack upon Sabatier's characterization of Cardinal Hugolino as responsible for a "betrayal" of St. Francis and his ideal. Most recently, the major work of the leading Franciscan authority on St. Francis, Fr. Cajetan Esser, O.F.M., heretofore difficult to find outside of European libraries, has appeared in an English translation under the title *Origins of the Franciscan Order* (Chicago, 1970) and is now more accessible to American scholars. Esser brings exhaustive scholarship as well as the viewpoint of a professing Franciscan to the whole range of problems associated with the founding of the Order. The remarks which follow owe much of inspiration and fact to these excellent studies, although the major interpretations and conclusions expressed here are of the present author.

[5]The scholarly literature on the Franciscan sources is a large one, and it would be impractical to provide even a selective listing here. A good introductory bibliography may be found in John Moorman, *A History of the Franciscan Order from Its Origins to the Year 1517* (Oxford, 1968), 595-98.

questions involved, but is the only sure means of procedure in this case from a scientific and historical standpoint.

Before proceeding, it may be useful to some readers to briefly review the basic events and chronology of the subject.[6] The official history of the Order of Friars Minor may be said to have begun in 1210, when St. Francis and eleven companions journeyed to Rome to present their plans and seek papal approval of a simple rule that St. Francis had prepared, based on the key Gospel texts concerning apostolic poverty. This rule was verbally confirmed by Innocent III. Within the next several years, St. Francis instituted regular meetings of his growing body of followers twice yearly, the most important of the two held at Pentecost, the other on the Feast of St. Michael in September; these general chapter meetings were usually held at the Portiuncula, the headquarters of the movement near Assisi. Between 1216 and 1219, the following significant developments took place: St. Francis met Cardinal Hugolino, and by an informal arrangement the latter assumed the role of protector and patron of the new Order. Missions were definitively organized, with Italy and other countries divided into districts called provinces, each under the authority of a provincial minister. Possibly at this time, certainly before 1223, the provinces were further subdivided into custodies, under the direction of officers known as custodians who were subordinate to the provincial ministers.

In May of 1219, St. Francis left on a mission to the Near East, leaving two Friars in charge of the affairs of the Order as his vicars, Peter Catani and Elias. In the winter of 1220, he hurriedly returned from Syria, having received word of far-reaching changes and innovations in basic policy matters made by the two vicars against his stated wishes. Among other administrative actions taken after his return, St. Francis requested Pope Honorius to appoint Hugolino as official protector of the Order, thus regularizing the earlier informal arrangement with the Cardinal, and, in September of that year, the bull *Cum secundum* was promulgated ordaining a year's novitate for all postulants in the Order. According to most authorities, St. Francis also resigned as Minister-General in late 1220, naming Peter Catani as his successor, although Mrs. Brooke argues for an earlier date.[7] It is certain that Peter Catani died in 1221 and was succeeded by Elias. In the several years preceding 1223, St. Francis also prepared two or more drafts of a new rule. Of the two surviving texts, the *Regula Prima*

[6]The following is based on established data to be found in all standard works; a complete account in concise form may be conveniently found in Moorman, *History of the Franciscan Order*, 3-80.

[7]Brooke, *Franciscan Government, 76 et seq.*

dates from 1221, but was not approved by the Pope and never in legal force (this *First Rule,* despite this traditional designation, should not be confused with Francis' original rule of 1210, usually designated the *Regula Primitiva,* of which no text has survived). The second text is the *Regula Bullata,* so-called because it was promulgated in a papal bull by Honorius on November 29, 1223, as the official Rule of the Order. From 1223 until his death in 1226, St. Francis appears to have taken little part in the government of the Order. Even during the period when he was composing the final Rule of 1223, he had largely withdrawn into the life of meditation and profound mystical experience which occupied the last several years of his life.

This sequence of events represents, in outline, the essentials of the early organizational history of the Franciscan Order for which substantial agreement can be found in all sources, both primary and secondary. Beyond this, given the nature of the primary sources, one necessarily enters into a realm of contradictory fact and disputed interpretation, which the controversial focus of much of the modern literature has done little to alleviate. Nevertheless, a few generalizations can be made with which there would likely be little disagreement among those familiar with the evidence. Central to the controversy is one basic fact, and on this point Sabatier is correct: St. Francis' later writings contain abundant indications of his genuine distress over matters relating to the discipline and government of the Order and more especially with the safeguarding of some of the notions in detail as to how the Franciscan life of poverty was to be practiced. Considering the basic chronology of events, it appears that the actions of his vicars during his sojurn in the Near East in 1219-20, so alarming as to cause him to return to Italy posthaste, indeed precipitated something like what Sabatier called "the crisis of the Order." The culmination of this crisis was St. Francis' resignation of the generalate, although the role any specific event or events may have played in his decision cannot be surely determined. As outlined above, this was followed by his drafting of new versions of the Rule in 1221 and again in 1223, and the subsequent papal approval of the latter draft, known as the *Regula Bullata.* The differences between these two documents provide at least presumptive evidence of pressures that were brought to bear on St. Francis for modifications and compromises, and we are also informed as to a few specifics, most notably that Cardinal Hugolino, by his own later testimony in the bull *Quo elongati* issued during his pontificate, had a hand in the final draft of 1223.

