"Nequaquam a Christi sequela in perpetuum absolvi desidero"

[I Will Never Desire in Any Way to be Absolved from the Following of Christ]

Clare between Charism and Institution¹

Maria Pia Alberzoni

"'Nequaquam a Christi sequela in perpetuum absolvi desidero.' Chiara tra carisma e istituzione"

Chiara d'Assisi e la Memoria di Francesco. Atti del convegno per l'VIII centenario della nascità di s. Chiara. Petruzzi Editore, 1995, pp. 41-65

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¹This article is a slight revision of a talk given at the Congress on the occasion of the VIII Centenary of the Birth of Clare. The theme has been taken up again and amplified in M.P. Alberzoni, *Chiara e il Papato*, (Milan, 1995).

Sanctae Clarae,² is of great interest to anyone wanting to interpret relations between Clare, the papacy and the highest authorities of the Church of Rome. It is also worth noting that this very passage, which nicely glosses over the abbess of San Damiano's firm opposition to Gregory IX, who had plans to ease the practice of strict poverty, is explicitly mentioned in the official document proclaiming Clare's sanctity, that is, Clara claris praeclara. Evidently Alexander IV, the Pope who promulgated the letter, saw her decisive determination to defend what Francis had taught her as the single characteristic distinguishing relations between Clare and the Popes.

On the other hand, although the abbess of San Damiano sometimes strongly resisted the papacy's plans for religious life for women, a resistance testified to by Angelo Clareno⁴ and Peter of John Olivi⁵ among others, she

²Legenda sanctae Clarae virginis, ed. F. Pinnacchi, (Assisi, 1910) n. 14 ["The Legend of St. Clare," Clare of Assisi: Early Documents, trans. Regis Armstrong, O.F.M. Cap. (St. Bonaventure, NY: Franciscan Institute Publications, 1993), p. 269]. The biographies of St. Clare have been examined by S. Brufani, "Le 'legende' agiografiche di Chiara d'Assisi del secolo XIII," in Chiara di Assisi, (Spoleto, 1993), pp. 327-355.

³The best edition of the letter is that of Z. Lazzeri, "Il processo di canonizzazione di S. Chiara d'Assisi (Appendice II: Un antico esemplare della Bolla di canonizzazione di S. Chiara)" *AFH* 13 (1920), pp. 499-507 ["Bull of Canonization (1255)," *Clare of Assisi: Early Documents*, 238-245]. A. Vauchez, "La place de la pauvreté dans les documents hagiographiques à l'époque des Spirituels," in *Chi erano gli Spirituali* (Assisi, 1976) p. 131, notes that "The first bull of canonization in which the Franciscan concept of poverty clearly appears is that of St. Clare of Assisi. ...Clare's poverty is presented as an admirable virtue, the foundation of her holiness." For more on this document, see G. La Grasta, "La canonizzazione di Chiara" in *Chiara di Assisi*, pp. 299-324.

⁴Angelo Clareno is the only one who mentions Gregory IX's excommunication of Clare because of her refusal to accept property; she ended up dissuading the Pope from his vota per inobedientiam and ultimately had the privilege of poverty renewed. This has been studied by G. L. Potestà, "Ideali di santità secondo Ubertino da Casale ed Angelo Clareno," Santi e santità nel secolo XIV, (Assisi, 1989) pp. 136-37; Idem, Angelo Clareno. Dai poveri eremiti ai Fraticelli, (Roma, 1990) pp. 267-68, who notes with the necessary balance the absence of any sources that

was never found wanting in the absolute obedience to the Roman Church which she, like Francis, had promised and as is stated at the beginning of her Rule.⁶

A relationship with the papacy is a priority for Clare and thus constitutes a privileged viewpoint for reconstructing the most important phases of her life and that of the community at San Damiano. In essence it means going through the events associated with the lengthy work of drafting norms, a task which especially marked the last years of Clare's life. However, it can be detected as early as the 1230's, when we have the beginnings of the friction and misunderstanding between her and Gregory IX.⁷

could support the truth of such a story. There is a reference to be found also in Bartoli, "La povertà e il movimento francescano femminile," Dalla "sequela Christi" di Francesco d'Assisi all'apologia della povertà (Spoleto, 1992) p. 248. J. Dalarun, Francesco: un passaggio. Donna e donne negli scritti e nelle leggende di Francesco d'Assisi (Roma, 1994), p. 85, highlights that Clareno, moreover, is the first to give a prominent place to Clare in the life of Francis.

⁵Quaestio VIII de perfectione evangelica: "Secundum hoc peccasset beata Clara quae hanc [poverty] cum multis sanctis sororibus ita viriliter observavit, ut nec ad preces et suasiones Gregorii super possessionum receptione acquiescere voluerit. Peccasset et Franciscus de cuius consilio et doctrina ipsa cum multis aliis talem paupertatem assumpsit" [According to this, Blessed Clare would have sinned because she, with many holy sisters, observed this [poverty] so vigorously, that she would not accede to the pleadings and exhortations of Gregory to receive possessions. Francis also would have sinned, since it was through his advice and teaching that she and many others took on such poverty.] The text is found in J. Schlageter, Das Heil der Armen und das Verderben der Reichen. Petrus Johannis Olivi OFM. Die Frage nach der höchsten Armut (Werl/Westfalen, 1989) p. 184. Thanks to Maria Paola Rimoldi for pointing this out.

"RCl 1:3: "Clare, the unworthy servant of Christ and the little plant of the most blessed Francis, promises obedience and reverence to the Lord Pope Innocent and his canonically elected successors, and to the Roman Church," *Clare of Assisi: Early Documents*, p. 64. The relationship between the Rules of Clare and Francis have been studied by E. Grau, "Die Regel der hl. Klara (1253) in ihrer Abhängigkeit von der Regel der Minderbrüder (1223)," *Franziskanische Studien*, 35 (1953), 216 and 245-49.

⁷A summary of the writings of Clare, with the necessary elements for placing them in their chronological settings, can be found in E. Grau, "Die Schriften der heiligen Klara und die Werke ihrer Biographen," in *Movimento religioso femminile*

It is impossible to reconstruct in full detail in this study the relations between Clare and the highest authorities of the Roman Church. I will limit myself to pointing out a few significant moments so as to try to shed new light on a problem which, in many aspects, is still open to discussion.*

Before proceeding, we must first clear the field of some equivocations that are firmly rooted in historiography. First of all, it is untenable to hold the traditional position of Franciscan historians, especially those from within the First Order, based particularly on the work of Father Gratien. According to them, Clare is to be considered the foundress of the Second Order of St. Francis, or even worse, of the Order of the Poor Clares. Moreover, it is not even correct to use the latter term to refer to the

e franescanesimo nel secolo XIII (Assisi, 1980), pp. 193-228. The problem should, however, now be reconsidered in the light of the further research of W. Maleczek, "Das Privilegium paupertatis Innocenz' III. und das Testament der Klara von Assisi. Überlegung zur Frage ihrer Echtheit" to be published in CF 65 (1995) 5-81 [The English translation appears in this issue]. I would like to express my gratitude to the author for having allowed me to mention his work, which will doubtlessly be of historic importance in studies on St. Clare of Assisi and shows the correct methodology to be used in tackling the philological problems found in the "Franciscan sources."

