We are normally prone to celebrate important events in history. The celebration of the 800 years since Saint Francis went to Egypt to meet Sultan al-Malek al-Kamel has been at the centre of attention during 2019. What we tend to forget is the aftermath of such an event. It is not enough to recall important moments in our history. We also have to discover their consequences, and this can only be done by forgetting to think big about great celebrations and beginning to analyse the ordinary history of the Franciscan family.

What did the year 1220 mean to the Order of friars Minor? We can look at that particular year and see that it is a kind of featureless moment in the history of the fraternity. Maybe not many studies have been dedicated to this particular year, and we are still faced with many uncertainties.

Where was Francis during the first months of 1220? There is no general agreement among historians. Many opt for Francis’ early return to Italy after his meeting with the Sultan, even as early as September-October 1219. Others, like Golubovich and Fortini, were of a different opinion, and considered it quite likely that Francis would have stayed on in the Crusader camp of Damietta until the fall of the city to the Crusader army on 5 November 1219, and maybe even up till the solemn entry of the Crusades to take possession of the city on 2 February 1220. Angelo Clareno even states that Francis had permission to visit the Holy Sepulchre, and that therefore he remained in the Holy Land during the first months of 1220. That would have meant that Francis returned to Italy with the Crusader ships during the spring months of 1220, since sea travel was prohibited between October and March because of adverse weather conditions. We know that his journey back to Italy took him along the Adriatic coast of Dalmatia on to the Isola del Deserto in Venice. We also know that he had to return in haste to Italy because of the disturbing news he received regarding the state of the Order under the care of the two vicars he left in his stead, namely Matteo da Narni and Gregorio di Napoli. Jordan of Giano gives us this precious information.

All seems to point out to the fact that, upon his return to Italy, Francis went to Rome to request some expert help from Pope Honorius III. He was feeling that the government of the Order needed some expert advice. He had already enjoyed the kind services of Cardinal Ugo di Ostia, and now he decided to ask the Pope to give the Cardinal to the Order as its Protector, in order to be “governor, protector and corrector of the fraternity” (Regula bullata, 12,3: FAED I, 106).

Cardinal Ugo was the right man for the job. He was an expert canon lawyer, and would later on prove himself indispensable for the Order’s legislation, particularly when he became Pope Gregory IX. We know that Ugo had already participated in the
general chapter of Pentecost of the Order, maybe that of 1218 or 1219. In the spring of 1220 he began the task of Cardinal Protector in earnest. We know this from two papal interventions that occurred during that year, namely two papal letters or bullae, the Pro dilectis (29 May 1220) and the Cum secundum consilium (22 September 1220).

Both these documents were a decisive act of government in order to help the Order in its difficulties. The first one was addressed to the bishops and ecclesiastics in France, admonishing them to welcome the friars Minor as a Catholic order approved by the Pope. The second document instituted the year of probation, or novitiate, in the Order. These documents show us how Francis wanted to address the problems of government in a decisive manner, and how Cardinal Ugo was instrumental in bringing this solution to work. The friars had grown in numbers and activities. They needed to be protected from outside dangers, which included the suspicion of heresy on the part of ecclesiastical authorities. Within their own fold the brothers had to face the danger of being a disorganised apostolic movement without a proper discernment process for admitting candidates. That is why Francis was encouraged to institute the year of novitiate. In this endeavour Cardinal Ugo was certainly instrumental in seeing that the Order assume a more stable, and thus a more conventual attitude towards internal discipline.

One other thing led to the year 1220 being a pivotal moment in the Order’s history, namely the decision taken by Francis on 29 September 1220, feast of Saint Michael the Archangel, during the general chapter at the Portiuncula, to renounce the government of the Order in favour of Peter Cattani. It was not an easy decision, and the biographers insist upon Francis’ “humility” in taking such an important step. The truth behind Francis’ decision might very well have been his inability to continue leading the Order, and such a decision might also have been the result of the diplomatic intervention of Cardinal Ugo.

That is why the year 1220 is important in the history of the first Franciscan fraternity, and merits more attention and study. This is precisely what we intend to do during this year in some of our papers dealing with events that occurred at that stage of the Order’s history, and which were a direct result of the aftermath of Francis’ decision to go to the East and open the brotherhood to missionary evangelisation to the farthest reaches of the known world.

We are aware that, historically speaking, our conclusions as to the importance of 1220 can be open to discussion, and that there is no absolute certainty as to what Francis was actually doing in that period. What we do know is that, during the general chapter of Pentecost of 1221, the Regula non bullata was approved. As a document, it could not have been produced at that moment, and we know that it was a result of developments in the Order going back to 1209, and especially to the aftermath of the Fourth Lateran Council of 1215. Our aim is simply that of proposing an open question for further analysis and discussion, in order to throw light not only upon historical facts that have not received much attention, but especially upon the intentio sancti Francisci during this turbulent moment of his life and the life of the brotherhood.

Noel Muscat ofm
In 1209 Francis of Assisi left Assisi with a group of brothers and went to Rome with the intention of seeking audience in front of Pope Innocent III (1189-1216), in order to request an approval of the form of life (forma vitae) which he and the brothers intended to follow. The account given to us by Brother John of Perugia in the De inceptione, known previously as the Anonymous of Perugia, composed in 1240-1241 in the setting of the Assisi fraternity, is one of the most vivid and, maybe, faithful presentations of this important event:

“As he realised that the Saviour’s grace was increasing his brothers in number and merit, blessed Francis told them: ‘Brothers, I see that the Lord intends to make of us a large congregation. Therefore, let us go to our mother, the Roman Church, and inform the Supreme Pontiff about what the Lord is doing through us so we may continue doing what we have begun by his will and command.’ Since what Francis said pleased the rest of the brothers, he took the twelve with him, and they went to Rome.”

The author continues to narrate what happened in Rome and how Francis and the brothers succeeded in seeing Pope Innocent III through the kind graces of the Lord Cardinal John of Saint Paul and of Bishop Guido II of Assisi, who happened to be at the Papal Curia in that very moment. The same author of De inceptione explains how the Cardinal approached Pope Innocent III and told him: “I found a most perfect man who wishes to live according to the form of the holy Gospel and to observe evangelical perfection.” After the Pope met Francis and instructed him to pray for divine guidance, the holy man duly obeyed and then returned to Innocent III to tell him that the Lord had answered his prayers through a dream of the poor woman with whom a king had fallen in love. She had given birth to many children. Since she could not provide for their livelihood, she sent them confidently to their father who recognised them as his own offspring and welcomed them into his house. “On hearing this, the Lord Pope was greatly amazed that the Lord had revealed His will to so simple a man” and he decided to approve the way of life of Francis and the brothers.

“The Lord Pope approved the rule for him and his brothers, both present and future. He also gave him authority to preach everywhere as the grace of the Holy Spirit was given him and that the other brothers were also to preach, provided that blessed Francis gave them the office of preaching. From then on, blessed Francis began preaching to the people in the cities and villages, as the Spirit of the Lord revealed to him […] Afterwards, Blessed Francis ordered that a chapter be held twice a year, on Pentecost and on the feast of Saint Michael in the month of September.”

The way in which Cardinal John of Saint Paul presented Francis to the Pope is highly significant. He described Francis as a man who wished to live according to the form of the holy Gospel. In other words, Francis was one of many others, who pretended to have found a form of life based upon the Gospel. But what was this forma vitae? The De inceptione does not state that Francis presented the Pope with a written document. We come to know, however, that Francis did put his forma vitae in writing. He himself states this in the Testament: “And after the Lord gave me some brothers, no one showed me what I had to do, but the Most High Himself revealed to me that I should live
The Forma vitae of 1209

We have already quoted the Testament of Saint Francis, where he states that the idea to present a forma vitae came to him after the Lord had sent him brothers, and as a result of a revelation from the Most High. He also states that he saw to it that this revelation would be written down (ego feci scribi) in a few words and in a simple style.

In the Vita beati Francisci (1229) Thomas of Celano writes: “When blessed Francis saw that the Lord God was daily increasing their numbers, he wrote for himself and his brothers present and future, simply and in few words, a form of life and a rule. He used primarily words of the holy gospel, longing only for its perfection. He inserted a few other things necessary for the practice of a holy way of life. Then he went to Rome with all his brothers, since he greatly desired that the Lord Pope Innocent the Third confirm for him what he had written.”

The text of Celano is very faithful to what Francis himself said in his Testament, and at the same time it provides the basis for other similar texts, like the one from the De inceptione that we presented at the very beginning. The biographer is referring to a moment when new brothers were entering the fraternity. From the De inceptione we know that it all started on a specific day, namely, 16 April 1208: “On the sixteenth of April, after

one thousand two hundred and seven years had been completed since the Incarnation of the Lord, God […] enlightened a man who was in the city of Assisi, Francis by name, a merchant by trade, and a very vain spendthrift of worldly wealth.”

We do not exactly know to what episode the date is referring, since it is placed at the very beginning of Francis’ life, before the episode in which he gave an alms to a beggar who he had expelled from his father’s shop some moments before. It seems, however, that the aim of John of Perugia is that of indicating this date as an important moment in the life of Francis, and he could very well have been referring to the day when Francis went with Bernard of Quintavalle and with another young man called Peter to the church of San Nicolò ad pedem plateam in the centre of Assisi, where they consulted the Missal and encountered three Gospel texts inviting them to renounce to all their belongings and follow Christ in poverty and humility. That is why Francis insists in his Testament that no one had showed him the way to follow, but that the Most High had revealed to him to follow the form of the holy Gospel. The texts which he consulted together with his first two companions (if we are to exclude the mysterious man who Celano mentions as his first companion) become the object of the revelation to which Francis refers in his Testament, and would certainly have constituted the nucleus of his forma vitae later on.

The Vita beatis patris nostri Francisci (Vita brevior) also by Thomas of Celano, has some similar expressions when it describes the circumstances of the writing of the forma vitae: “Seeing that the Lord steadily increased the number of brothers daily, blessed Francis wrote for himself and brothers, present and future, a form and rule of life, simply and with few words. He used passages especially from the holy Gospel, whose perfection he desired above all. He inserted a few other things that necessity imposed for a sacred manner of life.”

Among the early Sources we can also quote the Legend of Three Companions, which is one of the most faithful texts to the Assisi tradition of the first years of the early fraternity. “Seeing that the Lord would increase his brothers in number and merit, since there were already twelve most perfect men expressing the same belief, blessed Francis said to the eleven, he being the twelfth, their leader and father: ‘Brothers, I see that the Lord mercifully

according to the form of the holy Gospel. And I had this written down simply and in a few words, and the Lord Pope confirmed it for me.”
wants to increase our congregation. Then, going to our mother, the holy Roman Church, let us inform the Supreme Pontiff what the Lord has begun to do through us, that, with his will and command, we may continue doing what we have undertaken.”