Most importantly, St. Francis' own writings indicate that difficul-

ties over the Rule seem definitely to have been at the heart of the matter. The Rule, which St. Francis regarded as the key and indispensable statement of the Franciscan way of life, was novel in that it went beyond the traditional monastic vow of poverty, binding upon religious only as individuals, to forbid corporate ownership of any goods or property by the Order. That practical administrative and legal difficulties would ensue from such a stringent conception of apostolic poverty is easily conceivable, and the sources indicate that this was indeed the case, although evaluation of specific instances is difficult. The writings of the Spiritual Franciscans must be heavily discounted for their patent bias, and the earlier, more reliable sources yield only oblique references to St. Francis' personal feelings. But we may suppose that a number of factors—rapid expansion of the Order and the consequent need for a greater degree of organization, modifications and practical compromises of the original Rule of 1210, increasing involvement of high church authorities, and the necessity of considerable delegation of authority and effective loss of personal control on the part of St. Francis himself—would all have been a source of distress to a person such as St. Francis, who possessed little natural aptitude and a considerable distaste for administrative matters. Beyond this, it is also certain that decisions were taken by more practical-minded subordinates and by authorities outside the Order with which he emphatically disagreed but was powerless to change, possessing neither the formal authority nor the requisite political and administrative skills to maintain a strong personal regime over the Order.

Much of the speculation and controversy in the literature has centered upon an attempt to determine the seriousness and extent of the differences between the Saint and his associates and if, in fact, his intentions were substantively violated and his influence deliberately neutralized. This may indeed have been the case, but not necessarily the result of malign intentions or even insensitivity on the part of those involved. Several considerations suggest that St. Francis' situation may have been somewhat different than that envisioned by Sabatier, and that the stereotype of the embattled saint and the implications drawn concerning his relations with his associates and superiors, and especially the Curia, are in need of revision and clarification on a number of points. To support this contention, it is necessary to examine some of St. Francis' writings in detail.

II. St. Francis' Attitude Toward the Rule

The most striking feature of St. Francis' Testament and letters dating from these years to his death in 1226 is the emphasis placed

upon the Rule and his instructions regarding it. Almost obsessively, he insisted upon absolute obedience to the Rule without exception, and further insisted that this be a completely literal obedience to the Rule in its textual purity. The final sentence of the *First Rule* specifically enjoins against any amendment of the text: "... in the name of Almighty God, of the Lord Pope, and of obedience, I, Brother Francis, strictly enjoin and require that nothing be removed from or added to this Rule of Life, and that the friars observe no other."[8] This remarkable and unprecedented provision is fascinating in its legal implications, for it in effect laid claim to an authority and finality equivalent to a plenitude of power which, in any orthodox conception of this time, was considered reserved exclusively to the Papacy. It was understandably not allowed by the Curia in the final *Regula Bullata.* But in his *Testament,* in evident defiance of this omission (and on strictly personal authority, without the reference to the Pope as in the text of the *First Rule*), St. Francis reviewed this prohibition in the following revealing context:

> The brethren are not to say, 'This is a new Rule', for it is a reminder, a warning, and an encouragement. It is my Testament which I, little Brother Francis, make for you, my blessed brothers, with the intention that as Catholics we may better obey the Rule which we have promised our Lord to obey.
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> The Minister-General and all other Ministers and Guardians are bound under obedience not to add or subtract anything from these words of mine. They are to keep this Testament always with them, together with the Rule, and at every Chapter which they summon, when they read the Rule, let them read these words as well.
>
> I strictly enjoin all my brethren, both clergy and lay-brothers, under obedience not to add glosses to the Rule or to my words, saying, 'It shall be understood thus'. But as our Lord has granted me to speak simply and clearly, so shall you understand them simply and clearly, and observe them with holy deeds until the end.[9]

One cannot help noting that, in his simplicity, St. Francis was logically and probably legally inconsistent here, for he was in effect himself amending the Rule in this very document—it is characteristic of his personality that his habitual mode of thinking was predom-

[8] *Regula Prima,* c. 23; I quote here and below from the English translation of St. Francis' writings of Leo Sherley-Price, *St. Francis of Assisi* (New York, 1959), 226.

[9] *Testament* (Sherley-Price, 202-03).

inantly intuitive, rather than logical.[10] But, despite this inconsistency, it is nevertheless an uncompromising position which is reinforced in other documents. In a letter to a general chapter written shortly before his death, he declared, in an uncharacteristically maledictory tone, of any friars unwilling to observe the Rule: "I do not regard them as Catholics or friars of mine, and do not wish to see them or speak to them until they have done penance."[11] In the *Testament* is also found the more drastic instruction that anyone in violation of the Rule is to be confined "like a prisoner" until he can be brought before the Cardinal-Protector.[12]

Indeed, St. Francis came to adopt the same feeling toward all of his pronouncements concerning disciplinary matters; several passages in his letters express a similarly categorical insistence upon literal obedience to his instructions and also reveal the same curious obsession with his own words and the concern to ensure their widest propagation and hence their preservation in the exact form in which he expressed them. The following is an extract from a letter to the Guardians, the superiors of the Order, which is representative of substantially identical statements to be found elsewhere in his writings:

> It is my wish that all my brethren who are Guardians and receive this letter should keep this letter by them, and give copies to the other friars. And those who hold office as preachers or as Guardians of the friars are to have copies made, and to publish every-