^{*}Relations between Clare and Church authorities have not yet been studied with the attention that has been given to the relations between Francis, the papacy and some leading exponents of the Roman Curia. For the latter, see K.-V. Selge, "Franz von Assisi und die römische Kurie," Zeitschrift für Theologie und Kirche, 67 (1970) 129-61; Idem, "Franz von Assisi und Ugolino von Ostia," San Francesco nella ricerca storica degli ultimi ottanta anni (Todi, 1971) pp. 159-222; P. Zerbi, "San Francesco d'Assisi e la Chiesa romana," Francesco d'Assisi nell'ottava centenario della nascita (Milan, 1982) pp. 75-103; G.G. Merlo, Tensioni religiose agli inizi del Duecento (Torre Pellici, 1984) pp. 57-65 (also found in Tra eremo e città. Studi su Francesco d'Assisi e sul Francescanesimo medievale (Assisi, 1991) pp. 76-84.

⁹Gratien de Paris, *Histoire de la fondation et de l'evolution des Frères Mineurs au XIIIe siècle* (Paris, 1928); this work was reprinted with an updated bibliography edited by Mariano d'Alatri and Servus Gieben, (Rome, 1982); the section dedicated to the history of the Order of St. Clare is found on pages 593-617.

monasteries of the Damianites until after the promulgation of the Rule of Pope Urban in 1263, which is the first to speak of an *Ordo s. Clarae*.¹⁰

Secondly, caution must be taken in approaching the sources that are helpful for reconstructing the relations between Francis and Hugolino and between the latter and Clare. On the one hand, based on some passages from the *Legenda sanctae Clarae* and papal documents" there is ample evidence of friendship and collaboration between the two saints and the Cardinal of Ostia. On the other hand, however, rather late testimony and the writings of the Spirituals provide details of the difficulties between the Franciscan Order and the Roman Curia over the *cura monialium* [the care of nuns]. These sources can be dated to the second half of the century, but they claim that Francis himself was intolerant of the burden arising from the care of the nuns and disapproved of those friars who showed excessive zeal in serving the *religiosae mulieres*.¹²

Indeed, it has been convincingly shown that it was not Francis who asked for Hugolino's intervention so that the friars might assume the care of the nuns. It was Hugolino himself who, after he had become Pope, attributed the founding of the Order of St. Damian to Francis, thus conferring undeniable "spiritual authority" on the Order which Hugolino had founded and on the Rule. We should further note that in this way Gregory IX established the conditions by which the friars could not exempt

¹⁰Bullarium franciscanum II, ed. J.H. Sbaralea (Rome, 1759-61) [abbreviated BF] 509-521 ("Beata Clara," October 18, 1263); for a partial edition of the text see Ignacio Omaechevarria, Escritos de sancta Clara y documentos complementarios (Madrid, 1993) [abbreviated Escritos] 325-37; see also FF editio minor, pp. 1283-1312.

¹¹The status of the studies, with useful critical observations, has been offered by Brufani, "Le 'legende agiografiche," pp. 351-52.

¹²See the observations of R. Rusconi, "L'espansione del francescanesimo femminile nel secolo XIII," *Movimento religioso femminile*, pp. 280-81 [trans. Edward Hagman, "The Spread of the Women's Franciscanism in the Thirteenth Century," *Greyfriars Review* 12 (1998) 48-49] and A. Benvenuti Papi, "La fortuna del movimento damianita in Italia (sec. XIII): propositi per un censimento da fare," *Chiara di Assisi*, pp. 59-63.

¹³M. Bartoli, "Gregorio IX e il movimento penitenziale," La "Supra montem" di Niccolò IV (1289); genesi e diffusione di una regola, (Rome, 1988) [=Analecta TOR, 20 (1988)], p. 59.

themselves from taking on the cura monialium of what he himself would call the Ordo S. Damiani.

In the course of the 1930's some studies were published suggesting that the history of the so called Second Order of St. Francis should be viewed within a broader context. These studies claimed that the context should not be limited to events within Franciscanism. Rather the history of the groups begun by Francis and Clare should be seen within the framework of a much broader area, comprising various "religious movements." I refer, above all, to the valuable but little known work of Lilly Zarncke¹⁴ and to the later work of Grundmann, who in some way reaped the fruit of what Zarncke had sown, ultimately changing the interpretation of history.¹⁵ Grundmann's work in particular, especially due to his careful analysis found in the two central chapters dedicated to "The Origins of the Women's Religious Movement" and to "The Incorporation of the Women's Religious Movement into the Mendicant Orders," allowed scholarship to escape from the quagmires in which it had been stuck and offered a convincing overall view of the difficulties encountered by the new women's groups, and also by the Roman Curia, in finding their place within the mendicant orders. 16

Grundmann's innovative ideas did not gain acceptance until the 1970's. It was only at that time that the expression "women's religious movement" began to be used by historians, first by Manselli, who had also written the preface for the Italian edition of Grundmann's work, *Religiöse Bewegungen*. The seventh congress of the International Society for

¹⁴L. Zarncke, Der Anteil des Kardinals Ugolino an der Ausbildung der drei Orden des heiligen Franz, (Leipzig - Berlin, 1930).

¹⁵H. Grundmann, Religious Movements in the Middle Ages. The Historical Links between Heresy, the Mendicant Orders, and the Women's Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundations of German Mysticism, trans. Steven Rowan (Notre Dame: University of Notre Dame Press, 1995) pp. 1-5.

¹⁶Grundmann, pp. 75-137.

¹⁷R. Manselli, "Introduzione all'edizione italiana," in Grundmann, *Movimenti religiosi*, pp. 11-20. Some other useful material can be found in Bartoli, "La povertà," p. 225. Recently Kaspar Elm has raised some questions about the use of the term "religious movement": see K. Elm, "Francescanesimo e movimenti religiosi del Duecento e Trecento. Osservazioni sulla continuità e il cambiamento di un problema storiografico," in *Gli studi francescani dal dopoguerra ad oggi*, ed. F. Santi (Spoleto, 1993) pp 73-89.

Franciscan Studies had as its title *Il Movimento Religioso femminile e Francescanesimo nel secolo XIII*, ¹⁸ and this expression then appeared in various publications, and was even more widely used in works appearing for the eighth centenary of the birth of St. Francis. ¹⁹ In this context we should also view the innovative work of Roberto Rusconi, (which still provides the most useful point of departure for reconstructing the history of the Order of S. Damian, later known as the Order of St. Clare) ²⁰ as well as Marco Bartoli's biography of Clare ²¹ and the various contributions appearing in the acts of the 1992 Assisi congress, ²² which was devoted to Clare of Assisi.