The account finishes with the following conclusion: “So he (Pope Innocent III) embraced him and approved the rule he had written. He also gave him and his brothers permission to preach penance everywhere, with the stipulation that the brothers who preach obtain permission from blessed Francis. Afterwards he approved this in a consistory.”

All these texts point to the fact that, in 1209, Francis went with his brothers to Pope Innocent to present a way of life, a forma vitae, which is also called regula, rule. This forma vitae was nothing new for Pope Innocent III. He had already approved others, notably the forma vitae of the Umiliati, when in 1199 their representatives, Lanfranco, provost of Lodi, and Giacomo, provost of Rondineto, presented themselves in front of the Pope, requesting the approval of their form of life or propositum. Innocent III approved the formula et regula vita of this canonical Order on 12 June 1201. The only difference between the Umiliati and the first Franciscan brotherhood lay in the fact that whereas the Umiliati were a congregation of three kinds of people (a third Order of lay people and penitents of both sexes, a second Order of lay consecrated persons who were considered as religious, a first Order of clerics or ordo canonici), the first friars Minor were religious who were mostly lay brothers and some clerics. It was only later on that the Franciscan Order developed into three Orders of brothers, sisters and lay penitents. In any case, Innocent III was not facing a new challenge when he approved the forma vitae of Francis and the brothers, which, by the way, was approved only orally, without any written letter or document of confirmation.

In the case of Saint Francis, it seems that the forma vitae presented to Pope Innocent was a very simple document which never pretended to be a kind of rule for a religious Order. Let us go back to what Francis states in the Testament. He says that, as a result of the increasing number of brothers, the Lord himself revealed to him (with the opening of the Gospel texts found in San Nicolò and also in the event of the apostolic mission in the Gospel text proclaimed in the Portiuncula on 24 February 1208) that he “should live according to the pattern of the Holy Gospel.” He had these texts written down, and (according to the biographers) “inserted a few other things necessary for the practice of a holy way of life,” before going to Rome to seek the approval of Innocent III.

It is of fundamental importance to know what texts Francis discovered in the church of San Nicolò. This should not be very difficult, since the account is clearly narrated in the Sources. Here we quote the account in the Legend of Three Companions:

“The saint told him [Bernard of Quintavalle]: ‘We will go to the church early in the morning and, through the book of the Gospels, we will learn how the Lord instructed his disciples.’ Rising at daybreak, then, together with another man named Peter, who also wanted to become a brother, they went to the church of San Nicolò next to the piazza of the city of Assisi. They entered for prayer, but, because they were simple, they did not know how to find the passage in the Gospel about renunciation. They prayed devoutly that the Lord would show them his will on opening the book the first time. Once they had finished prayer, blessed Francis took the closed book and, kneeling before the altar, opened it. At its first opening, the Lord’s counsel confronted them: If you wish to be perfect, go, sell everything you possess and give to the poor, and you will have a treasure in heaven (Mt 10:21). Blessed Francis was overjoyed when he read this passage and thanked God. But since he was a true worshipper of the Trinity, he desired it to be confirmed by a threefold affirmation. He opened the book a second and a third time. When he opened it up the second time he saw: Take nothing for your journey (Lk 9:3), and at the third opening: If any man wishes to come after me, he must deny himself (Mt 16:24). Each time he opened the book, blessed Francis thanked God for confirming his plan and the desire he had conceived earlier. After the third divine confirmation was pointed out and explained, he said to those men, Bernard and Peter: ‘Brothers, this is our life and rule and that of all who will want to join our company.’”}

The event of the opening of the “book of the Gospels” must be understood in its concrete setting. The book that Francis opened was not a Gospel book in the contemporary meaning of the term. The church of San Nicolò was just a tiny church (one can still see the Romanic crypt of the church at the end of Via Portica close to Piazza del Comune in Assisi). It only possessed a Missal.
In fact, Francis consulted a Missal, which still exists as a precious relic in Walters Art Gallery in Baltimore.16 Now, we know that a Missal would contain the readings (Epistle and Gospel) included within the other Mass antiphons and prayers. So, it would be very difficult to open it randomly and encounter Gospel texts. One might have ended up opening it in the Canon of the Mass or on a page where there was no Gospel reading at all. Francis opened the Missal three times and found three Gospel passages, all referring to the way of life, forma vitae, of the Gospel, namely Mk 10:21 [=Mt 19:21], Lk 9:3 and Mt 16:24.

The text of Mt 16:24 was found especially in the Mass Sacerdotes Dei of a Martyr Bishop in the Common of a Martyr outside Paschal time. Lk 9:3 was read in the Mass Spiritus Domini of the Thursday in the Octave of Pentecost. Mt 19:21 was read in the Mass Os justi of the Common of an Abbot, thus certainly on the feast of Saint Benedict (21 March). The Baltimore Missal, however, does not have this text, but rather Mk 10:21. There might have also been other texts, that eventually were inserted in the Regula non bullata, as we shall see, especially Lk 10:4-5 which was read on the feast of Saint Luke the Evangelist (18 October).17

The episode of the Gospel text that was read at the Portiuncula on the feast of Saint Matthias Apostle (24 February) is indicated as that of Mt 10:9-10. This is the text normally quoted in the episode of the Vita beati Francisci 22 by Thomas of Celano: “One day the gospel was being read in that church about how the Lord sent out his disciples to preach. The holy man of God, who was attending there, in order to understand better the words of the gospel, humbly begged the priest after celebrating the solemnities of the Mass to explain the gospel to him. The priest explained it all to him thoroughly line by line. When he heard that Christ’s disciples should not possess gold or silver or money, or carry on their journey a wallet or a sack, nor bread nor a staff, nor to have shoes nor two tunics, but that they should preach the kingdom of God and penance, the holy man, Francis, immediately exulted in the spirit of God.”18

A closer examination of the Gospel text, however, seems to suggest that the reading on that day was rather that of the version of Lk 9:1-10. The text of Mt 10:9-10 seems to have been read on the feast of Saint Matthias, whereas the text by Luke was read on the feast of Saint Luke (18 October). So, maybe, it would be also possible to point to this feast as the occasion when Francis heard the Gospel text in the Portiuncula, rather than on 24 February 1208. However, the Latin text of the Gospel as given by Celano definitely points to Mt 10:9-10 and not to Lk 9:1-10. So the problem of the exact date when Francis heard this Gospel text remains open. The indication to the feast of Saint Matthias is just a tradition, since none of the Sources mentions the exact day on which Francis heard this Gospel in the Portiuncula.

At this stage, it is important to try to reconstruct the use of these Gospel texts as they might have been found in the forma vitae of 1209, by referring to the same texts in the Regula non bullata of 1221.

### The Forma Vitae in the Regula non bullata?

The hypothesis of Gospel texts that are found in the Regula non bullata, and which might have been found in the forma vitae of 1209 remains what it is, a simple hypothesis. However, a close reading of chapters 1 and 14 of the Regula non bullata can help us reconstruct what might have constituted the Gospel texts that Francis had heard in the very beginning of his calling to follow the way of the life of Christ and the apostles.

“The rule and life of these brothers is this, namely, to live in obedience, in chastity, and without anything of their own, and to follow the teaching and footprints of our Lord Jesus Christ, Who says: If you wish to be perfect, go, sell everything you have and give it to the poor and you will have treasure in heaven; and come, follow me (Mt 19:21). And: If anyone wishes to come after me, let him deny himself and take up his cross and follow me (Mt 16:24). Again: If anyone wishes to come to me and does not hate father and mother and wife and children and brothers and sisters, and even his own life, he cannot be my disciple (Lk 14:26). And: Everyone who has left father or mother, brother or sister, wife or children, houses or lands because of me, will receive a hundredfold and will possess eternal life” (Mt 19:29; Mk 10:29; Lk 18:30).19

Given that we are dealing with the first chapter of the Regula non bullata, it is normal that here Francis would have inserted the most important and relevant texts relating to his vocation. Two of the texts which he read in San Nicolò are present,
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namely Mt 19:21 and Mt 16:24. The text of Lk 9:3 is quoted in chapter 14, where Francis speaks about the way the brothers should go out into the world without any possessions. These two texts in chapter 1 deal specifically with Christ’s words regarding the conditions for following him. The first one relates to Christ’s words to the rich man who wanted to follow him. We know the importance of these words in the life of Saint Francis, and particularly in the episode of brother Bernard of Quintavalle who distributed all his possessions to the poor after deciding to accompany Francis in his following of Jesus Christ. It seems that this text of Mt 19:29 was the basis of the calling of Francis, since it was the first text he encountered in the opening of the Missal in the church of San Niccolò. Regarding the second text, namely that of Mt 16:24, which was the last in the series that Francis discovered on that day, it insists upon the fact of taking up one’s cross to follow Jesus. So, in a certain way, after looking at the conditions for following Jesus and at the way in which one should follow him without any possessions, Francis concludes by looking at the real motive for the calling to follow the Lord, namely that of taking up his cross. Indeed, the other text of Luke 14:26 is also linked with the theme of the cross, since it includes another verse which states: And whoever does not carry their cross and follow me cannot be my disciple (Lk 14:27). The reference to Mt 19:29 and parallels is also highly significant, since it speaks about placing Jesus above all family ties and possessions. It would certainly have had a lot of meaning for Francis after his renunciation of his father’s possessions in front of bishop Guido II of Assisi. One could say that these texts were all at the back of his mind when Francis was composing his forma vitae, since they referred to significant events of his conversion and the beginning of the fraternity.

The other text, namely Lk 9:3, is found in chapter 14 of the Regula non bullata: “When the brothers go through the world, let them taking nothing for the journey, neither knapsack, nor purse, nor bread, nor money, not walking stick (Lk 9:3). Whatever house they enter, let them first say: Peace to this house. They may eat and drink what is placed before them for as long as they stay in that house (Mt 10:10; Lk 10:5.7). Let them not resist anyone evil, but whoever strikes them on one cheek, let them offer him the other as well (cfr. Mt 5,39). Whoever takes their cloak, let them not withhold their tunic. Let them give to all who ask of them and whoever takes what is theirs, let them not seek to take it back” (Lk 6:29-30).