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[10]Esser, *Origins of the Franciscan Order* (91), argues that St. Francis himself did not distinguish between the various redactions of the Rule; for him, the Rule was an ideal which remained one and the same in its spirit throughout the stages or its textual development. This assertion fits well with his characteristic modes of thought, although elsewhere, Esser provides a more general defense of St. Francis by maintaining that St. Francis did not conceive of himself in the role of a legislator, e.g., "... I am firmly convinced that Francis was never aware of standing in a legislator-law relationship to his Rule, as the jurists say." (*The Definitive Rule of the Friars Minor in the Light of the Latest Research*, unpublished translation by Bruce Malina, O.F.M., of *Die endgültige Regel der Minderen Brüder im Lichte der neuesten Forschung* [Werl/Westfallen: Dietrich-Coelde-Verlag, 1965], p.5). The view taken here, of course, respectfully dissents from Father Esser's carefully researched opinion. I would agree that one of the purposes of the Rule was to insure spiritual freedom for his brethren, to release them from the ceremonials and routines of conventional monasticism in favor of an apostolic mission as preachers and confessors. But St. Francis attempted to secure this ideal by fixing it in a closed body of legislation, to which he insisted upon a literal obedience. Th fact remains that, for St. Francis, there was to be no latitude for any kind of amendment or interpretation of the Rule, whether spiritual or practical. Certainly, St. Francis did not realize the paradox involved: that he incurred the danger of imposing a form of legalism upon his friars that was at least equal in its rigor to that which he perceived in the conventional forms of clerical and monastic life of his time and wished to avoid. This can only be accounted as a limitation of his essentially spiritual and idealistic vision of the perfect religious life, with its single-minded emphasis upon certain selective principles inspired by Christ's commandments to his disciples in the Gospels. A colleague, Professor Delno C. West of Northern Arizona University, has made an illuminating suggestion to the present writer in this regard, that part of the conflict between St. Francis and the church authorities may have been due to the differences between the Gospel concept of the apostolate and the organized church described in the Book of Acts.

[11]*Ep.* 2 (Sherley-Price, 191).

[12]*Testament* (Sherley-Price, 202).

thing contained in this letter to the end. In so doing, let them know that they enjoy God's blessing and my own. And let these words of mine be binding on them under true and holy obedience.[13]

Clearly, St. Francis attached extraordinay importance to both the spirit and the letter of his personal legislation. How is this to be explained? At a minimum, as indicated above, he was seriously anxious about tendencies to relax or dilute his original Rule and unhappy with some of the compromises he was forced to make, especially after about 1220; these documents reflect that anxiety. Beyond this, efforts to determine specific issues and personalities lead only into a realm of more or less informed speculation based upon conflicting evidence from sources other than St. Francis himself. According to the "tragic" interpretation of Sabatier, these documents are to be attributed to the circumstance that St. Francis, having lost administrative control of the Order, was engaged in a pathetic and desperate struggle to preserve the integrity of his movement. His letters and *Testament* represent a last-ditch political effort to maintain his spiritual influence in the affairs of the Order, using the prestige of his position as its founder and author of the Rule. At the opposite extreme, by selectively excluding any sources conceivably tainted by later partisan influences, an interpretation of equal plausibility can be developed to assert that St. Francis, in the writings in question, was only discharging his proper disciplinary functions as spiritual leader of the Order, and these writings do not necessarily reflect any serious disagreement with other authority, either within the Order or in the Church. Such distress as St. Francis expressed is indicative of an understandable impatience with examples of lukewarm observance and human failing as he would naturally encounter among individual brethren in the normal course of his activities. This interpretation is an apologetic one, characteristic of conservative Catholic authors seeking to preserve both an ideal image of St. Francis and a pristine reputation for the Papacy.

These opposed views, of course, represent the polar extremes of possible interpretation and most biographers have taken positions at some intermediate point between them. But the points of controversy themselves have tended to become somewhat traditional in modern scholarship and effectively limited the lines of the debate and choice of interpretations to some degree of adherence to the one extreme position or the other. A restatement of the issues may provide the basis of an alternative to both. Almost all writers on the Francis-

[13] *Ep.* 5 (Sherley-Price, 195); cf. *Epp.* 2, 3, 5, 6, (Sherley-Price, 191, 193, 195, 197).

cans, whether tending to Sabatier's so-called "liberal Protestant" interpretation, or an apologetic, Roman Catholic interpretation such as that of Jörgensen, share one prejudice in common: an admiration for the way of life that St. Francis practiced and taught, what is commonly termed the "Franciscan ideal." Since St. Francis himself felt so keenly that this ideal was embodied in his various redactions of the Rule, and because his biographers have uniformly favored him in this contention, it might prove useful to examine his legislation somewhat more critically, in the context of the constitutional and institutional history of religious orders up to that period.

III. Tradition and Innovation in Early Franciscan Government

It is well known that the early thirteenth century was a period of considerable ferment and innovation within the Church, as well as widespread heresy without, and that St. Francis was but one of a number of persons who petitioned Innocent for papal recognition of new religious organizations. The fact that it was granted to St. Francis and his group is not altogether surprising in view of that pontiff's liberal, and, in some respects, courageous policy of fostering new religious orders. Among Innocent's interesting experiments were two orders dedicated to specific social services, a group of hospitallers in Montpellier known as the Order of the Holy Spriit, and the Trinitarians, an order following an austere version of the Augustinian Rule and especially devoted to the ransom and exchange of prisoners.[15] Approval of these orders, founded by persons of attested respectability and orthodoxy, are perhaps indicative only of a liberal policy on the part of the pope, for they involved no fundamental change in the Church's conception of its apostolate. This is also the case with St. Dominic, an educated cleric with an impeccable record in his own diocese and a veteran of an eight-year preaching mission among the Albigensians in Toulouse when his plans for the Order of Preachers were approved. However, Innocent's reception of the Humiliati, an order of penitents, and the Poor Catholics, a remnant of Peter Waldo's followers in Lyons,[16] were acts of some daring.