If we would have a correct understanding of relations between Clare and the Church's highest authority, we must look at the community of San Damiano and the other communities inspired by it (namely, Foligno, Spello, Monteluce, Monticelli, Arezzo and, perhaps S. Salvatore di Colpersito)²³ separately from the events of another order which, during the pontificate of Gregory IX came to be called the "Order of S. Damiano."²⁴ The use of this latter term doubtlessly fostered a series of ambiguities which Gregory himself eventually used as one of the bases for entrusting to the Franciscans the care of all the monasteries he had founded, which originally had a strong emphasis on poverty.

¹⁸Assisi, 1980 (The congress itself took place from October 11-13, 1979).

¹⁹See *Il movimento religioso femminile in Umbria nei secoli XIII-XIV*. Acts of the international study congress for the celebrations in honor of the eighth centenary of the birth of St. Francis of Assisi (Città di Castello, 27-29 October 1982), edited by R. Rusconi, (Florence, 1984).

²⁰Rusconi, "The Spread," pp. 35-75.

²¹M. Bartoli, *Clare of Assisi*, trans. Sr. Frances Teresa OSC, (Quincy: Franciscan Press, 1993).

²²See note 2.

²³C. Gennaro, "Clare, Agnes and the First Sisters: From the 'Pauperes Dominae' of San Damiano to the Poor Clares," *Greyfriars Review* 9 (1995) 263; Benvenuti Papi, "La fortuna," pp. 72-74 (many of the traditional dates repeated by these useful talks have not yet been studied thoroughly). Concerning the monastery of S. Salvatore di Colpersito in S. Severino Marche, see note 30.

²⁴Zarncke, *Der Anteil*, pp. 28-35, following a convincing analysis, manages to establish such an important distinction.

In fact, when he was legate in Tuscany and Lombardy,25 Hugolino came into contact with many groups of women who wanted to embrace the religious life, but who were unable to find an institutional path allowing them to be related to the male groups which up to that time had assumed the cura monialium, particularly the Cistercians and Premonstratensians.²⁶ Cardinal of Ostia at that time, Hugolino asked Honorius III for authorization to establish new foundations which were distinctive because of their decisive stamp of poverty and their direct dependence on the Roman Church; the latter was due to the fact that, from their very origins, they were to be exempt from the authority of the local Bishop. In Litterae tuae nobis of August 27, 1218, the Pope gave his full support to the plan of his legate, who was about to begin his second mission to the northern regions.²⁷ Ironically, despite the fact that it is the first document contained in the Bullarium franciscanum, this important letter has nothing to do with the Order itself or with the Franciscan Orders. It marks the beginning in substance of a new monastic order of women, composed of monasteries which we might term

²⁵Hugolino was appointed legate to central and northern Italy three times, namely at the beginning of 1217, in 1218-1219 and in 1221; the most recent and updated overview of Hugolino's activity as cardinal is that of W. Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III. und Innocenz III*, (Vienna, 1984), pp. 126-33.

²⁶See Grundmann, pp. 75-88.

²⁷BF I, pp. 1-2. "Litterae tuae nobis exhibitae continebant quod quamplures virgines et aliae mulieres (...) desiderant fugere pompas et divitias huius mundi et fabricari sibi aliqua domicilia in quibus vivant nihil possidentes sub caelo, exceptis domiciliis ipsis et construendis oratoriis in eisdem. Cum ad hoc tibi fundi a pluribus Ecclesiae Romanae nomine offerantur, (...) praesentium tibi auctoritate mandamus quatenus huiusmodi fundos in ius et proprietatem Ecclesiae Romanae nomine ipsius recipias et Ecclesias construendas in ipsis soli Apostolicae Sedi subesse decernas [According to your letter that was presented to us, there are many virgins and other women ... who desire to flee the pomp and riches of this world and make for themselves some other dwelling place in which they may live possessing nothing under heaven, except the dwellings themselves and the oratories they are building in them. Since a number of properties have been offered to you in the name of the Roman Church for this purpose ... by the authority which we grant to you, we command that you accept such property in the name of the Roman Church as the right and property of the same Church and that you decree that the churches to be built upon it are subject to the Apostolic See alonel."

"Hugolinian", and which became even more widespread during Hugolino's third legation in 1221. Evidence of the extent of this can be seen from the text of the formulary which was prepared for this purpose by the cardinal and inserted in the register of his legation. These monasteries and those of their contemporaries, which had some connection to Clare's community, shared some elements in common, but there were also differences, and these differences were significant. On this subject, Lilly Zarncke points out the interesting fact that the *cura monialium* of the Hugolinian monasteries was given to the Cistercian Ambrose, while at the same time Clare's community and others connected in varying degrees to the Franciscan experience continued to have visitators chosen from among the Friars Minor. The study of some other sources which have been largely ignored

²⁸G. Levi, Registri dei cardinali Ugolino d'Ostia e Ottaviano degli Ubaldini, (Rome, 1890) pp. 153-54; the following passage is particularly significant: "Nos... donamus et concedimus tibi * * in tali loco plenam facultatem monasterium constituendi ... in honore gloriose virginis Marie, in quo virgines Deo dicate et alie ancille Christi in paupertate Domino famulentur iuxta formam vitae vel religionis pauperum dominarum de Valle Spoleti sive Tuscia per dominum Hugonem venerabilem episcopum Hostiensem auctoritate domini pape eisdem sororibus traditam [We ... give and cede to you * * full rights to build a monastery in that place ... in honor of the glorious virgin Mary, in which virgins consecrated to God and other servants of Christ may live in the poverty of the Lord according to the form of life or religion of the poor ladies of the Spoleto or Tuscan Valley given by Hugo, the venerable bishop of Ostia, to these sisters by the authority of the Lord Pope] (italics added by author).

²⁹Bartoli, Clare of Assisi, pp. 83-85.