The verse of Lk 9:3, which is the second text that Francis consulted in San Niccolò, is only partially quoted, namely in the words taking nothing for the journey, whereas the rest of the quotations are a mixture of texts from Matthew 10:9-10 and Luke 10:5.7. The first case is the discourse of Jesus to the apostles, before he sends them out on the mission. We know that this text is quoted as the one which Francis heard in the chapel of the Portiuncula on 24 February 1208. The other texts that are quoted, from Mt 5,39 and Lk 6,29-30, refer rather to the attitude of meekness in front of those who persecute the disciples of Jesus. So, in a certain way, Francis unites together the text referring to the mission of the Twelve in Matthew, to the text referring to the way in which Christ instructs the seventy-two disciples to go out into the world, and to the texts about not resisting the wicked and those who persecute Christ’s disciples. One could say that, an itinerant fraternity like the one Francis founded, needed some guidelines as to how to behave when the brothers were going into the world, which was to be their new cloister. That is why all these texts might have found their way in the primitive forma vitae presented in 1209.

We can state that most of the contents of chapters 1 and 14 of the Regula non bullata already existed in the forma vitae of 1209, since they provide the basis for the life of the Gospel of Francis and the first brothers, centred as they are upon the themes of poverty and itineracy. There must have been other practical issues that concerned the first brothers and were included in the forma vitae. Is it possible to find traces of them in the Regula non bullata?

According to Paolazzi, the original forma vitae consisted of a prologue with the promise of obedience to the Pope, the Gospel texts that Francis and his first companions consulted in the church of San Niccolò, with the addition of “a few other necessary things” for the life of the incipient fraternity. One of the themes that might have formed part of the original forma vitae would have regarded the practical way of entering into the new fraternity by implementing the words of the Gospel and give one’s possessions to the poor. This is the theme of chapter 2 of the Regula non bullata, which might have existed in its nucleus in the forma
in the houses of kings live in luxury

Gospel: sackcloth and other pieces, for the Lord says in the Gospel: Those who wear expensive clothing and live in luxury and who dress in fine garments are in the houses of kings (Lk 7:25).

Regarding chapter 3, which speaks about the divine office and fasting, it might be rather premature to see it as already present in the forma vitae. In fact, in the Legenda Maior of Saint Bonaventure, we find a very simple description of the prayer life of the first brothers at Rivotorto, which finds a confirmation in the Testament: “They spent their time there praying incessantly, directing their efforts mentally rather than vocally to devoted prayers, because they did not yet have liturgical books from which to chant the canonical hours. [...] When the brothers asked him to teach them to pray, he said: ‘When you pray, say Our Father, and We adore you, O Christ, in all your churches throughout the whole world, and we bless you, for by your holy cross you have redeemed the world.’” It could be that, at that early stage, the brothers did pray the office of the Our Fathers. Regarding fasting, one cannot think of the possibility of fasting as a hard and fast rule for a poor, itinerant fraternity of brothers who had nowhere to lay their heads and who did not know whether they would be given enough food on their journeys. They certainly observed the Gospel rule, which is mentioned in the same chapter of the Regula non bullata and which may have formed part of the forma vitae: “In accordance with the Gospel, it may be lawful for them to eat of all the food that is placed before them,” a reference to Luke 10.8.

Chapter 4 speaks about the relationship between the ministers and the other brothers. Again, this situation was not yet evident in 1209. However, there is a verse which might very much have formed part of the forma vitae, given that it refers to the golden rule of the Gospel: “Let them behave among themselves according to what the Lord says: Do to others what you would have them to do to you (Mt 7:12).”

A verse which would reflect Francis’ Gospel ideals even at the very beginning of his process of forming the fraternity would be that in chapter 6 of the Regula non bullata: “Let no one be called prior, but let everyone in general be called a lesser brother. Let one wash the feet of the other” (cfr. Mt 23:8; Lk 22:26; Jn 13:14). Even though it might have been too early to find a suitable name for the fraternity in 1209, namely that of fraternites minores, maybe the inklings that this could be the characteristic note of the brotherhood was present from the very beginning.

Chapter 7, dealing with the manner of serving and working, might be referring to a fraternity which is already rather structured. This would not have been the case in 1209. For example, the use of “hermitages and other places” indicates a more stable kind of life, which would not have been the case in 1209. However, there are some elements in the chapter which might have been considered necessary from the very beginning, like the obligation to work, the prohibition to receive money, the need to go and beg for alms. Maybe the most probable text would be the following, in verses 10 and 16: “Let all the brothers always strive to exert themselves in devotional prayers, because they did not yet have liturgical books from which to chant the canonical hours. [...].” It could be that, at that early stage, the brothers did pray the office of the Our Fathers. Regarding fasting, one cannot think of the possibility of fasting as a hard and fast rule for a poor, itinerant fraternity of brothers who had nowhere to lay their heads and who did not know whether they would be given enough food on their journeys. They certainly observed the Gospel rule, which is mentioned in the same chapter of the Regula non bullata and which may have formed part of the forma vitae: “In accordance with the Gospel, it may be lawful for them to eat of all the food that is placed before them,” a reference to Luke 10.8.

Chapter 8 is more explicit regarding the prohibition to receive money. It might have been the result of further developments in the Order. A verse which might have been there from the very beginning is the following: “The brothers can beg alms for a manifest need of the lepers. But let them beware of money.” The fact that the brothers served lepers from the very beginning of the Order’s existence would certainly justify this insertion in the forma vitae.

Chapter 9, regarding begging alms, might have been a central theme in the original way of life. The distinctive characteristic of the brothers was that of being poor and living among the poor and the lepers. The following expressions from the Regula non bullata might be an echo of what was written in the primitive forma vitae of 1209: “Let all the brothers strive to follow the humility and poverty of our Lord Jesus Christ and let them remember that we should have nothing else in the world except, as the Apostle says: having food and clothing, we are content with these (1Tm 6:8).
They must rejoice when they live among people considered of little value and looked down upon among the poor and the powerless, the sick and the lepers, and the beggars by the wayside. When it is necessary, they may go for alms. Let them not be ashamed and remember, moreover, that our Lord Jesus Christ, the Son of the all powerful living God, set His face like flint (Jn 11:27; Is 50:7) and was not ashamed. He was poor and a stranger and lived on alms - He, the Blessed Virgin and His disciples.”

It might be true that certain Scripture texts, especially those which are not found in the Gospels regarding the calling to follow Jesus, might have been inserted later on, as we know, by Caesar of Speyer. But the nucleus of what is said must certainly have formed part of the “necessary things” for the life of the primitive fraternity. The same can be said of two other expressions in the same chapter, namely, verses 10-11: “Let each one confidently make known his need to another that the other might discover what is needed and minister to him. Let each one love and care for his brother as a mother loves and cares for her son,” and verse 13: “Whenever a need arises, all the brothers, wherever they may be, are permitted to consume whatever food people can eat.”

The care of the sick brothers, described in chapter 10, might have been premature in 1209, but we know that it soon materialised in the Order. Maybe Francis could not have thought about this need at the very beginning, but the care of the brothers who fell sick during a journey would soon materialise in the history of the primitive fraternity.

Chapter 11, dealing with the love among the brothers, was certainly a necessary element of the primitive fraternity. Maybe the way it is developed with so many Scripture references does not refer to the situation of the brotherhood in 1209, but the gist of the expressions in the chapter could be taken as having formed part of the first rule of life.

The question of chastity and the avoidance of fornication, expressed in chapters 12 and 13, might have arisen when the fraternity became more numerous. These topics might not have been so urgent at the very beginning.

As we have said, chapter 14 certainly must have formed part of the forma vitae, since it contains some of the fundamental Gospel texts that Francis encountered in the beginning of his calling to follow Christ.

Chapter 15 regards the way of travelling of the brothers, which would not have constituted a problem in 1209, since the young fraternity had not yet gone out of the confines of Italy and neither did it need more sophisticated means of transport. Chapters 16 and 17 deal with two issues which form part of the history of the fraternity after 1217, when the brothers went to the missions, and especially “among Saracens and other non-believers” and when they began to go on preaching tours. In fact, all the other chapters, from chapter 16 onwards, portray an image of the Order as it might have looked after the Fourth Lateran Council of 1215. Thus the structuring of the Order’s hierarchy, the celebration of chapters, the reception of the Body and Blood of the Lord in accordance with the Council’s decrees, all point out to a situation which was far removed from the original simplicity of the forma vitae of 1209.

### Conclusion

Can we state that we can reconstruct the forma vitae which Francis presented to Pope Innocent III in 1209 and which is lost? Definitely not. Our suggestions do not have the slightest aim of pretending that such a thing is possible. But they are just indications of a hypothesis, which has been tried more than once. Although it seems so difficult to arrive at constructing the primitive test of the forma vitae, it should not be so difficult to ascertain what its contents might have been, given that the Regula non bullata is the end-product of a long and arduous journey of building the fraternity which began in 1209.

Our aim has been to show how this primitive document, which never received a final form, was essentially premised on the Gospel. The forma vitae of 1209 is wholly present in the Regula non bullata, which is evidently a document that has known a long history of drafting texts especially during the chapters of the Order, in response to the new needs of the same fraternity and its growth and development. The insertion of so many Scriptural texts in this document shows the complexity of this primitive document, which was “adorned” with Scripture in order to give more force to its inspirational nature of a way of life and rule for the brothers. Among these Scripture texts, those referring to the initial calling to follow Jesus in the way of life of the Gospel, are fundamental and are all present, particularly in chapters 1 and 14 of the Regula non bullata. In this way we can state that we are in a position at least to gather the essence of the contents of this primitive document, which never received a
written approval apart from the oral encouragement of Innocent III. Even so, the *forma vitae* remains the nucleus of the rule and life of the friars Minor, and it inspires all subsequent legislation, including the definite draft of the *Regula bullata* of 1223, which has crystallised once and for all the Gospel way of life of Francis and the brothers he called *fratres minores*.

NOTES


10. 1C 24 (FAED I, 203): Among these there was a man from Assisi with a holy and simple character, who was the first to follow devoutly the man of God.


12. L3C 46 (FAED II, 95). Latin text in *Fontes Franciscani*, 1418: Videns autem beatus Franciscus quod Dominus
fratres suos numero et merito augmentaret, cum iam essent duodecim viri perfectissimi sentientes idipsum, dixit illis unde decim, ipse duodecim dux et pater eorum: “Video, fratres, quod Dominus congregationem nostram vult misericordier augmentare. Euntes ergo ad matrem nostram sanctam romanam ecclesiam, notificemus summo pontifici quae Dominus per nos facere coepit, ut de voluntate et praecepto ipsius quod coepimus prosequamur.”

13 L3C 51 (FAED II, 98). Latin text in Fontes Franciscani, 1423: Et sic amplexatus est eum et regulam quam scripsert approbativ. Dedit etiam sibi licentiam praedicandi ubique poenitentiam ac fratibus suis, ita tamen quod qui praedicatere erant a beato Francisco licentiam obtinerent. Et hoc idem postea in consistorio approbativ.