Similarly, his approval of a small band of penitents lacking any sort of regular credentials was not without some risk, despite St. Francis' manifestly orthodox intentions and loyalty. Among conceivable objections, the fact that the *podestà* in Asissi in 1203 was a Cath-

[14]For example, Esser, in his *Origins of the Franciscan Order,* although not totally uncritical of St. Francis' abilities as a religious superior, argues essentially this case; he states categorically (185): "There can be no question of any *forcible* intervention or changes imposed by the Church."

[15]A. Fliche *et al., La Chrétienté romaine (1198-1274)* (Paris, 1950), 177-78.

[16]*Ibid.,* 181-82

ar could have been grounds for suspicion and hesitation.[17] The pope's mind may have been decided by the reputed vision in a dream in which he beheld the church of St. John Lateran about to collapse, then saved by St. Francis supporting the structure on his own shoulders. Also, it may not have been altogether coincidental that St. Francis' own bishop was in Rome at the time and obtained the support of a prominent cardinal as advocate for the group.[18] Innocent's action was in no sense a formal confirmation of St. Francis' rule, merely a verbal approval of his purpose and permission to preach and supervise the preaching of others, with a promise of further concessions and greater responsibilities if the movement prospered.[19] Nevertheless, Innocent's decision in this and other instances illuminates a progressive quality about this preeminent champion of the papal monarchy that is not always noted in the usual textbook comments on his pontificate, which rather tend to project the image of an essentially conservative-minded statesman, a categorization which does an injustice to the true greatness of this remarkable pontiff.[20]

Furthermore, the organization of the new Order in its main lines seems to have followed established patterns, a fact of relevance when considering St. Francis' claims of uniqueness for his personal legislation. Although precise figures are lacking, there is every indication that the movement indeed prospered and increased rapidly in membership. According to St. Bonaventure, the friars numbered over five thousand within about ten years' time.[21] Even allowing for statistical exaggeration, it is certain that the movement had grown to the point where a more formal organization than St. Francis had initially anticipated became an imperative necessity, and that this began to take shape by at least 1218, before his departure for Egypt and Syria. The sources nowhere give a detailed explanation of the organizational structure, but it can be inferred from various references that the provincial organization and the offices of minister-general, minister-provincial, and custodian were well established by 1221 when St. Francis drafted his *First Rule*.

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[17]Johannes Jörgensen, *St. Francis of Assisi*, tr. T. O. Sloane (paperback edition, 1955), 81.

[18]In a recent article on St. Francis' relations with the Curia, this cardinal, John of St. Paul, is identified as a veteran prelate of liberal and conciliatory views determined to bring dissidents back into the Church through vigorous reform and renewal of the Church itself; his views are undoubtedly associated with the policies of Innocent III. Kurt-Victor Selge, "Franz von Assisi und die römische Kurie," *Zeitschrift für Theologie und Kirche* 67 (1970), 141 et seq.

[19]Primary accounts in Thomas of Celano, *Vita Prima*, 33, and *Vita Secunda*, 17; *Legenda Trium Sociorum*, c. 12 (49-53); St. Bonaventure, *Legenda S. Francisci*, c. 3 (8-10). Discussed in Brooke, *Franciscan Government*, 60; Jörgensen, *St. Francis*, 77-87; Sabatier, *St. Francis*, 88-102.

[20]See, for further comment, Walter Ullmann, *Principles of Government and Politics in the Middle Ages* (New York, 1961), 224-26.

[21]St. Bonaventure, *Legenda*, c. 4 (10); the general accuracy of this figure is defended by Brooke, *Franciscan Government*, 288-89.

Beyond this, it appears that St. Francis and those advising him built up the organization of the Order without arousing controversy largely by following and borrowing from established practices of earlier orders, about which St. Francis had some knowledge.[22] In the early twelfth century, the Cistercian organization embodied the features of a general at the head of the Order, always the abbot of Cîteaux, and also inaugurated the practice of a yearly conference of the abbots of the Order at Cîteaux. The polity of the Premonstratensians, founded in 1120, has even closer parallels with the Franciscan organization. The monasteries of this Order were grouped into provinces, numbering thirty at the peak of its strength. Each province was under the direction of a "corrector," and the Abbot of Prémontré was head of the Order with the title "first father of the Order." As in the case of St. Francis, the founder of the Order, St. Norbert, was first to exercise this office. The Premonstratensians also met in a yearly convocation known as a general chapter.[23]

St. Francis' special position as founder of the Order is also paralleled by earlier establishments. The constitutions of new orders were normally granted to and confirmed in the name of the founder. An ambiguity, and major point in the modern controversy, arises in the case of St. Francis' resignation as Minister-General in 1220. This event is stressed by Sabatier and those who follow his hypothesis as one of the most conclusive evidences of a Franciscan "tragedy." This interpretation is open to the objection that it is based principally upon late sources originating from the Spiritual party, which, for partisan reasons, represented St. Francis' resignation as caused or even forced by "evil prelates." For example, typical of the references is the following passage in the *Mirror of Perfection;* St. Francis is represented as prophesying the later divisions in the Order with these words: "... what they are doing and the way in which they are now acting [i.e., the ministers] will appear more clearly in the end."[24] However, while there are manifest and irrefutable indications of St. Francis' distress at some of the policies and decisions made by those in charge of the Order relating to rules and discipline, there is no compelling evidence to regard this as the sole reason for St. Francis' resignation, or to make of it a virtual abdication. Mrs. Brooke argues for the simple statement in Thomas of Celano's *Second Life* that St. Francis laid

[22]Moorman, *History of the Franciscan Order*, 15 and n. 2.