³⁰Zarncke, *Der Anteil*, pp. 71-75; Grundmann, pp. 113-114, notes 149, 150 and 152, takes exception to the cautions suggested by Zarncke regarding the interpretations furnished by Spiritual writers concerning relations between Francis and Philip the Long. Particularly interesting is the episcopal charter by which the Bishop of Camerino in 1221, that is before the approbation of the Friars' Rule of 1223, granted to the "mulieres Deo dicate" living in the monastery of San Salvatore in S. Severino Marche, obviously under the Bishop's jurisdiction, the faculty of having visitators chosen from among the Friars Minor, so that the sisters could continue to live in the strictest poverty (L. Oliger, "De origine regularum Ordinis S. Clarae," AFH 5 (1912) 200). We should note that this monastery deviates from the characteristics of the Hugolinian monasteries as well as from those we could call "Clarian," because the document makes mention neither of the community of San Damiano nor of Ugolino's "Ordo de Valle Spoleti sive Tuscia": rather, it seems that

or which have been interpreted from the perspective of the institutional results of the "women's religious movement," such as the *Vita* of Gregory IX,³¹ allow us to see many grounds for attributing the founding of the Order of San Damiano to the work of Cardinal Hugolino. Besides giving it a specific form by composing a Rule, the Cardinal of Ostia created a strong bond between them and the Roman See, procuring for the monasteries he founded grants of great resources, as well as exempting them from the authority of the local Bishop.³²

On the basis of these discoveries let us analyze the important episodes marking relations between Clare and the highest authorities of the Roman Church; in addition to those occasions on which she came into contact with Gregory IX and Innocent IV, we will also take into account the interventions of the Cardinal protectors of the Monastery in Assisi and of

it is able to enjoy the direct intervention of the Franciscans and, with them of some Penitent friars - if indeed these are the *fratres* mentioned in the act. This document also makes an explicit reference to the ownership of a mill and a vineyard: therefore it still remains to be seen what was intended by strict poverty in that historical context.

³¹Vita Gregorii papae IX, in RIS, III Milan, 1723) p. 575, "De Capellaniae Domini Innocentii papae III, honorando Collegio in cardinalem Sancti Eustachii modica interjectione promotus, non multo post in Ostiensem Episcopum ordinatus. Cujus officii tempore Poenitentium fratrum et Dominarum inclusarum novos instituit Ordines, et ad summum usque provexit [... shortly after being promoted by Pope Innocent III to Cardinal of St. Eustachius, he was ordained Bishop of Ostia. During the time he exercised this office, he established and brought to fulfillment the Orders of the Brothers of Penance and the Enclosed Ladies]."

³²Vita Gregorii, p. 575: "Eas etiam suae praedicationis studio divinitus inspirante, parentibus dismissis, et patria..., post Summi Pontificii solium colligebat ut filias, venerabatur ut matres, ipsarum indigentiam uberioribus auxiliis prosecutus [After these sisters, divinely inspired through his preaching, had left family and home, he gathered them at the Pope's threshold as daughters, he venerated them as mothers, and provided for their needs with the most generous gifts]." Concerning the characteristics of the origins of the monasteries of the "pauperes moniales reclusae" in the northern plains of Italy, please see M.P. Alberzoni, "Il francescanesimo femminile in Lombardia fino all'introduzione della regola urbaniana," Chiara e il secondo ordine. A Study Congress for the Eighth Centenary of St. Clare's birth (Nardò, 12-13 November 1993), not yet published.

the Franciscan Order, Hugolino of Ostia and Raynaldus of Ienne.³³ Both these men later became Pope. Raynaldus became Pope Alexander IV in 1254, yet during his pontificate he continued to serve as protector of the Franciscan Order.³⁴ In order to explain how these relationships developed, relationships which for various reasons were not always direct, we must first establish some hypotheses about the intermediaries, those who brought some of the concerns of Clare and her community to the Roman curia, thus obtaining the privileges they requested or the suspension of measures they did not particularly like.

1. Since Werner Maleczek has now so convincingly and plainly shown that the so-called "privilegium paupertatis" attributed to Innocent III is not authentic, it seems rather improbable that there were any contacts between Clare and this pontiff. In fact, the community at San Damiano was

³³Thanks to the research of A. Paravicini Vagliani, Cardinali di Curia e familiae' cardinalizie dal 1227 al 1254, I, (Padua, 1972) pp. 41-53, it has been shown that Raynaldus belonged to the family of the Counts of Ienne, contrary to what is held by Bartoli, Clare of Assisi, (Raynaldus of Segni) and by Benvenuti Papi, "La fortuna," p. 61 (Raynaldus Orsini). Raynaldus must have been very familiar with Hugolino's work on behalf of the women's monasteries since he was part of the former's entourage during the legation in 1221; G. Levi, "Documenti ad illustrazione del Registro del Card. Ugolino d'Ostia legato apostolico in Toscana e Lombardia," Archivio della R. Società di Storia Patria12 (1889) 273; Paravicini Baglianni, Cardinali di curia, p. 46.

³⁴Gratien de Paris, *Histoire*, p. 213. This information is in Philippi de Perusia, *Epistola de cardinalibus protectoribus Ordinis fratrum minorum*, ed. O. Holder-Egger in MGH, SS, XXXII, (Hannoverae-Lipsiae, 1905-1913), p. 681. The providential value of these elections in view of the fortunes of the Franciscan Order is emphasized by Salimbene de Adam, *The Chronicle of Salimbene de Adam*, trans. and ed. Joseph L. Baird (Binghamton: University Center, 1986) p. 509. Concerning Salimbene's attitude to the papacy, see M.P. Alberzoni, "Un mendicante di fronte alla vita della Chiesa nella seconda metà del Duecento. Motivi religiosi nella Cronica di Salimbene," in *Salimbeniana*. Acts of the Congress for the 7th centenary of Fra Salimbene (Parma 1987-1989), (Bologna, 1991), pp. 24-30.

³⁵Maleczek, "Das privilegium paupertatis" (see note 7); Maleczek's analysis also leads him to study the statements about concessions of the *privilegium* by Innocent III contained in the *Legenda* and Testament of Clare and to the important conclusion that the latter text is also to be considered as a 15th century work.

a small group living a penitential life-style, a phenomenon that was widespread in Umbria and Tuscany in the beginning of the 13th century. It certainly had not yet given rise to a significant network of relationships and therefore did not yet constitute a point of reference for other groups of women religious. Besides, as Roberto Rusconi has shown, many of the dates traditionally used for the foundation of monasteries of Clare's sisters, especially by Clare's companions, are being reexamined in the light of a scientific study of extant documents, although it is still probable that the first religious of San Damiano did enjoy "a wide circulation."

We do not know if there were any contacts between Clare and Honorius III, but various reasons lead us to look carefully at this pontificate which was of great importance for the development and definitive organization of new forms of religious life [in this regard we need only recall that it was Honorius who approved the Dominican and Franciscan Rules]. It is a pontificate which has been neglected by historians who have paid greater attention to the person whom they consider the major figure behind Honorius' "religious policies," that is Hugolino. As we have seen, Hugolino had a direct interest in the women's forms of religious life since the period of his legations in Tuscany and Lombardy. In that area he acted in full accord with the Pope, as can be seen from the solemn confirmations which, from December 1219 on, Honorius sent to the early Hugolinian monasteries which, beginning in July of that year, had received certificates

³⁶For an interesting overview, see M. Sensi, "Incarcerate e recluse in Umbria nei secoli XIII e XIV; un bizzocaggio centro-italiano," *Il movimento religioso femminile in Umbria*, pp. 87-121 [trans. E. Hagman, "The Women's Recluse Movement in Umbria during the 13th and 14th Centuries," *Greyfriars Review* 8 (1994) 319-46.] See also the work of A. Benvenuti Papi, "*In castro poenitentiae*." *Santità e società femminile nell'Italia medievale* (Rome, 1990).