14 Sulle tracce degli Umiliati, a cura di M.P. ALBERZONI, A. AMBROSIONI, A. LUCIONI, Vita e Pensiero, Università Cattolica del Sacro Cuore, Milano 1997, 174-175. Regarding the contents of the propositum vitae and the novelty of such an initiative to ask for papal approval, the authors write: Certo doveva essersi trovata in difficoltà una “mente giuridica quale Innocenzo III” di fronte a esperienze comunitarie di uomini e donne, sposati e non, chierici e laici, i quali chiedevano di essere inquadrati tutti insieme in una struttura unitaria all’interno della Chiesa; l’aspetto più complesso di una tale operazione stava proprio nell’originalità e nella molteplicità di esperienze presenti nel movimento. La soluzione proposta dal pontefice nacque da un desiderio di unità e disciplina, come fondamento per la vita di tutta la Chiesa, pur nel rispetto della varietà degli Ordini: tutti gli Umiliati, sia i laici “qui cum uxoribus suis vivunt”, sia le donne “qui vivent cum viris”, sia gli uomini e le donne “qui vitae propris formidantes deformia et turpia detestantes seorsum vivere referuntur”, sia i clerici, quali ad esempio i prepositi destinatari della lettera; tutti costoro dovevano conformarsi “in unum honestum et regulare propositum”, e vivere “sub una regula et regulari unitate”; sarebbero diventati insomma una religio nel senso canonico del termine.

15 L3C 28-29 (FAED II, 85-86).


17 L.F. MILLER, Missal W.II of the Walters Art Gallery in Baltimore, in Traditio, Vol. 2 (1944) 123-154. Paper in www.jstor.org (retrieved 17 December 2019), makes a detailed study of the Missal that Saint Francis consulted, which would have included the Masses we refer to. I had the privilege of seeing the Missal in Walters Art Gallery in Baltimore about ten years ago, but unfortunately I did not have the time to check the Gospel texts that I am referring to. A. THOMPSON, Francis of Assisi: A New Biography, Cornell University Press 2012, 194: The Walters missal does not include Matt. 19:21 (quoted in AP 11 as the first text found), but it does include the parallel in Mark 10:21.


19 ER 1 (FAED I, 63-64). Latin text: FRANCESCO D’ASSISI, Scritti, 242: Regula et vita istorum fratum haec est, scilicet vivere in obedientia, in castitate et sine proprio, et Domini nostri Jesu Christi doctrinam et vestigia sequi, qui dicit: Si vis perfectus esse, vade et vende omnia (cfr. Lc 18,22) que habes et da pauperibus et habelis thesaurum in celo, et veni, sequere me (Mt 19,21). Et: Si quis vult post me venire, abneget semetipsum et tollat crucem suam et sequatur me (Mt 16,24). Item: Si quis vult venire ad me et non odit patrem et matrem et uxorem et filios et fratres et soredes, adhuc autem et animam suam, non potest meus esse discipulus (Lc 14,26). Et: Omnis qui reliquerit patrem aut matrem, fratres aut sorores, uxorem aut filios, domos aut agros propter me, centuplum accipiet et vitam eternam possidebit (cfr. Mt 19,29; Mc 10,29; Lc 18,29).

20 ER 14 (FAED I, 73). Latin text: FRANCESCO D’ASSISI, Scritti, 264: Quando fratres vadunt per mundum, nichil portent per viam (cfr. Lc 9,3), neque sacculum neque virgam (cfr. Mt 10,10). Et in quacumque domum introverint, dicant primum: Pax huic domui (cfr. Lc 10,5). Et in eadem domo manentes, edant et bibant que apud illos sunt (cfr. Lc 10,7). Non resistant malo (cfr. Mt 5,39) sed si quis eos in maxillam percusserit, prebeant ei et alteram (cfr. Mt 5,39 et Lc 6,29). Et qui auffert eis vestimentum, etiam tunicam non prohibeant (cfr. Lc 6,29). Omni petenti se tribuant; et si quis auffert ea que sua sunt, non repetant (cfr. Lc 6,30).

21 FRANCESCO D’ASSISI, Scritti, 234.

22 ER 2,12.14 (FAED I, 65).

23 LegM 4,3 (FAED II, 551).

24 ER 3,13 (FAED I, 66).

25 ER 4,4 (FAED I, 66).

26 ER 6,3 (FAED I, 68).

27 ER 7,10.16 (FAED I, 69).

28 ER 8,10-11 (FAED I, 70).

29 ER 9,1-5 (FAED I, 70).

30 ER 9,10-11.13 (FAED I, 71).
The Translation of the body of Saint Francis to the burial crypt (lower basilica)

The mortal remains of Saint Francis of Assisi were solemnly transported from the church of San Giorgio in Assisi, where they had been buried on 4 October 1226, to the crypt of the basilica which Pope Gregory IX had ordered to be built in honour of the Saint. The day of the transferral of the relics was 25 May 1230. The building of the basilica, Sacro Convento and papal palace had been entrusted by Pope Gregory IX to the able hands of Brother Elias of Assisi, who had been vicar of Saint Francis from 1220 to 1227. The account of the transfer of the mortal remains of Saint Francis was documented by Julian of Speyer in his Vita Sancti Francisci 76 (FAED I, 420):

“The most holy body was translated to that same most holy church which had been constructed outside but near the walls of the city, on Saturday, the eighth of the calends of June, 1239, with such great solemnity that it cannot be briefly described. So great a multitude of people had come together for the celebration of this translation that the city was not able to contain them, and they camped all around the fields like sheep.”

Elias had ordered that the body of the Saint be placed under the altar, closed in a stone sarcophagus weighing 12 quintals, in its turn closed within an iron cage and covered with heavy slabs of travertine upon which concrete was poured to cement it. It was only after many centuries that the sacred relics lay hidden in this tomb, during which many began to doubt whether that was the true place of the tomb of Francis, that Pope Pius VII gave permission to proceed to recover the hidden tomb, and thus it was possible to discover the body of Saint Francis on 12 December 1818.

Elias had ordered to dig the tomb of Saint Francis under the main altar of the lower basilica. The tomb consisted of a square room some 3.5 metres deep and 3.6 metres wide. Travertine slabs and stones from Mount Subasio were placed in it. The exact place was well known by many who witnessed the works in progress, including Giovanni Parenti, Minister General of the Order, and many of the companions of the Saint who lived in the Sacro Convento. In 1279 the Magistrates of Assisi had declared that they knew exactly the place where the body of the Saint was securely buried in the church of the friars Minor. In 1330 Fr. Francesco Bartholi gave witness to the tomb in the Tractatus de Indulgentia Portiunculae. Instead, Bernard of Besse, in the Chronica XXIV Generalium Ordinis Fratrum Minorum, concluded in 1374, stated that no one, except Elias and some close collaborators, who organised a secret transfer of the relics, knew exactly where they were put to rest.

The holy relics were lowered in this small crypt within the open sarcophagus upon which there were three travertine slabs. The body lay facing south and the feet facing north. The sarcophagus
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was lowered with ropes and enclosed within the iron cage. The holy remains could be seen with some difficulty from above, at least until the main altar was placed in the very centre of the cross-shaped crypt or lower basilica.

Biographical Sources related to the tomb of Saint Francis prior to 1818

Ever since the Encyclical Letter of Brother Elias regarding the death of Saint Francis, all Franciscan medieval sources speak about the burial of the Saint in the church of San Giorgio in Assisi, on the day following his death on 3 October 1226. Later on, some also add the account of the translation of the holy relics to the new basilica. This event, seemingly a glorious celebration of the holiness of Saint Francis, also had its dark moments. We are not sure of what exactly happened during the translation of Francis’ relics and the celebration of the Pentecost Chapter. Gregory IX’s reaction is found in the Bulla Speravimus hactenus of 16 June 1230, addressed to the bishops of Perugia and Spoleto. In the document the Pope condemns the citizens of Assisi, who ventured to threaten the priestly office (sacerdotalis officium) during the translation (translatio) of the relics. As a disciplinary procedure the Pope declared that the privileges granted to the basilica were to be revoked and it was again subjected to Episcopal jurisdiction. With the Bulla Is qui (22 April 1230) Pope Gregory IX had declared the new basilica caput et mater Ordinis Minorum (head and mother of the Order of Minors). The conventus was put under an interdict, and no General Chapters were to be held there (Rosalind B. Brooke, Early Franciscan Government, 137-143).

On 6 June 1279 a document by the podestà (mayor) of Assisi Giacomo di Angelo Malabranca, which is now conserved in the archives of the Sacro Convento in Assisi, stated that the body of Saint Francis was buried whole in the crypt and that no relics of the Saint were to be found outside the tomb. The question of the integrity of the body of Saint Francis was challenged by some who held that the heart and intestines of the Saint had been buried at the Portiuncula. These doubts led to the theory that the body of Saint Francis was not to be found at all in the hidden tomb of the lower basilica. This theory was presented by the Franciscan Observant friar Flaminio Annibaldi da Latera, in his Manuale dei Frati Minori, published in 1776 in Rome. This friar enkindled a long drawn polemic between the Conventuals and Observants regarding the truthfulness of the presence of the holy relics of the body of Saint Francis in the tomb of the lower basilica of Assisi. The Conventuals made recourse to their Cardinal Protector Giovan Battista Rezzonico of Venice, so that he would ask the inquisition to condemn the Manuale by Annibaldi. The question was never solved and the polemic continued in earnest. The matter was finally resolved with the opening of the tomb of the Saint in 1818 and with the publication of the Conventual Nicolò Papini, Notizie sicure della morte, sepoltura, canonizzazione e translazione di S. Francesco d’Assisi e del ritrovamento del di lui corpo, Firenze 1822.

Attempts to find the Tomb of Saint Francis before 1818

There had been some attempts to make digs to reach the underground tomb of Saint Francis before 1818, with the hope of discovering the body of the Saint. The first attempt was made by the commune of Assisi on 13 September 1467, which asked the Custodian of the Sacro Convento, Fr. Francesco da Force, to explain why he had ordered the removal of some stone slabs around the main altar of the basilica of Saint Francis. Papini documents also another dig which was made during the generalate of Fr. Rinaldo Graziani in 1509-1510.

Two Popes had ordered the sealing and closure of the tomb, namely Eugene IV in 1442 and Sixtus IV in 1476. For over two centuries it had been possible to approach the tomb through a narrow corridor that from the choir led to the burial chamber. In 1442 the citizens of Perugia, led by Niccolò Piccinino, after having ransacked the town of Assisi, tried to steal the body of the Saint. They did not succeed with force, but tried to convince the Pope that the relics could be preserved more securely in Perugia. Pope Eugene IV, however, was adamant that the relics of the body of Saint Francis should not be moved from their final resting place, and he ordered the closure of the corridor leading to the tomb. However, we know that in 1449, Pope Nicholas V paid a visit to the tomb. The last Pope to set foot in the corridor to see the tomb was the Franciscan Sixtus IV (Francesco della Rovere),
who in 1476 ordered the total closure and sealing of the access to the tomb.