[23]G. R. Galbraith, *The Constitution of the Dominican Order* (Manchester, 1925), 8, *et seq.;* Herbert B. Workman, *The Evolution of the Monastic Ideal* (paperback edition, 1962), 243-44, 265-66.

[24]*Speculum Perfectionis*, 41

down his office for reasons of humility and ill health.[25] The latter tradition is also preserved in another context in the *Mirror of Perfection*, where St. Francis is quoted as saying, "Because of the infirmities which Thou knowest, sweetest Lord, I now entrust it [i.e., the Order] to the ministers, for I no longer have the strength to care for it."[26] It appears that the *Mirror of Perfection* preserves two separate traditions concerning St. Francis' resignation, and it seems most reasonable to regard the one which is corroborated by an earlier source, Thomas of Celano, and which does not involve suspicion of partisan intent, as the more defensible.

To pursue this matter further, however, would lead into the kind of critical problems with the sources that we hope to avoid, and to no relevant purpose. The essential point is that St. Francis' resignation has little evidential value for Sabatier's hypothesis, for it was a very qualified action by which he removed himself from active administrative direction of the Order. In his writings dating from after the resignation, he continued to legislate. It seems quite clear from the preemptory, commanding tone of these writings, as well as the pope's confirmation of the final Rule in his name in 1223 and the implicit assumption in all early writings about him, that St. Francis considered himself and was considered by the Curia and the membership of the Order as the spiritual, if not the operating head of the Order until his death. This is despite his frequent disclaimers and professions of humility which might indicate the contrary.[27] The official recognition accorded him in the approval of the Rule and other instances is indicative of an essentially sympathetic and respectful attitude with which St. Francis and his friars were regarded by the highest church authorities.[28]

The office of Cardinal-Protector was an innovation, although there is evidence that such an office was not first instituted for the Franciscans; the rule of the Order of the Holy Spirit, dating from 1213, mentions a cardinal-protector several times.[29] The office was first specified for the Franciscan Order in the Rule of 223, although St. Francis had earlier petitioned the Pope to make Cardinal Hugolino official protector of the Order and this request had been duly granted

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[25]Brooke, *Franciscan Government*, 83; Thomas of Celano, 143.

[26]*Spec. Perf.*, 39.

[27]As Esser notes, the result must have been "more confusion and fresh difficulties" and "legal uncertainty" when St. Francis continued, after his resignation, to appoint ministers of the Order and otherwise hold the friars to his commands and pronouncements under vow of obedience (*Origins of the Franciscan Order*, 151).

[28]Cf. Brooke, *Franciscan Government*, 106-22.

[29]Pierre Mandonnet, O. P., *St. Dominic and His Work*, tr. Sister M. B. Larkin, O. P. (St. Louis, 1945), 327, n. 4.

in 1220. This matter involves the question of St. Francis' relationship with Hugolino raised by Sabatier as a principal element in his interpretation. Sabatier devotes page after page to a narrative describing in vivid detail how Hugolino foisted himself upon Francis, forced him into concessions, finally rendered him powerless as nothing more than a revered figurehead. Upon close examination, however, one finds Sabatier's lengthy and impassioned account supported only by a slender basis of documentation, upon which Sabatier has erected what can be considered at most only a plausible theory. Jörgensen takes a more apologetic view to the effect that St. Francis may have modified his policies and his various redactions of the Rule at Hugolino's suggestion, but that the Cardinal never violated St. Francis' conscience or the spirit of his ideal. Mrs. Brooke's view is a moderate one, portraying Hugolino's role as one of beneficence and fundamental agreement with the Saint, but allowing for genuine differences in temperament and objectives between the two men.

But all three accounts are similar in lack of sure documentation for the reason that it does not exist. Mrs. Brooke is able to argue persuasively, however, *contra* Sabatier, that the initiative in obtaining a protector from among the higher clergy was taken by St. Francis himself. The only hint of any conflict between Francis and Hugolino in any primary sources is a fragment preserved in Wadding's collection of Franciscan documents.[30] St. Francis gives no hint of any conflict,[31] and, on this point at least, there is no reason to question the other sources, which give the unanimous impression that St. Francis himself requested Hugolino's services from Pope Honorius. The *Mirror of Perfection,* which could be expected to make capital out of any such dissension, does not mention the office of Cardinal-Protector as such; Hugolino himself is frequently mentioned in the *Mirror,* but he makes his appearances as a rather passive and even somewhat hapless figure, the literary stereotype common in hagiographic writing whose function is limited to standing by as a spectator and expressing appropriate amazement at the works of the Saint and his friars. There is, on the other hand, a satisfactory explanation common to two earlier sources, Thomas of Celano's *Second Life* and the *Legend of the Three Companions.* This is a striking account of a vision in which St. Francis saw

[30]Brooke, *Franciscan Government,* 67f.