³⁷Rusconi, "The Spread," pp. 42-46; see also G. Casagrande, "Le compagne di Chiara," *Chiara di Assisi*, pp. 383-425.

³⁸A thorough analysis of Ugolino's position in the Roman curia from the Papacy of Innocent III on, complete with a bibliography, can be found in Selge, "Franz von Assisi und Hugolino," pp. 179-190; concerning the interpretation from the Franciscan sources about relations between Ugolino and Francis, see E. Pásztor, "San Francesco e il cardinale Ugolino nella 'Questione Francescana," *CF*, 46 (1976) pp. 209-239 [trans. Patrick Colbourne, "St. Francis, Cardinal Hugolino, and 'The Franciscan Question," *Greyfriars Review* 1 (1987) 1-30].

of approbation from the Cardinal of Ostia.³⁹ These include Monticelli near Florence,⁴⁰ St. Mary of Gattaiola in the Diocese of Lucca,⁴¹ St. Mary outside the Camollian Gate in Siena,⁴² and Monteluce in Perugia.⁴³ It is precisely after the founding of Monticelli, whose documentation makes explicit reference to the *observantiae regulares* of San Damiano,⁴⁴ that Hugolino met

³⁹The official letters of Hugolino, all of them bearing the *incipit* "Prudentis virginibus," are reproduced in their entirety in the papal letters, which in turn were modeled on the formulary of the *Sacrosancta Romana Ecclesia*, "in the form, that is, of *litterae gratiosae*, more generic than a privilege and less binding on the Curia" (Sensi, "Women's Recluse Movement," pp. 326-27). A similar process seems to have occurred between July 29, 1219, and September 19, 1223, for the foundation of St. Mary de Charitate in Foligno; see M. Sensi, "Le Clarisse a Foligno nel secolo XIII," *CF*, 47 (1977) 353.

⁴¹BF I, pp. 10-11 (September 19, 1222; Hugolino's letter is dated July 30, 1219) [Clare of Assisi: Early Documents, p. 351, n.4].

⁴²BF I, pp. 11-13 (September 19, 1222; Hugolino's letter is dated July 29, 1219) [Clare of Assisi: Early Documents, p. 351, n.5].

⁴³BF I, pp. 13-15 (September 24, 1222; Hugolino's letter is dated July 29, 1219) [Clare of Assisi: Early Documents, p. 351, n. 6]. A careful analysis of this early documentation from ecclesiastical sources concerning the monastery in Perugia can be found in P. Höler, "Frauenklöster in einer italienischen Stadt. Zur Wirtschaftsund Sozialgeschichte der Klarissen von Monteluce und der Zisterzienserinnen von S. Giuliana in Perugia (13. - Mitte 15. Jh)," Quellen und Forschungen aus italienischen Archiven und Bibliotheken, 67 (1987) 22-29; Höhler had anticipated the results of this research in "Il monastero delle Clarisse di Monteluce in Perugia (1218-1400)," Il movimento religioso femminile in Umbria, pp. 161-167.

^{*}BF I, p. 4: "Ordo monasticus, qui secundum Dominum et beati Benedicti regulam quam profitemini in eodem loco institutus esse dignoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Observantias nihilominus regulares, quas iuxta Ordinem dominarum Sanctae Mariae de Sancto Damiano de Assisio praeter generalem beati Benedicti regulam vobis voluntarie indixistis, ratas habemus" [We especially set it up that a monastic Order which is known to have been established in the same place according to the Lord and the Rule of Blessed Benedict, which you profess, and may it be inviolably observed there for all time. Nevertheless, besides the general Rule of Blessed Benedict, you have voluntarily

Clare, perhaps in order to become better acquainted with the lifestyle of the community in Assisi, but certainly in order to introduce there the *forma vitae* that he had composed. Thus the cardinal of Ostia intended to insert the nucleus at San Damiano fully within the foundations he had fostered, or to which he had, at least, given some regulations.⁴⁵

According to commonly accepted chronology, Hugolino supposedly spent Holy Week of 1220 at San Damiano, as is testified to by the letter he addressed to Clare shortly after his departure from that monastery. If that letter, apart from the parts that are characteristic of epistolary style, doubtlessly bears witness to Hugolino's esteem for Clare, it is also impossible to deny that it contains what the Cardinal of Ostia considered as essential for monastic life for women, elements which Clare could not have assented to totally, especially regarding the rigid, permanent isolation which, for Hugolino, was absolutely indispensable for fostering assiduous prayer. To

imposed upon yourselves the Regular Observances of the Ladies of Saint Mary of Saint Damian at Assisi. These we have ratified ... (Clare of Assisi: Early Documents, p. 349)]. In the decrees addressed to the other three foundations in the days immediately following, one finds the expression, "formulam nihilominus vitae vestrae, quam a nobis humiliter recipistis cum beati Benedicti regula, perpetuis temporibus manere decernimus illibatam [We decree that the form of life, which you have humbly received from us with the Rule of Blessed Benedict, remain inviolate for all time]". In this regard, see Rusconi, "The Spread," pp. 46-47.

⁴⁵Perhaps after he granted Monticelli permission to adopt Francis' forma vivendi, Hugolino had second thoughts (see Höhler, "Frauenklöster," p. 27) and made a complete change with the other foundations; or perhaps it was the strong personality of the foundress of Monticelli (the only one of these four cases in which the petitioner is not a rich lay donor but rather the foundress and abbess of the new community) which allowed them to adopt the observantiae of San Damiano. Concerning Hugolino's attempts to extend his forma vitae to women' communities, see C. Gennaro, "Il francescanesimo femminile nel XIII secolo," Rivista di storia e letteratura religiosa, pp. 265-267.

⁴⁶The letter *Ab illa hora* was studied by K. Esser, "Die Briefe Gregors IX. an die hl. Klara von Assisi," *Franziskanische Studien* 35 (1953) 277-83 (an edition can also be found in *Escritos*, pp. 352-53; see also Bartoli, *Clare of Assisi*, pp. 83-85).

⁴⁷Esser, "Die Briefe," p. 292: "The spiritual office that Hugolino had undertaken toward the new women's Orders, he retained as Pope, as the Letter *Deus*

While Hugolino was making his initial contacts with San Damiano, he continued his activities regarding the new Order he had "founded," as is shown by the register of his legation in 1221. It contains a formulary which could be used in establishing new monasteries following the *forma vitue* composed by him and placing them directly under the authority of the Roman Church. This document gives us an insight into his plan to bring to birth a "religio pauperum dominarum de Valle Spoleti sive Tuscia [an Order of Poor Ladies from the Spoleto Valley or Tuscany]," following the same model used for the monasteries of Perugia, Siena and Lucca founded less than two years before. Thus, a new monastic institution was clearly emerging, connected to the initiative of Hugolino and independent of San Damiano, yet doubtlessly characterized by a strong emphasis on poverty. At this stage, however, both the name of this new order (*religio pauperum*

pater cui vos shows quite clearly. It is a theology of the contemplative life in a few sentences, as can hardly ever be found written so pregnant and creatively." In order to explain the emphasis which Hugolino places on the importance of the contemplative life for the whole Church, Esser notes the influence of the Cistercian spirituality; Bartoli, Clare of Assisi, also addresses this aspect, pp. 76-82. We should note that Innocent III also considered the strict enclosure as one of the characteristics of the new feminine monasticism in his reform: see M. Maccarone, Studi su Innocenzo III (Padua, 1972) p. 276.