The first author who documents a serious attempt to dig in order to find the tomb of Saint Francis was the Conventual Pietro Ridolfi da Tossignano. He states that this dig had the permission of Pope St. Pius V and was ordered by the Minister General Fr. Giovanni Pico da Serra Petrona (Macerata). This attempt was unsuccessful, because of the impossibility to go through the cement and concrete that covered the upper section of the tomb chamber. The date of this dig was roughly between Pentecost 1571 and April 1572. Other attempts were equally unsuccessful, like the one accomplished in 1607 for the benefit of Cardinal Paolo Emilio Sfondrati, nephew of Pope Gregory XIV. Since tensions between the commune of Assisi and the friars of the Sacro Convento could ensue each time attempts were made to open the tomb, the Holy See prohibited, under pain of excommunication, any future digs in order to reach the burial chamber of Saint Francis.

A certain Franciscan Conventual friar, who had been sent away from Assisi accused of some kind of misconduct, took his revenge by going to the prior and councillors of Assisi, accusing the friars of the Sacro Convento that they had tried to reach the underground burial chamber when Cardinal Sfondrati visited Assisi. The Commune of Assisi regarded itself as the civil authority having the duty to protect the holy relics. There was also a suspicion that the friars tried to hide their attempts to dig in the north transept of the lower basilica, below the fresco of the Crocifissione by Pietro Lorenzetti. What happened was that the conventual chapter had given permission to Camilla Peretti, sister of the Franciscan Conventual Pope Sixtus V, to build a marble altar against the fresco in order to eventually place holy relics there. This attempt damaged beyond repair the famous fresco of Lorenzetti. During the dig a worker discovered an alcove in the wall, and many thought that it was hiding the secret corridor which led to the underground burial chamber of Saint Francis. The protests made to the Holy See saw the intervention of the Secretary of State Cardinal Scipione Caffarelli-Borghese, the Protector of the Order of Friars Minor Conventuals, Cardinal Alfonso Visconti, and the Minister General Fr. Giuseppe Pisculli da Melfi. That is why the prohibition under pain of excommunication was promulgated on 28 August 1607.

This exaggerated enthusiasm to find the body of Saint Francis in a lower chamber led to some fantastic experiences described in fake documents. Indeed, even Cardinal Prospero Lambertini, who was to become Pope Benedict XIV, in the Bulla Fidelis Dominus of 25 March 1754, in which he declared the basilica of Assisi a “patriarchal basilica and papal chapel”, described the building as consisting of three churches, and thus implying that the burial chamber itself was the third and lowest church which was still undiscovered.

During the pontificate of Benedict XIV Fr. Ubaldo Tebaldi, a famous historian of the Order, lived in the Sacro Convento. He was an expert in paleography, worked in the Vatican Library and was also librarian and archivist in the Sacro Convento, where he discovered the Codex A. 686, containing the Vita secunda by Thomas of Celano. It was he who convinced Benedict XIV to revoke the decree of Paul V of 1607, in order to give permission to dig in order to find the tomb of Saint Francis. The excavation began immediately after Christmas 1755. The works were secretly carried out at night and continued until February 1756, starting from beneath the Crocifissione of Pietro Lorenzetti. This dig organised by Tebaldi had to be interrupted, but was helpful in the sense that the expert historian concluded that there was no “third church” underneath the lower basilica and that the body of Saint Francis was not buried standing up, but was placed lying down in the stone sarcophagus.

Tebaldi wrote a report of the excavation and addressed it to the Minister General Fr. Federigo Lauro Barbarigo on 15 August 1786. His report was full of errors, and he never did, in fact, arrive close enough to the actual tomb, even though he believed he had found it. He never told his three close collaborators, but ordered them to fill the dig with stones in order to hide the way to the tomb. He thought that Saint Francis was lying some 35cm underneath the altar, but in fact the sarcophagus was found at a depth of 3.5 metres. The Franciscan Conventual scholar wrote to Pope Benedict XIV to inform him of his discovery. The Pope imposed silence, under pain of excommunication, since he wanted to come personally to Assisi to verify the find before announcing it to the world. In the meantime Tebaldi died in Rome on 3 May 1758 aged 83. The letter that he had sent to the Minister General Federico Barbarigo was left under the care of Fr. Francesco Antonio Contarini. It was only
Barbarigo and Contarini who knew the contents of the report. When Contarini died the report passed on to Fr. Stefano Rinaldi, who never gave the secret away, even when the Minister General Nicolò Papini wanted to give a try to another excavation.

Sixty years had passed since the excavation done by Tebaldi (1755-1756). Nicolò Papini, who had been Custodian of the Sacro Convento (1802-1803) and who in 1806 was Minister General, requested an audience with Pope Pius VII, in which he presented the project of the excavation and asked for authorisation to go ahead and find the body of Saint Francis. The Pope willingly gave permission, but recommended absolute secrecy. Papini nominated an operative commission under his presidency, having has his right-hand man the Custodian of the Sacro Convento Fr. Angelo Gamberini and eight religious who were bound to secrecy. Papini decided to begin the excavation from the floor under the pontifical throne, which is found in the corner between the main aisle and northern transept of the lower basilica, between the pulpit and the main altar.

The friars dug a narrow corridor for a distance of roughly seven metres. After two months of backbreaking work, always done during the night, they finally arrived underneath the altar to the spot where the concrete covered the underground burial chamber. During the day the pit leading down to the underground corridor was covered with the platform of the throne, and the remains of the digs were transported to a room behind a chapel of the basilica.

The excavation began on the night of the last days of November 1806. Papini committed the same mistake of Tebaldi and ordered the dig on a higher level, and therefore the corridor ended up against the thick layer of concrete, which from the 15th century hid the upper chamber from the real burial chamber, which was found deeper in the earth and in which the sarcophagus of Saint Francis had been placed. Papini was informed of the dig and also of the fact that the excavators had arrived close, but were too high up from the burial chamber. So he ordered a temporary stop to the excavations, given that the nights were shorter and the warmer season was approaching. To make matters worse, during that period Napoleon Bonaparte had imprisoned Pius VII and the Minister General Fr. Giuseppe Maria De Bonis. On 10 June 1810 Napoleon suppressed all religious Orders in Italy. The times were bad and it seemed that the tomb of Saint Francis could not be found, since the Order of Conventual Franciscans itself was threatened with extinction.

**The discovery of the Tomb of Saint Francis**

After the defeat of Napoleon, Pius VII returned to Rome on 24 May 1814, as did the Minister General De Bonis. At first the Minister General could not devote much energy to the continuation of the excavations to find the Tomb of Saint Francis, because of internal problems within the Order. But soon things took a dramatic change. A rumour was spread that the few friars who remained in the Sacro Convento during the Napoleonic occupation succeeded in penetrating to the tomb and even saw the remains of Saint Francis. In order to calm down the rumours, on 2 August 1818 the Procurator general of the Conventuals, Fr. Giuseppe Maria Miceli, came to Assisi personally to verify matters. He met a certain friar, Giuseppe Rossignoli from Montelupone (Macerata), who testified that he personally had gone down to the tomb by removing a stone slab in front of the altar of the Immaculate Conception, which used to exist under the Maestà of Cimabue, in the southern transept. This event happened twice, in 1812 and 1816. On the second attempt he confirmed that he had been successful. He could open the big door of the “third church”, which was so tiny that hardly three persons could enter it. He also divulged the description of the miraculous posture of the body of Saint Francis standing up as if glorified, and even gave to Miceli a piece of the hood and habit of Saint Francis, which he claimed to have cut personally to keep as relics.

Fr. Miceli then returned to Rome to inform the Minister General and to encourage him to order the excavations to proceed once more in order to find the mysterious “third church” in which Saint Francis was buried. De Bonis went to Pope Pius VII and asked for permission to proceed once more with the excavations that his predecessor Nicolò Papini had started in 1806. On 12 September 1818 the Pope gave permission to De Bonis to proceed. The entry to the “third church”, according to Rossignoli, was possible by using the “keys of Saint Francis”, which he had secretly found in the room of the Custodian of the Sacro Convento, Fr. Bonaventura Zabberoni.
The historical account of what happened is described by an anonymous Conventual historian in the volume *Brevi e distinte notizie sull’invenzione, e verificazione del Sagro Corpo del Serafico Patriarca San Francesco di Assisi*, published in Rome in 1820. Miceli and De Bonis arrived in Assisi on 2 October, together with Fr. Antonio Maria Latini, General Assistant of the Order, Fr. Giuseppe Maria Loreti, Secretary general, Fr. Clemente Rizzi, pro-Secretary, and met Fr. Bonaventura Zabberoni, Custodian of the Sacro Convento, together with three lay brothers, Br. Luigi Mattei, Br. Donato Galassi and Br. Giacomo Amelio, who were to work as excavators. They went down to the lower basilica at night and removed the slab in front of the altar of the Immaculate Conception, which used to be found close to the fresco of the *Maestà* by Cimabue, in the right transept of the basilica. They went down to a small crypt, but they only found bones of the dead. They decided to proceed the works during the following nights. De Bonis also asked for the expert help of the builder of the Convent, Cesare Mariani and of the lay brother Tommaso Rondoni, binding all those involved under pain of excommunication to keep the papal secret. They continued excavating until the night of 6 October, when they arrived on the bed-rock of the hill, and thus concluded that the place was not the Tomb of Saint Francis.

De Bonis severely reprimanded Rossignoli, since the Conventual friar had obviously invented the whole story, and even convinced the Minister General to accept his fake declaration, which he signed under oath. De Bonis then consulted with Miceli and Zabberoni about the course of action to take, since he could not possibly inform the Pope that the whole initiative was born out of a false declaration by a Franciscan friar and thus make the Order’s reputation fall in dishonour. For a whole week the Minister General kept silence, but at the end Br. Giacomo Amelio suggested to him to make excavations from the point where Papini had ordered them to be made, namely from underneath the papal throne. Amelio had been an eye-witness of those excavations. Papini had ordered a halt to the excavations in February 1807. De Bonis approved the project. Since on 15 October he had to leave for a visit to the friaries in Perugia and other parts of Umbria, he delegated Bonaventura Zabberoni, Custodian of the Sacro Convento, to direct the whole project, starting from underneath the papal throne, on the corner of the left transept of the lower basilica with the central aisle of the same basilica.