[31]St. Francis makes only two references to the Cardinal-Protector in his writings, and both would seem to be contrary evidence. He prescribed the office of Cardinal-Protector as part of the constitution of the Order in the *Regula bullata,* c. 12 (Sherley-Price, 234), although it could be argued that this provision was inserted at the insistence of the Curia. However, in the *Testament* (Sherley-Price, 202), he specifies that friars who transgressed against the Rule were to be brought before the "Lord Cardinal of Ostia" (i.e., Hugolino) for trial; this would indicate his satisfaction with the arrangement.

a little black hen surrounded by more chicks than she was able to shelter under her wings; accordingly, in response to this vision, St. Francis resolved to obtain Hugolino's assistance by requesting him as an official patron.[32] This tradition is not only significant of the probable fact that it was St. Francis' own desire to associate Hugolino with the Order, but also additional evidence of the rapid growth of the movement.

It is also relevant to examine the status of St. Francis' legislation in comparison with the constitutional history of other medieval orders up to that period. At the beginning of the thirteenth century, two basic forms of governance for groups of religious were recognized by the Church and commonly practiced by the various orders, the Benedictine and Augustinian rules.[33] The Benedictine Rule was usually applied to monastic institutions, and the Cluniac and Cistercian reforms were concerned in large measure with a return to its strict obedience. The Augustinian Rule, based upon alleged writings of St. Augustine of Hippo, was formulated during the period of the Gregorian reform and most often utilized as an instrument of reform among the secular clergy. It was especially used as the basis of reorganizing clergy into chapters attached to churches and cathedrals and living a common life, and therefore became the rule *par excellence* of canons rather than monks. The legislation which established the definition of canons in this modern sense dates from a Roman synod of 1063. The Augustinian Rule came into such common use in this manner that by the twelfth century the term "canons regular" was nearly synonymous with Augustinian, or Austin, Canons. An advantage of this rule was its flexibility; it pertains mainly to matters of spiritual discipline, and aside from prescribing the basic concepts of the common life, and apostolic poverty, contains little specific legislation concerning organization and polity. In the early twelfth century, it was adopted by such diverse institutions as great cathedral chapters, for example St. Victor, and the highly monastic Premonstratensians. It is significant to note that among the new orders approved by Innocent III, at least three orders, the Humiliati, the Trinitarians, and, most important, the Dominicans, organized themselves on versions of the Augustinian Rule. St. Dominic's legislation is especially interesting in its eclecticism. He did not hesitate to borrow heavily from the Cistercian rule, the *Charter of Charity*, and in 1220 the law of the Dominicans was supplemented

[32]Thomas of Celano, 24-25; 3 *Soc.*, c. 16 (63-67); cited by Brooke, *Franciscan Government*, 66.

[33]The discussion following is principally based upon Mandonnet, *St. Dominic and His Work*, *passim*; *cf.* Galbraith, *Dominican Order*, 8 *et seq.*

with a body of legislation known as the *Constitutions*. Also indicative of St. Dominic's flexibility and a particular point of contrast with Franciscan legislation is that while St. Francis prescribed severe penalties for infractions of his Rule, St. Dominic declared in 1222 that the rules of the Preachers did not oblige under pain of sin. Dominican scholars have also contrasted the precise, detailed legislation of St. Dominic, worked out in extensive formal consultations with the founding members of his order, with the Franciscan Rule, which is much briefer and less legalistic, but much more the personal formulation of St. Francis and an expression of a highly individual conception of the religious life.

The implied criticism is not without point; one of the major shortcomings of the Franciscan Rule is that it was not so much impractical as rather hopelessly inadequate as a constitution for a large body of religious as the Franciscans had become.[34] This is confirmed by the fact that, immediately after the death of St. Francis, his successors began to repair the lack of detail. The Minister-General John Parenti (1227-32) reorganized the provinces at a General Chapter of 1230, and other legislation was enacted limiting the number of custodians required to appear at the election of a Minister-General to one from each province, a measure which meant a considerable savings in time and expense for the now numerous officials of the Order. This legislation, however, was contrary to provisions of the Rule, and St. Francis had expressly forbidden any amendment to the Rule in his *Testament;* it was, therefore, regarded as something in the nature of a test case. Cardinal Hugolino, now Gregory IX, incorporated and promulgated this legislation in *Quo elogati* on the grounds that the testament of a Minister-General could not be binding upon a successor. Whether it was "sophistry," as Sabatier calls it,[35] or merely good law to rule that a personal document such as a will, even of a saint, could not restrict the official acts and legislation of a corporate religious body, this example is typical of many practical problems, matters of detail and not of principle, for which the legislation of St. Francis was deficient.[36] Gregory's bull can be considered as having removed an impediment to vital legislation. In contrast to St. Francis' attempts to forestall any change, St. Dominic not only permitted a large body of law to be incorporated into the Dominican constitution, but also wisely included specific provision for changes and amendments. If the Franciscan

[34]Even Esser, normally laudatory of St. Francis, admits that he did not "understand such a need", i.e., for a more developed, specific body of legislation (*Origins of the Franciscan Order,* 149f.).

[35]Sabatier, *St. Francis,* 336, n. 1.