⁴⁸See note 28 and the corresponding text.

"Levi, Registri dei cardinali, pp. 153-154: "et loco ipsi et sororibus tam presentibus quam futuris plenam concedimus libertatem, quam habere noscuntur monasteria eiusdem religionis de Perusio, de Senis et de Luca eius Apostolice Sedis privilegiis confirmatam [...and to that place and to the sisters, both present and to come, we grant full liberty, which the monasterics of the same Religion at Perugia, Siena and Luca are known to have by privileges confirmed by the Apostolic See]." The significant omission of Monticelli has been pointed out by Rusconi, "The Spread," p. 47.

"Hugolino's formulary states explicitly that in the new monasteries, which are all dedicated to the Virgin Mary, in conformity with the tradition established by the Cistercians (Gratien de Paris, *Histoire*, p. 602), "virgines Deo dicate et alic ancille Christi in paupertate Domino famulentur [virgins consecrated to God and other servants of Christ may live in the poverty of the Lord]." Interesting observations on the meaning of this form of poverty, which also included some kind of property, and its eventual relationship to the exemption, can be found in Zarncke, *Der Anteil*, pp. 62-64.

dominarum) and the formulary as a whole seem to indicate that it is still unclear whether or not these women should be subject to strict enclosure, an element which already seems to have been foreshadowed in the documents of July 1219 giving life to the first Hugolinian monasteries. However, from the 1220's onwards, enclosure became the main characteristic of the new monasteries. Although the episcopal documents founding the monasteries of Faenza and Milan, based on the Hugolinian formulary, speak of sorores pauperes, 22 ecclesiastical documents drawn up immediately after these gradually begin to adopt the term sorores pauperes inclusae [Cloistered Poor Sisters] and the Rule of Hugolino is referred to as the "forma vitae pauperum dominarum clausarum in valle Spoleti manentium [Form of Life of the Enclosed Poor Ladies living in the Spoleto Valley]."53

It is also necessary to note that while the Hugolinian monasteries that already existed during the pontificate of Honorius III were granted a certain number of specifically requested privileges which exempted them from the jurisdiction of the local ordinary, San Damiano received no such papal letter.⁵⁴ This is a further confirmation of the independent position of Clare's community. Furthermore, by papal mandate Hugolino "officially" assumed responsibility for the new Order: a Milanese document of November 2, 1224, in fact, grants to Hugolino the leadership of the *Ordo de Valle Spoleti*, thus clearing the field of a series of misleading statements regarding the responsibilities supposedly entrusted to a certain Brunetto de lo Carmaniago. The document, drawn up by the Archdiocesan chancery and signed by Archbishop Enrico da Settala, refers to Hugolino as follows: "qui de mandato domini pape est provisor et rector omnium monialium ipsius

⁵¹See notes 39-43 and the corresponding text.

⁵²F. Lanzoni, "Le antiche carte del convento di S. Chiara in Faenza," AFH 5 (1912) 273: "virgines Deo dicate et alie ancille Christi absque possessionibus ... in paupertate Domino famulentur." M.P. Alberzoni, Francescanesimo a Milano nel Duecento, (Milan, 1991) p. 208: "pauperes sorores Mediolani commorantes."

⁵³Both these expressions are found in a letter from the Archbishop of Milan, Enrico da Settala, dated February 4, 1225; Alberzoni, *Francescanesimo a Milano*, p. 179.

⁵⁴As a single example, let us consider the case of the Hugolinian foundation in Milan, to which Honorius granted at least two privileges, one each in May and August 1225; see Alberzoni, *Francescanesimo a Milano*, p. 179.

Ordinis [who, by the mandate of the Pope, is the provider and governor of this very Order]."⁵⁵ The terminology is similar to that used to define the cardinal protector, which in substance was Hugolino's role in regard to the monasteries he founded. Yet it does not seem that he exercised a similar authority by pontifical delegation in regard to San Damiano. Probably as long as Francis was alive, Clare did not feel it necessary, since she considered that San Damiano was by its very nature incorporated into the Franciscan Order.⁵⁶

There are, however, documented associations between Clare and Hugolino, at least beginning in 1220, at the time, we may note, when Francis was in the Orient. The prelate spent some days immediately before Easter at San Damiano. It does not seem that after this the Cardinal of Ostia took a great interest in the monastery in Assisi; rather, he was more interested in the organization of the new order which he had founded, for which the Pope had given him the responsibility. He appointed the Cistercian Ambrose as visitator. The history of Clare and her community, however, unfolded in direct contact with the Friars Minor who provided them with spiritual and material assistance. Thus we are dealing with two histories that are parallel in substance. However, things were to change following Francis' death and Hugolino's "ascent" to the papacy in March of 1227.

2. "Pope Gregory of happy memory... loved this holy woman intensely with a fatherly affection. When he was [attempting to] persuade her that, because of the events of the times and the dangers of the world, she should consent to have some possessions which he himself willingly offered, she resisted with a very strong spirit and would in no way acquiesce. To this the Pope replied: 'If you fear for your vow, We absolve you from it.' 'Holy

⁵⁵The document is found in Alberzoni, *Francescanesimo a Milano*, p. 208, which also gives indications about previous editions. Basing their work on the edition of Sassi, scholars had attributed the title of "provisor et rector omnium monialium ipsius Ordinis" to Brunetto de lo Carmaniago, who in reality is one of the witnesses of the act: see also Oliger, "De origine," p. 420; Gratien de Paris, *Histoire*, p. 600; Grundmann, p. 331, n. 157; Sensi, "Women's Recluse Movement," p. 325.

⁵⁶Bartoli, *Clare of Assisi*, p. 91: "Clare considered the whole movement of Minors, both the male and female branches, as being one Order."

Father', she said, 'I will never in any way wish to be absolved from the following of Christ'."57

This conversation, which is also mentioned in the bull of Clare's canonization, offers a unique view of the significance and spiritedness of relations between Clare and the Pope. This conversation can be placed in July of 1228 when Gregory IX was in Assisi to preside at the beatification [sic] of Francis and it marks an important point in relations between the abbess of San Damiano and the pontiff. Nothing leads us to believe that until this point contacts with the ecclesiastical authority had presented any difficulties, perhaps because the strong bond with the Franciscan Order, as we have said, still offered Clare sufficient autonomy with respect to the papacy's action regarding religious life for women. Shortly after his election to the papacy Gregory IX, in his *Magna sicut dicitur*, aletter that is highly

⁵⁷The Legend of Saint Clare, 14, *Clare of Assisi: Early Documents*, p. 269. The episode is reconstructed by Bartoli, *Clare of Assisi*, p. 133.