The excavators had to remove the stones and earth that had been thrown inside by the previous excavators to hide the entrance to the corridor they had dug. They soon found the low and narrow corridor, where they had to excavate kneeling down on the floor, until they arrived under the main altar. At that point they met a strong block of concrete which they had to break with heavy blows of pickaxes, mattocks and hammers. The work was backbreaking. The instruments broke countless times, and the excavators had to adjust them by sending them to different iron-smiths in Perugia and Foligno, so as not to arouse suspicion on what they were up to. After removing the concrete, they found a square chamber with dressed stones all around. Underneath they found another large slab of travertine which was encased on all sides in the walls of the chamber. Once more they had to break it in pieces with great difficulty, since it was 20cm thick. They then found another layer of 5cm of concrete, and underneath a second slab, identical to the first one, which was also encased in the walls. While they were breaking it they heard a kind of hollow noise, which indicated that there was some empty space beneath. When they removed it they found a third stone slab. When they dug a hole into its side they could see an iron cage which was covering a sarcophagus. Through the spaces of the cage they lowered a candle and with the light of the candle they could distinctly see the remains of a skeleton. Since they did not dare to break the third slab, they stuck to it a great iron ring with the help of lead, and then with a lever they succeeded in rising the slab more than half a metre. Then they introduced the candle once again, and they could see the skeleton in full length, from head to feet. Thus they concluded their excavations that had taken 52 nights. On the night of 12 December 1818 the body of Saint Francis was found.

Zabberoni sent a detailed report to the Minister General Fr. Giuseppe De Bonis, who informed Pius VII. The same Custodian gave witness to the excavation works in front of the Bishop of Assisi, Francesco Maria Giampé, during the juridical process in which the Bishop presided as Apostolic Delegate.

Thus on 12 December 1818 the excavators had found a human skeleton under the main altar of the lower basilica, lying in the bottom of a travertine sarcophagus, which was encased in an iron cage. The skeleton was found with all the bones in place, but when it came into contact with air, the hands
that were resting on the stomach went down with the same stomach.

Zabberoni ordered the works to stop and to block the entrance to the burial chamber. Up to that moment the works had been done in absolute secrecy, but as the days passed in December the news that the body of Saint Francis had been found began to spread, even though the friars tried hard to keep the silence in order to wait for the final decision of the Pope, to whom the Basilica was immediately subject. In Rome De Bonis was informed that a skeleton had been found under the altar of the basilica. He believed that it was truly the body of Saint Francis, even though popular belief had always insisted that Saint Francis lay in the Tomb in an incorrupt state. De Bonis informed the Pope and sent a signed Notification to Pius VII on 22 December 1818. The Pope then ordered that a juridical osteology and recognition of the skeleton be conducted, and that after its conclusion the burial chamber be again sealed, under pain of excommunication reserved personally to the Supreme Pontiff. The Notification of De Bonis arrived in Assisi on Christmas day of 1818 and the Custodian of the Sacro Convento read it publicly to the friars in the refectory, declaring that the body of Saint Francis had been truly found.

On 8 January 1819 Pius VII published the Brief Ex parte dilecti filii, in which he ordered the official recognition of the remains under the main altar on the part of a Pontifical Commission. The formal act was carried out between 26 January and 1 February 1819 with the help of various experts. The Pontifical Commission was composed of five bishops of Umbria, the Apostolic Delegate, Francesco Maria Giampé, Bishop of Assisi and the bishops of Nocera Umbra, Spoleto, Perugia and Foligno.

On 26 January 1819 the Apostolic delegation entered the corridor leading to the burial chamber, together with the Minister General De Bonis, expert architects and a notary. They took note of the excavations that had been made and then had to face the problem that they could not possibly carry the last remaining stone slab through the corridor. So they took the unfortunate decision to break the wall on the northern section up to the floor of the church and therefore take out the slab from that place, together with the upper iron grate of the cage that enclosed the sarcophagus. They also broke down the wall on the western section in order to enlarge the burial chamber so that all the persons who had to assist in the operation could enter.

The medical experts concluded that the skeleton found under the main altar belonged to an adult man. On 1 February 1819 the protagonists of the excavation were interrogated by the Papal Commission and then an osteological study of the bones was carried out. The Instruction of the Sacred Congregation of Rites established how the archaeological and medical study of the burial chamber and remains were to be conducted. It took note of the fact that the burial chamber had been dug in the rock of the mountain and that the body of the Seraphic Father had been placed in the sarcophagus and lowered down into the tomb, and had never been disturbed ever since Brother Elias had arranged for its burial. The medical experts then gave a thorough description of the remains of Saint Francis in the sarcophagus.

The experts also noted that, given that the burial chamber was not air-tight any longer and that air and humidity could easily infiltrate and thus harm the fragile remains of the bones, it was necessary to place the skeleton in a special box, whereas the broken pieces of the skull, fractured bones and bone fragments could be placed in two small boxes. The experts also gave a thorough description of the various bones of the skeleton. They concluded that the detailed examination of the bones pointed to the skeleton of an adult, middle-aged man, who was rather short in stature.

The three wooden boxes made of fir tree wood were prepared in order to place the bones for future conservation. The boxes were placed in an iron casket, which was gilded inside. They were ceremoniously carried to the secret sacristy, having upon them the seals of the five bishops. Then they closed and sealed the door of the sacristy and gave one key of the iron casket to Bishop Giampé of Assisi and the other key to Fr. Zabberoni, Custodian of the Sacro Convento. In the recognition of the Saint’s remains the experts had found a stone brick close to the skull in the tomb, and they concluded that it could have served as a head-rest for the skeleton. The experts also found some coins dating from the 11-14th centuries. These are now preserved as relics in the chapel of the relics in the same basilica. The metal urn containing the relics of Saint Francis remained closed in the secret sacristy for four years, namely until the present crypt was dug underneath the lower basilica, from where the faithful can venerate the relics of the
saint in the sarcophagus under the main altar but above the floor level of the underground crypt. The fenestella confessionis in the steps of the main altar of the lower basilica marks the original place from where pilgrims could venerate the relics of the saint and look down towards the burial chamber.

The final conclusion of the experts was that there never existed a “third church”, that the body found under the altar of the lower basilica of Saint Francis was unique, and without any other remains of other skeletons, and that with all probability it was the same body of Saint Francis.

The indications of the Commission and the affirmative response of Pius VII

The five bishops who were Apostolic Delegates wrote a letter on 2 February 1819, and sent it to Pius VII. In it they summarised the works that had been carried out, and manifested to the Pope their opinion regarding the identity of the skeleton that had been found. Among other things they declared:

“The constant oral tradition, and also the written testimonies that have already been published, all indicate that the body of the Holy Patriarch lies not only under the lower Church of the Patriarchal Basilica, but precisely under the papal altar. We have verified this, since we found the stone urn which contains the skeleton, and which is situated perpendicularly under the same papal altar, although some palms beneath, in front of which there are lamps burning day and night. The diligence to hide this place under three great slabs, and to place the stone casket encased between two thick iron grates, one above and one below, and to tie them together with ten thick iron rods, in such a way that the said tomb, or better still the stone sarcophagus, lies shut and encased within them, provides an argument in favour of the fact that in that casket was laid the body of a dead man of great fame and holiness. Since the Bishops might still have had some doubts regarding the identity of the Body, since they found nothing else inside or outside of the same stone urn which we have mentioned so often, we are in the state of indicating clearly that the remains are those of the Holy body of Saint Francis.” (Acts of the Juridical Process of Assisi)

The decisive final word had to be uttered by the Pope, since he had reserved for himself the delicate question of the identity of the body of Saint Francis. During February 1819 Pius VII examined the acts of the Juridical Process of Assisi concerning the identity of the body found in the basilica, which had been sent to him by the five bishops delegates. Since there were still some doubts regarding the identity, as the bishops themselves had manifested, the Pope decided to ask for ulterior analyses and discussions, which had to be widened to include all the Franciscan families, especially the Observant Franciscans, who were mostly critical of the whole project. On 4 March 1819 Pius VII asked Luigi Gardellini, assessor of the Sacred Congregation of Rites, to write a letter to the Minister General of the Conventuals, ordering him to find an expert and trustworthy person who could present a report on the facts. The Conventuals chose the lawyer Francesco Guadagni, who in five months of intense work prepared a report in latin, with a foreword by the Minister General De Bonis, published in Rome in 1819 and entitled De invento corpore Divi Francisci Ordinis Minorum parentis.

In the first section of his report Guadagni explained the methodological structure of his work, stating that he based his conclusions on the constant tradition, founded upon the Bullae of Popes and upon the writings of historians, who all declared that the body of Saint Francis had been buried in his basilica ever since 1230. He referred to the Popes, beginning with Gregory IX, who enriched the church of Assisi with privileges and exemptions, submitting it directly under the authority of the Holy See, precisely because of the presence of the tomb of Saint Francis. All historians, starting from Celano, indicated the basilica as the place of the glorious sepulchre of the saint. When he answered the objection regarding the lack of an inscription that could indicate in loco the identity of the skeleton that was found, Guadagni stated that maybe Brother Elias did not have the time to place it, because of the need to bury Saint Francis in haste. He did not exclude that, maybe, Brother Elias could have engraved it on some stone, which was destroyed during the excavations, or else that he could have painted it on the stones, but it was cancelled by humidity and time. When the report of Guadagni was concluded, De Bonis presented it to the Pope, asking him to appoint a Congregation that could judge whether the skeleton that was found truly belonged to Saint Francis. Pius VII appointed the Congregation on 24 August 1819, and entrusted it with examining
the entire documentation regarding the tomb of Saint Francis, the Acts of the juridical Process of Assisi, and the arguments presented by Guadagni. The special Commission was composed of four cardinals, namely Giulio Maria Della Somaglia, Bishop of Porto e Santa Rufina, dean of the Sacred College, vice-chancellor of the Church and Prefect of the Congregation of Rites; Benedetto Naro, Prefect of the Congregation of Indulgencies and Relics; Lorenzo Litta, Bishop of Sabina and Vicar for the diocese of Rome; and Alessandro Mattei, Bishop of Ostia and Velletri, Prefect of the Sacred Congregation of Ceremonial and of the Fabbrica di S. Pietro. The Commission also included some expert theologians.