[36]Brooke, *Franciscan Government,* 129-131.

constitution had been so drafted, it is altogether conceivable that the later Conventual-Spiritual controversy and its tragic effects might well have been averted.[37]

A second observation is also pertinent. It was noted above that only two basic rules were in general use among the religious orders at the beginning of the thirteenth century; St. Francis' position should also be evaluated in light of his insistent rejection of these and all other existing rules for his Order from as early as his journey to Rome in 1210. That St. Francis was quite aware of what he was doing in this regard can be shown with fair probability of truth, although from sources other than his own writings, in his reputed statement to a general chapter, made in the presence of Cardinal Hugolino just after the latter had privately counseled St. Francis to adopt one of the traditional rules; leading the astonished prelate before the assembled friars, St. Francis exclaimed:

> My brothers, my brothers! God has called me by the way of simplicity and humility, and has in truth revealed this way for me and for all who are willing to trust and follow me. So I do not want you to quote any other Rule to me, whether that of Saint Benedict, Saint Augustine, or Saint Bernard, or to recommend any other way or form of life except this way which God in His mercy has revealed and given to me. The Lord told me that He wished me to be a new kind of simpleton in this world, and He does not wish us to live by any other wisdom but this. God will confound you through your own prudence and learning. . .[38]

There is another factor to be considered in the matter: Canon 13 of the Lateran Council of 1215 had forbidden the foundation of new religious orders. Although the Franciscans could claim to be exempted by Innocent's approval of the Primitive Rule in 1210, five years prior, the fact that the papal declaration was only verbal may have made for some legal ambiguity in the matter. Further, the same canon enjoined all those who desired to found new religious houses to take the rules and organization of an already established and approved order. Al-

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[37]In fact, later Franciscan legislation borrowed a great deal from Dominican legislation; this is documented by Brooke in an appendix to her *Franciscan Government*, 293-96.

[38]*Spec. Perf.*, c. 68. Here a major exception is made in establishing a key point from a source other than St. Francis, and one highly suspect for its partisan bias. However, this passage is based upon a short work, the *Verba S. Francisci* (c. 5), which modern authorities regard as an authentic work of Brother Leo, one of St. Francis' original converts and closest companions; there is no reason to regard Leo's eyewitness testimony as other than reliable. It is interesting to note that other Leo-material in the *Mirror* reinforce some key points educed above in Francis' writings; the Prologue (based on *Verba*, c. 4) echoes Francis' prohibition of glossing the Rule; c. 76 (based on *Verba*, c. 4) reports Francis' insistence that the friars keep a text of the Rule always with them, even at death. For relevant critical discussion, see John R. H. Moorman, *The Sources for the Life of St. Francis of Assisi* (Manchester, 1940), 90 *et seq.*

though this legislation probably did not represent Innocent's own relatively liberal views but was rather a concession to a conservative majority among the Council fathers,[39] it was nevertheless the law of the Church after 1215, and St. Dominic accepted the wishes of the Council and chose the Augustinian Rule for the basis of his foundation. Yet St. Francis held firm in a position that could easily have been interpreted as defiance of a general council.[40] It is therefore even more a source of wonder that in the end, even if he was permitted only an edited version of the Rule not entirely to his liking, St. Francis at least won a victory in principle, for the Rule was entirely new.

IV. The Role of St. Francis: A Reassessment

These considerations suggest that it was St. Francis, and not the Curia, that was the dogmatist in the matter of implementing the Franciscan ideal—indeed, one may well speculate as to which party, St. Francis or the hierarchy, made the greater concessions. Yet St. Francis remained dissatisified and sincerely troubled in spirit. The ultimate answer to this, the major biographical problem of St. Francis' later years, is to be found in the personality and beliefs of the Saint himself, and specifically in his conception of his authority and its source. The root of the matter was his utter confidence in his own convictions and institutions and the special sanction which he believed them to possess. This sense of commission is patent in the unmistakable tone of authority and inspiration found in all of his letters and official papers, but was most directly and explicitly expressed in the short autobiographical excursus with which he began the *Testament;* here, for once, St. Francis broke through the conventions of expression imposed by his deep sense of humility, and which sometimes obscure his meaning in other contexts, to reveal his motives and state his claims clearly and unequivocally:

> After the Lord had given me brethren, no man showed me what to do; but the Most High Himself revealed to me how I must live according to the teachings of the Holy Gospel. And I dictated a simple Rule in a few words, and the Lord Pope confirmed it for me.[41]

It matters little that the Franciscan Order was not an altogether original creation, either in idea or organization; or that St. Francis was not the first to perceive the radical significance of the several New

[39]Mandonnet, *St. Dominic,* 33-34; Fliche, *Chrétienté romaine,* 203-04.

[40]However, Pope Honorius III certainly chose to consider the *Regula Bullata* as but an amended and amplified version of St. Francis' original rule of 1210 in his bull of approval in 1223, and to regard Innocent's approval as valid and binding for this final text of the Rule. See Esser, *Origins of the Franciscan Order,* 87f.

[41]*Testament* (Sherley-Price, 201).

Testament texts on apostolic poverty, which had been commented upon for centuries by theologians and reformers alike; or that parallels to St. Francis' movement can be found in the twelfth-century movements of wandering preachers and their derivative groups, both orthodox and heretical, that also based themselves upon an imitation of the life of the Apostles and were still agitating the main body of the Church during St. Francis' lifetime. The irreducible factor for any adequate understanding of St. Francis is that he considered his vision of the *Vita Apostolica* to be unique, the fruit of a divine revelation, and he exercised the prerogatives of his inspiration and sanctity accordingly.