⁵⁸Clara claris praeclara, n. 13 (Lazzeri, Il processo di canonizzazione, p. 505): "Nec aliquibus prorsus potuit induci suasibus ad consentiendum, quod suum monasterium proprias possessiones haberet, quamquam felicis recordationis Gregorius papa, praedecessor noster, de multi indigentia ipsius monasterii pie cogitans libenter illi voluerit, pro sororum eius sustentatione, possessiones sufficientes et congruas deputare [Clare of Assisi: Early Documents, p. 243: She could not be induced by any persuasion to consent to have any possessions in her monastery, even though Pope Gregory of happy memory, our predecessor, thinking about the great indigence of her monastery, generously wanted to endow sufficient and appropriate possessions for the sustenance of her sisters]." See also Bartoli, "La povertà," pp. 234-41.

⁵⁹The text is in Alberzoni, *Francescanesimo a Milano*, p. 209, from the original sent on July 27, 1227 to the Monastery of Sant'Apollinare in Milan [See *Clare of Assisi: Early Documents*, p. 352]. In *BF* I, pp. 33-34 we find the text of the original sent to the monastery of Siena on August 12 of the same year. G.B. Mittarelli-A.Costadoni, *Annales Camaldulenses*, *IV*, (Venice 1759) p. 296, published instead an original addressed on August 1 to the nuns of Spello. I hold that the letter *Deus pater qui vos*, dated in the first months of 1228 (Esser, "Die Briefe," pp. 283-290) must also be considered as a circular sent to the Hugolinian monasteries as Esser concludes at the end of his analysis. I hold, therefore, (contrary to Bartoli, *Clare of Assisi*, p. 10) that this letter can no longer be considered among the documents relative to the life of St. Clare.

spiritual in tone, and which for various reasons is reminiscent of *Ab illa hora*, was addressed to some communities of *Pauperes moniales inclusae*, asking their prayers and announcing that he had handed over the *cura monialium* to Brother Pacificus. ⁶⁰ The fact is certainly noteworthy because it is the first proof of Gregory's attempt to give to the Friars Minor the *cura monialium* of those monasteries which, as we have seen, were established under his initiative. This course of action of the papacy becomes even more evident in December, 1227, when, with *Quoties cordis* Gregory delegates directly to the Minister General of the Friars Minor the care of the monasteries of the *Pauperes moniales inclusae* and, significantly, without any reference to a common Franciscan origin of the two Orders. ⁶¹

Thus Gregory had guaranteed that the monasteries he had founded would have the *cura* of the Franciscans. In order to better structure the whole initiative, however, he needed to see to it that San Damiano, the first community to which Francis had promised his assistance and that of his friars, would also be included among the foundations of the *Ordo de Spoleto sive Tuscia*. This allows us to formulate several hypotheses about Gregory's visit to San Damiano and his spirited discussion with Clare. In fact, at that time the Pope proposed that Clare and her sisters adopt his *formula vitae*, which during that same period he was perfecting and spreading even beyond the Italian peninsula, as can be seen from the draft contained in a letter sent to the monastery of Pamplona in April, 1228.⁶²

The testimony of those who were present at that discussion leaves no doubt about the decisive reaction of Clare. She probably agreed to the Pope's request to annex San Damiano to the Hugolinian monasteries and be directly subject to the Roman See. Nevertheless, she wanted the Pope

⁶⁰"Positus igitur in patibulo crucis... ad vos venire nequeo... et vos iuxta matrem Domini lamentantes a longe videre compellor, quas filio meo fratri Pacifico commendatas, in cruce relinquo."

⁶¹BF I, p. 36; Rusconi, "The Spread," p. 52. A significant example of the equivocations caused by an improper use of the terminology is noted by Sbaraglia who, in a note to his edition, explains the term *moniales reclusae* as a reference to: "Nempe Damianitae, seu Clarissae [namely Damianites or Poor Clares]."

⁶²The text is in *Escritos*, pp. 217-232, which also gives information about later drafts [see also *Clare of Assisi: Early Documents*, pp. 89-100].

himself to guarantee in writing the special status of the monastery in Assisi.⁶³ In fact, on September 17 of that year, Gregory IX addressed to Clare the letter *Sicut manifestum est*, in which he granted San Damiano the right not to be compelled by anyone to accept property.⁶⁴

Very probably because of Clare's explicit disagreement, there was a marked cooling in relations between Gregory and her. In fact, the concession of the *privilegium paupertatis* is the last document which that Pope addressed to Clare; 65 despite the fact that starting from the early years of his pontificate there was a noticeable increase in the privileges granted to the Hugolinian monasteries. On the other hand, the pontiff had seen to it that the community of San Damiano was now fully included among "his" monasteries which, perhaps following his discussions with Clare, the Pope began to refer to as the *Ordo S. Damiani*. This was an important victory for Gregory who, as we have already seen, was trying to create a strong bond between the Order of Friars Minor and the monasteries which began under his initiative. If, indeed, the new Order were to take its name and example from the community of Clare, for whom the assistance of the friars was fundamental, such a situation might more easily extend to the whole Order

⁶³Gennaro, "Clare, Agnes," pp. 269-70; Bartoli, *Clare of Assisi*, pp. 132-135. The studies cited here consider the *privilegium paupertatis* of Gregory IX as a confirmation of the one attributed to Innocent III and traditionally dated 1215-1216. Now, thanks to the research of Maleczek, "Das Privilegium paupertatis" (see note 7, above) it has been clarified that such a document had never been promulgated by Innocent.

⁶⁴"Ut recipere possessiones a nullo compelli possitis [Clare of Assisi: Early Documents, pp. 107-8: "...that no one can compel you to receive possessions"]."

⁶⁵Bartoli, *Clare of Assisi*, p. 134. It is worth noting as confirmation of a crisis in the relations between Clare and Gregory that there is no mention of other meetings between the two, despite the fact that the Pope was in Assisi from September 16, to October 5, 1235; the circumstances favoring the Curia's long stay in Assisi are examined by W. Schenkluhn, *San Francesco in Assisi: Ecclesia Specialis* (Milano, 1994), pp. 199-202.

⁶⁶Rusconi, "The Spread," p. 52, points out that during the 1230's the term *Ordo S. Damiani* begins to be used; a thorough study of the documentation regarding the Hugolinian monasteries is still needed in order better to pinpoint the chronology.

of San Damiano, thus giving the papacy a precedent to help overcome the inevitable opposition of the Franciscans in the face of the ever growing number of monasteries entrusted to their care.