The special Commission of Cardinals, after having prudently examined all the aspects of the question, took a secret vote on 17 July 1820 in which it gave a “positive response” regarding the identity of the body found in Assisi. For the prelates and theologians of the commission the remains were those of Saint Francis, which had been buried there by Brother Elias on 25 May 1230. Now it would be up to Pius VII to take note of the votes of the members of the Congregation. The Pope expressed his favourable judgment on 1 August 1820, when he decreed that “it results that the identity of the body is that of the body of Saint Francis.” The news was transmitted to the Order through an encyclical letter of the Minister General De Bonis of 2 August 1820, announcing that the Pope had given his favourable verdict on the matter. On 5 September 1820 Pius VII published the Brief Assisiensem basilicam, in which he decreed to put an end to all controversy, and pronounced his definite judgment regarding the fact that the skeleton discovered under the altar of the lower basilica was that of Saint Francis: “apostolica auctoritate, tenore praesentiumedicimus, ac declaramus, constare de identitate corporis nuper sub ara maxima inferioris basilicae Assisiensis inventi, illudque revera corpus esse s. Francisci ordinis Minorum fundatoris.”

**Celebrations following the discovery of the body of Saint Francis**

In the encyclical letter which he sent to the friars of the Order on 5 September 1820, De Bonis ordered that a triduum of prayers be celebrated in all the churches of the Order, with the singing of the antiphon Salve, Sancte Pater, the benediction of the Blessed Sacrament, and the singing of the Te Deum as a conclusion. In the basilica of the Santi Apostoli in Rome, seat of the General Curia of the Friars Minor Conventuals, the solemn triduum was celebrated on 15-17 September 1820, and was concluded with a visit by Pius VII.

In Assisi there were enthusiastic celebrations, organised also by the Commune, as well as by the diocese and the Franciscan families. When the decision of Pius VII arrived on 4 August 1820 the Bishop Giampé ordered that the bells of all the churches in the city be rung at noon, and that the basilica of Saint Francis be illuminated with torches, together with the arcades, the Rocca, and many other churches. On 24 September the Commune and the chapter of canons of the Cathedral of San Rufino organised a solemn Mass “with music with violins and foreign cantors, and with the singing of the Te Deum.” All the representatives of the Franciscan families were invited, led by the Custodian of the Sacro Convento, Fr. Zabberini, and the friars minor Conventuals, Observants and Riformati, represented by the Minister provincial and guardian of the Portiuncula, the Minister provincial and guardian of San Damiano, the guardian and vicar of the hermitage of Le Carceri, the guardian of Chiesa Nuova, and the guardian and vicar of the Capuchins.

Popular celebrations included street illuminations and fireworks. The Friars Minor Observants of Santa Maria degli Angeli celebrated a solemn triduum for the feast of Saint Francis, with sung Masses, Vespers and the Te Deum. On 4 October, solemnity of Saint Francis, the religious celebrations in the cathedral of San Rufino were presided by Bishop Giampé, in the presence of Cardinal Antonio Doria-Pamphili, chamberlain of the Sacred College, Bishop Lucchesi of Foligno, and other prelates.

**Conclusion**

The work of secret excavation lasted 52 nights, until 12 December 1818. It had presented insurmountable difficulties. When the tomb had been discovered, an ad hoc Commission made up of bishops from Umbria, together with lay experts and notaries, could finally proceed to re-open the tomb and make a careful study and recognition
of the mortal remains of the Saint, reduced to the state of skeleton. When they had concluded their analyses and published the normal acts of the process, Pius VII published a Brief on 5 September 1820, declaring as certain and without any shadow of doubt the identity of the body of Saint Francis. Pius VII wanted that the recognition of the body of Saint Francis would be considered as the most important event of 1820, and ordered that the Pontifical mint issue a commemorative medal that was ready for the feast of the Apostles Saints Peter and Paul in 1821. On its back section was depicted the Pope with the words: “Pius VII Pont. Max. Anno XXII”. On the front side was shown an assembly of bishops and apostolic delegates in the tomb where the sarcophagus of Saint Francis was found, with the inscription: “S. Francisci Sepulcrum Gloriosum MDCCCXVIII.”

It is interesting to note that Pius VII, while declaring the absolute order not to move the relics from the original place where the body of Saint Francis was found, ordered also at the same time the excavation of a dignified crypt which could provide easy accessibility to the tomb. The crypt was excavated in a neo-classical style by the architect Pasquale Belli, whereas in 1926-1932 the architect Ugo Tarchi transformed it in a neo-romanic style in order to give it an air of simplicity. Nowadays the crypt can be visited by pilgrims. Underneath the main altar of the lower basilica they can venerate the stone sarcophagus which has held the remains of the “poverello” of Assisi for centuries.

On 24 January 1978, with the permission of Saint Paul VI, a new recognition of the body of Saint Francis was undertaken. Besides confirming the data which were found in the preceding process of recognition, it also permitted experts to undertake a further conservation project for the remains, which were placed in a small plexiglass box, in its turn closed within the bronze casket of 1820, and then deposited in the original stone sarcophagus. The successive recognition studies of the body, undertaken in 1994 and on 25 March 2015, have confirmed the state of conservation of the skeleton of the saint. Professor Nicolò Valentino Miani was the expert behind all the three recognitions of 1978, 1994 and 2005. Those present during these events could witness the intense emotion of beholding the bones of the Saint, but also of witnessing the holiness of this unique Christ-like man who, for over eight centuries, remains a witness of Gospel perfection to all men and women of goodwill today.
THE LETTER
PRO DILECTIS
OF POPE HONORIUS III
(29 MAY 1220)

The friars Minor had been sent by Saint Francis to France after the general chapter of 1217. The first friars arrived under the direction of Brother Pacificus, first at Vézelay and then continued to Saint-Denis in Paris. John Moorman states: “It is not certain which year the expedition set out, but by 1218 or 1219 they had probably reached the outskirts of Paris where they acquired some kind of accommodation at Saint-Denis. Within a few months - that is between June 1219 and May 1220 - they moved into Paris and were in process of building themselves a house there in 1223, in which year there was a community of thirty friars.”

From the very beginning, the brothers dedicated their energies to their specific ministry as itinerant penitent preachers, and soon they were to dedicate themselves to study philosophy and theology in the prestigious University of Paris. At the very early stage of their presence in Paris they faced considerable difficulties and opposition especially on the part of the ecclesiastical hierarchy. The problem regarded suspicions on the friars’ faithfulness to the Catholic doctrine, and the danger of mixing them up with heretical pauperistic movements, which were so common at the time.

The Fourth Lateran Council of 1215 had faced the problem of the emergence of new religious movements and orders, and had emanated a law, canon 13, prohibiting new rules for the emerging religious families. The friars Minor were a kind of exception to the rule, since their forma vitae had already been orally approved by Innocent III in 1209. But they were not known very much outside Italy. When the Order embarked upon the missionary evangelisation “beyond the Alps” and “beyond the sea”, with the sending of the first groups of brothers in organised expeditions after the Pentecost chapter of 1217, the problem of the catholicity of the brothers became urgent in those places where the brothers were seen for the first time.

The fact that the Order of Minors was considered as “catholic” meant that its members had to abide by Church laws. This was not always easy, especially when the fraternity was still at its beginnings. The historian Jacques de Vitry, bishop of Acre at the time of the fifth Crusade, gives us a very positive eyewitness information regarding the friars in a letter written at Genoa in October 1216. It is the first non-Franciscan source regarding the Friars Minor. In another letter, written this time at Damietta in 1220, during the crusader siege of the town, Jacques is rather critical of the friars. He writes: “This Order is multiplying rapidly throughout the world, because it expressly imitates the pattern of the primitive Church and the life of the apostles in everything. But to our way of thinking, this Order is quite risky, because it sends out two by two throughout the world, not only formed religious, but also immature young men who should first be tested and subjected to conventual discipline for a time.”

The papal letter Cum dilecti of Honorius III (1219)

The rapid spread of the Order made it hard for local bishops to ascertain whether the friars were truly Catholic in their beliefs. Although the Order had already acquired a stable structure, with the formation of a rule of life, which would develop into the Regula non bullata (by 1219 much of the document was in place) and with the celebration of regular chapters every Pentecost, the fact that the brothers were itinerants and lived a life of evangelical poverty, made them susceptible to be
mixed up with other heretical lay movements in the Church.

It was probably the chapter of 1219 that asked Pope Honorius III to intervene in this matter, so as to give to the brothers a letter of recommendation in their apostolic journeys. The chapter of Pentecost, on 26 May 1219, is sometimes considered to have been the famous “chapter of mats” described in the Franciscan sources. It was during that chapter that Francis had to defend his Gospel ideals when the brothers drew cardinal Ugo (Ugolino) to their side and asked him to persuade Francis to adopt one of the established monastic rules for his own Order. Francis vehemently refused, and that might have been the occasion which prompted Pope Honorius III to defend the way of life of the friars Minor, because of opposition to such a novelty on the part of various bishops. Given that, in 1219, the friars embarked upon more organised missions, especially in France and Germany, and given that during that same chapter Francis himself decided to go to the “lands beyond the sea”, that is, in the East, where the Fifth Crusade was besieging Damietta on the Nile, the Order might have needed some official papal support in order to proceed in its evangelising mission.

The letter *Cum dilecti*, published in Rieti on 11 June 1219, that is, barely three weeks after the Pentecost chapter, and just 13 days before Francis’ departure to the East on 24 June, is the first official document of the Church concerning the Order: “Honorius, Bishop, Servant of the servants of God, to our venerable brothers, the archbishops and bishops; and to our beloved sons, the abbots, deans, archdeacons, and other prelates of churches: health and apostolic benediction. Our beloved sons, Brother Francis and his companions of the life and religion of the friars Minor have rejected the vanities of this world and have chosen a way of life deservedly approved by the Roman Church; after the example of the Apostles they go throughout different regions sowing the seed of the word of God. We therefore beseech and exhort all of you in the Lord, and by these apostolic letters command you, when members of the aforesaid brotherhood present themselves to you bearing these letters, to receive them as [true] Catholic faithful, showing yourselves favourable and kind to them out of reverence for God and us. Given at Rieti, the eleventh of June, in the third year of our pontificate.”

The effects of *Cum dilecti* might have been positive, but not in all places. In the kingdom of France the opposition to the friars Minor was still strong. We do not know what prompted Pope Honorius III to send another letter, this time addressed only to the French hierarchy, just one year later, namely on 29 May 1220. That year Pentecost fell on 17 May, and the Pentecost chapter should have been celebrated on that date. However, it is highly unlikely that such a chapter actually took place, since we know that the Sources speak rather about the chapter of 29 September 1220, the feast of Saint Michael the Archangel, when Francis left the post of leader of the Order in favour of Peter Cattani. Indeed, it is highly probable, that Francis was not yet back in Italy in May 1220, or at least, he was on his way back from the East, passing through Venice after having travelled along the Adriatic coast of Dalmatia. We are aware that many historians do not accept this theory, since they insist that Francis left Egypt at the end of September 1219 and returned in haste to Italy. But, given that we have scant information regarding his whereabouts in the first half of 1220, we tend to accept the opinion of Angelo Clareno, dated only 100 years later, that is in 1325, in his *Chronicon seu Historia spetem tribulationum Ordinis fratrum Minorum*, that Francis visited the Holy Places with the permission of Sultan al-Malek al-Kamel. He could not possibly return to Italy when the shipping lanes were closed between October 1219 and March 1220. So we presume that he could have made his return journey during the spring and went to see Pope Honorius III sometime in the late spring or early summer of 1220.