This is the measure of a man who could at once profess the utmost devotion and obedience to the Church with total sincerity, yet insist upon reserving to his own judgment matters of vital church policy; a person capable of the most sublime expressions of humility, but also capable of an inordinate degree of stubbornness in maintaining his intuitive convictions in the face of more worldly wisdom and moderation; a man of extraordinary spiritual and poetic gifts but lacking in practical insight. This quality of paradox, which is so striking a feature in so many of the recorded deeds and utterances of the Saint, is more apparent than real, however, if it is kept in mind that St. Francis' ultimate commitment was to his personal vision and private judgment, and that, for all his professions of loyalty to the duly consecrated leadership of the Church, he harbored a strong latent distrust of all authority in a position to threaten his ideal. An excellent example of this, and a further illustration of his intransigence in the matter of the Rule, is a provision in the *First Rule* which reserved wide powers of disobedience to the friars, a virtual right of rebellion:

> Should a Minister give any friar an order contrary to our Rule or against his conscience, the friar is not obliged to obey him, for obedience is not enjoined when it involves committing a fault or sin. All brethren under obedience to the Ministers and servants are therefore to give careful and close attention to the behavior of the ministers themselves.[42]

One recognizes in these words the classic dilemma of conscience and authority, and some have seen here an abstract statement of principle affirming liberty of conscience for his brethren; but this is to romanticize, for there was nothing so subtle intended in St. Francis' own mind nor was it within the conception of the age. Rather, this

[42]The procedure for deposition follows; *Regula Prima*, c. 5 (Sherley-Price, 208-09).

freedom was granted only in a further attempt to guarantee and perpetuate unquestioning obedience to his own will, as embodied in the Rule. As G. G. Coulton remarked on this and other anomalous elements in St. Francis' conception of religious governance, "no order could exist on such a basis."[43] and this highly ill-advised provision was not allowed to stand in the final approved version of the Rule, although it was later to give sanction and encouragement to dissident factions within the Order. Yet this example is highly illustrative of the essential spirit of St. Francis. Believing himself the instrument of a divine purpose, he became both an innovator and ultimately a kind of unconscious rebel who, however unwittingly, challenged and, to some degree at least, defied the authority of the Papacy and hierarchy, but in a manner that was as disarming as it was unconventional. And he thereby achieved more of his purposes in the bargain than he himself realized or, in his unwillingness to compromise, was prepared to admit. To an extent, St. Francis can be compared with and described as the most successful of the sectaries of the period, although there were, to be sure, significant differences in his basic loyalty to the Church, and in his firm adherence to its doctrines, and especially in his marked devotion to the sacraments and respect for the priesthood; what distinguishes St. Francis from a figure like Peter Waldo was that, on these points, he was and remained a firm and fervent traditionalist in his Roman Catholicism.[44]

Indeed, no man showed St. Francis "what to do," not even the Vicars of St. Peter. But he was not a reformer, at least in the later Protestant sense of the term; his claims to spiritual authority and his insistence upon an independent course for his Order were manifested not so much in defiance of constituted ecclesiastical authority as in a charitable but stubborn rejection of its best counsels. Whatever judgment the historian forms of his personality and career, it should not be unduly influenced by an exaggerated deference to the transcendent prerogatives of his sainthood, nor should it be primarily based upon an uncritical admiration for the fact that he contested the judgment of

[43]G. G. Coulton, "The Story of St. Francis of Assisi," in F. J. Foakes-Jackson and Kirsopp Lake, *The Beginnings of Christianity*, Part I, *The Acts of the Apostles* (2 vols., London, 1922), 441.

[44]Francis' insistence that his friars adhere to the faith, doctrine, and practices of the Catholic Church can be documented from numerous references in his writings. Selge ("Franz von Assisi und die "romische Kurie" 150f.) argues that this was precisely the basis of St. Francis' acceptance and support by the papal court. Members of the Curia must have discerned that St. Francis brought something new to the religious life that transcended the opposition between priestly claims and popular religion. He knew the shortcomings of the priests but honored the priesthood because, in them, Francis stated, he 'discerns the Son of God', for 'they alone receive and communicate to others the body and blood of Christ'. Putting it slightly differently, one might say that St. Francis found a formula for resolving the religious unrest of his time and reconciling popular religious tendencies to the established Church by popularizing reverence for the sacraments.

the ecclesiastical establishment of his time in certain matters pertaining to the government of his Order; the issues involved were quite limited, and the dispute was as much over what St. Francis believed to be his rightful authority as founder and head of the Order as over wider matters of principle. And his struggle was in behalf of his personal authority, not the freedom of his disciples.

Attempts to portray St. Francis as a pre-reformer and champion of religious liberty have been grounded upon theological and ethical considerations which are mostly hypothetical in the context of St. Francis' situation. Rather, any definitive judgment must also include a realistic appraisal of the purposes and results of his policies and of his historical influence as founder of an important religious order, which was at the same time a significant social movement. The subsequent history of the Franciscan Order during the first century of its existence clearly demonstrates that the libertarian tendencies in St. Francis' teaching and example most closely exemplified, following Troeltsch's classic taxonomy, a "sect-type" conception of religion that was neither Protestant nor Catholic,[45] and in fact produced a full-blown sectarian movement among a sizable group of his followers when combined with the explosive admixture of apocalyptic doctrine in the form of the prophecies of Joachim of Flora. Any interpretation which attempts to classify St. Francis as either a precursor of Protestantism or as a conventionally loyal Catholic misses the mark. Personally, he can only be described as an individualist, a man whose peculiar greatness was determined by a powerful, if sometimes contradictory, spiritual vision and a unique charisma. Historically, while paying due tribute to his services and those of his Order to the Church and to the Christian heritage, he must be regarded as having been a very difficult, if undoubted, Catholic, living in an era of generally progressive popes who recognized his greatness and tolerated what, from an administrator's viewpoint, must have been exasperating personal eccentricities, even as they sought to minimize the risks inherent in his superb but undisciplined idealism.

[45]Ernest Troeltsch, *The Social Teaching of the Christian Church* (2 vols., paperback ed., 1960), I, 331-43, 355-58.