The visit of Francis to Pope Honorius was motivated by the troubles within the Order. In fact, it was at that moment that Francis requested the Pope to give a Cardinal Protector to the Order in the person of Cardinal Ugo dei Conti di Segni, who was a good friend of Francis and the brothers, and who certainly had been present during the chapter of 1219. Maybe, during the same occasion, Francis might have been informed of the difficulties that the brothers in France were facing in order to be welcomed by the local hierarchy. If this was the case, then we can understand why Pope Honorius
deemed it fit to intervene yet once more with the letter *Pro dilectis.*

“Honorius, bishop, Servant of the servants of God, to our venerable brothers, the archbishops and bishops; and to our beloved sons, the abbots, priors, and other prelates of churches, established throughout the kingdom of France, health and apostolic benediction. We recall that we sent you a letter on behalf of our beloved sons of the Order of friars Minor in order that you might consider them as having been recommended in the sight of the love of God. But, as we now understand, some of you seemingly have a doubtful conscience about this same Order. We also gather from other reports, in which we can place full trust, that others of you do not even allow these brothers to stay in their dioceses, although the very fact that we have granted these brothers our letter shows that you should not consider them suspect in any way. Therefore, we want all of you to take note that we hold their Order [to be] among those approved by us, and that we regard the brothers of this Order as truly Catholic and devout men. We therefore take this occasion through these apostolic letters to warn and exhort you, indeed to prescribe and command you, to admit them into your dioceses as true believers and religious and to hold them, out of reverence for God and for us, as having been favourably recommended. Given at Viterbo, the twenty-ninth day of May, in the fourth year of our pontificate.”

Whereas the letter *Cum dilecti filii* “does nothing more than remind bishops that they are to receive Francis’ followers as ‘faithful Catholics’ [and] it says nothing about letting the brothers preach or about letting them establish residences [...] in *Pro dilectis filiis* [...] the pope was direct. For the first time, he called Francis’ movement an *ordo*, a canonical religious order, and he instructed the bishops to admit the brothers and allow them to take up residence.”

*Pro dilectis* has to be studied against the backdrop of the history of the Order in 1220, which remains one of the problematic years, since there are various theories as to what exactly occurred especially during the first half of that year. If Ugo was already Cardinal Protectore in June 1220, and this seems highly probable, since Francis would have returned to Italy by then, then we can state that the Pope wrote the letter upon the insistence of the Cardinal, who was aware of the need to defend the Order and give it a more stable form of presence in the new entities, or provinces, that it had formed in 1217. In the meantime, Francis himself was considering what action he could take for the benefit of the brotherhood. His decision was to come in September of that year, but not before the Church had also responded to the need for further “conventual discipline” in the Order, with the institution of the canonical year of novitiate.

**NOTES**


254: The earliest evidence from official Papal sources concerning the recognition of the Franciscan order dates from the bull of recommendation “Cum dilecti filii” of June 11, 1219, which specifically refers to the “religio” of the “fratres minores.” However, the first letter of Jacques de Vitry, dated October, 1216, provides evidence from the very beginning of Honorius’ pontificate regarding the Papal approbation of the order. Jacques writes not merely of the “magna reverentia” in which the *fratres* and *sorores* were held by the Pope and the Cardinals, but specifically refers to the “homines ilium religionis”, a terminology that constitutes a clear recognition of their approved status. 258. Two documents are important in showing the nature and locus of this opposition (of those cardinals who had supported Canon 13 in the Fourth Lateran Council). Writing in the spring of 1220, Jacques de Vitry, who had praised the Franciscans so unstintingly earlier, expressed serious concern about the order. “This religion seems very dangerous to us because not only the perfect, but also the young and imperfect, who ought to be disciplined and proved for some little time under conventual discipline, are divided two by two through the whole world.” The strength of this objection becomes more apparent when we note that the Papal bull “Cum secundum consilium” (September 20, 1220) required a year in probation prior to profession in the order and forbade anyone to leave its obedience. These two provisions are clearly related to the concern of Canon 13 for religious stability. Furthermore, about this time, Cardinal Hugolino warned St. Francis about opposition to the order in the curia (1Celano 74). This external danger may well have been of greater importance than any problems faced by Francis from within the order in persuading him to ask Honorius to appoint Hugolino as Cardinal Protector of the order, a step which might best be explained as a way of quieting the critics of the order. All these separate pieces of evidence suggest a serious threat to the continued existence of the Franciscans. 259. However, it is important to note here that conventual discipline rather than poverty was the issue that threatened the existence of the Franciscans in 1220.


6 For a discussion on the date of the chapter of mats, cfr. R.B. BROOKE, *Early Franciscan Government. Elias to Bonaventure*, Cambridge University Press 1959, 286-287. Brooke quotes the *Verba Sancti Francisci* by Brother Leo, 4 (FAED III, 124). Her opinion is that the chapter was celebrated in 1222, but she quotes other historians who have spoken about 1218, 1219 and 1221, the last one being the most popular among the dates chosen to refer to this chapter. The same episode is found in *Compilatio Assisiensis* 18 (FAED II, 132-133).


On 16 January 1220, five friars Minor, Berardo da Calvi dell’Umbria, Pietro da San Gemini, Ottone da Stroncone, Adiuto da Narni and Accursio, suffered martyrdom in the hands of the Saracens in the town of Marrakech, in the Sahara Desert of Morocco. Their martyrdom has been amply documented by the chronicler Jordan of Giano (1260), and by the Chronicle of the XXIV Ministers General of the Order of friars Minor by Arnald of Sarrant (1369-1374).

During the chapter of Pentecost of 1219 these brothers, together with brother Vitale, who was leader of the group, were sent to Spain and Portugal, where they settled down in the hermitage of Olivais close to Coimbra. At that time Fernando of Lisbon, who was an Augustinian canon regular, and who was later on to become Anthony of Padua, resided in the royal monastery and became acquainted with the brothers. In the meantime Vitale had been left behind since he fell sick in the reign of Aragon, and Berardo assumed the leadership of the group. It seems that he was fluent in Arabic and that he was also a priest.

After stopping over at Alanquer, where they were welcomed by Sancia, the sister of the Portuguese king Alfonso II, the five Franciscan missionaries crossed over to the reign of the Moors in Andalusia, where they preached in Seville. There they were arrested and sent over to Morocco, according to their wish. At the time the infante Pedro, brother of the king, was present at Ceuta. There they tried to preach again to the Saracens, but were captured and taken to Marra’kush (Marrakech) in the presence of the Caliph Abu ya’qub yusuf al Mustansir (known in popular legend as the Miramolin), who tortured and beheaded them on 16 January 1220.

The infante Pedro succeeded in taking possession of their corpses, and he transported them to Portugal where they were venerated as martyrs in the monastery of Santa Cruz at Coimbra. That was the occasion which prompted Fernando of Lisbon to change his name to Anthony and transfer from the Augustinian canons to the friars Minor in order to go to Morocco and receive the martyr’s crown.

The cult of the martyrs was popular. In a letter of 12 July 1321 to Pope John XXII, king Jaime II of Catalonia-Aragon requested the pope to canonise the five Franciscans. It was the Franciscan Pope Sixtus IV who confirmed their cult on 7 August 1481 and authorised the Order friars Minor to celebrate the feast of Blessed Berardo and Companions on 16 January.

The sources for the martyrdom of Berardo and Companions include the Chronicle of Giordan of Giano, 8 who states that “when the life and history of these aforementioned martyrs were brought to Blessed Francis, hearing that he himself was praised in them and seeing that the other brothers were taking pride in the sufferings of these brothers, in as much as he held himself in the greatest contempt and despised praise and glory, he spurned the accounts and forbade them to be read, and said: ‘Everyone should glory in his own suffering and not in that of another.’”


For an English translation of the Acts of the Martyrdom in the Chronicle of the XXIV Generals, see ARNALD OF SARRANT, Chronicle of the XXIV Generals of the Order of friars Minor, Translation by N. Muscat, Malta 2010, published online in www.franciscanstudies.com within the same text of the Chronicle and in the first appendix at the end of the same Chronicle.
Chiede un “papa”, il “dominus” di Ostia

L’assenza di frate Francesco aveva liberato tensioni prima sopite e orientamenti prima inespressi. Al suo ritorno in Italia in compagnia di frati autorevoli come Pietro Cattani ed Elia, cambiamenti e turbamenti si delineano con maggior chiarezza. Non solo era avvenuta quella sorta di colpo di mano dei vicari, che appartenevano alla prima generazione minoritica. Due dei frati della primissima ora avevano intrapreso iniziative di innovazione e di divisione ... Le loro decisioni e iniziative segnalano che all’interno di quell’insieme - comunque presentato come evangelicamente esemplare da frate Francesco nel Testamento - creatosi in meno di un decennio qualcosa si rompe, non appena l’assenza di pochi mesi dell’Assisiote consente che le tensioni, probabilmente già operanti in modo non manifesto, emergano ed esplodano. Come vi risponde frate Francesco? Stando a quanto racconta frate Giordano da Giano, questi, dopo aver capito “più a fondo le cause dei disordini” al rientro in Italia, decide di non intervenire in prima persona per mettere freno a quanto era accaduto e stava accadendo. Si rivolge invece a papa Onorio III, al quale chiede un “papa” che, facendo le veci del pontefice in persona, “ascolti e risolva i problemi [di frate Francesco] e del [suo] Ordine”. Il pontefice lascia la scelta a frate Francesco, che fa il nome del “dominus de Ostia”, Ugolino dei conti di Segni cardinale episcopo di Ostia: il quale con prontezza sembra rimediare alla contingente situazione di turbamento, ma anche suggerire l’opportunità che finalmente si giungesse alla formulazione di una Regola, più articolata e organica, da sottoporre all’approvazione pontificia. Il carisma di frate Francesco, si direbbe, non era più sufficiente a regolare la vita di un Ordine che era cresciuto e si era assai modificato rispetto al piccolo gruppo delle origini.

Giovanni Grado Merlo,
Nel Nome di San Francesco,
pp. 35-37.
Cover picture:

Cover pic. Saints Berardo and Companions, Martyrs (1220-2020)