We have confirmation of the fact that from the time in question San Damiano began to be included among the monasteries which we might call "of pontifical right." It is found in a letter written by Cardinal Raynaldus, who took Hugolino-Gregory's place in the care of the *pauperes moniales reclusae*. The letter is dated August 18, 1228, and is addressed to twenty-four monasteries in central and northern Italy, with the monastery of San Damiano at the top of the list. ⁶⁷ Raynaldus was one of Hugolino's closest coworkers during his legations in Lombardy and Tuscany and, therefore, present at the first Hugolinian foundations. ⁶⁸ In this letter, he announced that he had succeeded the Cardinal of Ostia in the *cura* of the monasteries because the latter, having become Pope, could no longer do it personally. The new cardinal protector also informed the nuns of Brother Pacificus's resignation from the burdensome task of visitator of the monasteries and the assumption of that office by Brother Philip the Long. ⁶⁹

We must therefore conclude that the reason for Clare's inflexibility during her conversation with Gregory IX is to be found in his request to place San Damiano under the direct jurisdiction of the papacy. In addition to a stricter observance of enclosure and the need to accept possessions, their incorporation in the Hugolinian style of monasticism would mean a loosening of relations with the Franciscan Order. Let it suffice to note that the visitators and the friars entrusted with the cura monialium would be chosen directly by the Apostolic See. The new arrangement therefore risked compromising the elements that characterized the experience of San Damiano, which Clare had absolutely no intention of renouncing. Within that context it is perhaps possible to offer a convincing explanation of

⁶⁷The letter can be found in *Clare of Assisi: Early Documents*, pp. 105-6. See also Rusconi, "The Spread," p. 53.

⁶⁸ See note 33 above.

⁶⁹Brother Pacificus had been entrusted with the *cura monialium* only the year before (see above, notes 60-61 and the corresponding text); see also Rusconi, "The Spread," p. 53.

⁷⁰ Bartoli, Clare of Assisi, p. 137.

Clare's harsh reaction to the news of the dispositions contained in the interpretation of the Franciscan Rule, promulgated by Gregory IX with *Quo elongati* on September 28, 1230.⁷¹

In the late spring of 1230 a delegation from the general chapter of the Friars Minor had turned to Gregory IX for some clarifications concerning the interpretation of the Rule. One of the points of controversy was that of friars' living near and visiting the convents of the pauperes moniales inclusae, whose care had been entrusted to them by the Apostolic See with Quoties cordis in December 1227.72 This appointment, as we have seen, had been confirmed by Raynaldus in August of 1228.73 The friars asked the Pope if the passage in the rule forbidding the brothers from entering monasteries of the nuns "except when they have been granted a special permission to do so by the Apostolic See" referred only to the monasteries of the poor recluse nuns (the Hugolinian monasteries) or if that proscription concerned all monasteries of nuns, including, obviously, San Damiano. They were asking, that is, if henceforth Clare's community should be considered on a par with the foundations directly subject to the Roman Church, that is, as a Hugolinian monastery. In Quo elongati of September 8, 1230, Gregory replied in substance to that question in the affirmative, ruling that papal permission would be necessary for the friars to enter all monasteries, not only those of the pauperes moniales inclusae.74

It is evident therefore that, if in their discussion in 1228 Gregory had shown that he wanted to mitigate the observance of poverty practiced at San Damiano, with *Quo elongati* he was creating a great obstacle to the close

⁷¹The letter and its historical context can be found in H. Grundmann, "Die Bulle 'Quo elongati' Papst Gregors IX," *AFH*, 54 (1961) 3-25. Particular attention to Clare's reaction is paid by Gennaro, "Clare, Agnes," p. 271 and Bartoli, "Gregorio IX, Chiara d'Assisi e le prime dispute all'interno del movimento francescano," *Rendiconti della Accademia nazionale dei Lincei, Classe di Scienze morali, storiche e filologiche*, 35 (1980) 97-108.

⁷²See note 61 above and the corresponding text.

⁷³See note 67 above and the corresponding text.

⁷⁴FF, pp. 2201-2202; see the interesting observations by G. Miccoli, "Postfazione," in Dalarun, *Francesco*, pp. 192-194.

bonds existing between the Franciscan Order and Clare's community.⁷³ Thus we can understand Clare's dramatic statement: "Let him now take away from us all the brothers since he has taken away those who provide us with the food that is vital."⁷⁶ For Clare, the possibility of intense contacts with the Minors was strictly bound up with life at San Damiano, to the point that it was considered as a form of apostolate.⁷⁷

This episode is well known and has been mentioned here only because it is certainly central to relations between Clare and Gregory IX. We must note, however, that this time Clare's protest could not be expressed directly to the Pope, who was no longer in Assisi. But the Pope certainly came to learn of it and decreed an exemption to his ruling only for San Damiano, entrusting the care of that monastery directly to the Minister General of the Order, John Parenti. One hypothesis is that it was Parenti himself who informed the Roman Curia of Clare's reaction. But we cannot exclude the possibility that the initiative had been taken by another person in the Order's forefront, a person who enjoyed Clare's complete trust and

⁷⁵Bartoli, *Clare of Assisi*, p. 138. Clare's unconditional fidelity to Francis' dispositions relative to poverty and San Damiano's connection to the Order of Friars Minor has been highlighted by E. Menesto, "Vite dei santi e processi di canonizzazione come proposta di un modello di santità," in *Dalla "sequela Christi*," pp. 194-195.

⁷⁶Legenda, 37; Clare of Assisi: Early Documents, p.290, "Omnes nobis auferat de cetero fratres, postquam vitalis nutrimenti nobis abstulit praebitores,"

⁷⁷Gennaro, "Clare, Agnes," p. 271; we should note that the function of "spiritual help" performed by the nuns with their prayer on behalf of the Order of Friars Minor was what Hugolino asked for himself of Clare's community in *Ab illa bora*, the letter written after his stay in Assisi in the spring of 1220.

⁷⁸Legenda, 37; "Et statim omnes fratres ad ministrum remisit, nolens habere eleemosynarios qui panem corporalem acquierent, postquam panis spiritualis eleemosynarios non haberent. Quod cum audiret papa Gregorius statim prohibitum illud in generalis ministri manibus relaxavit [Clare of Assisi: Early Documents, p. 290: At once she sent back to the minister all the brothers, not wanting to have the questors who acquired corporal bread when they could not have the questors for spiritual bread. When Pope Gregory heard this, he immediately mitigated that prohibition into the hands of the general minister]."

who would succeed John Parenti as Minister General in 1232: Brother Elias.⁷⁹

The latter hypothesis seems to be confirmed by a letter addressed to Clare by her sister Agnes who, according to tradition, was at that time the abbess of S. Maria di Monticelli in Florence. In this letter, traditionally dated in 1230, Clare's sister, who had left San Damiano to reform the Florentine monastery according to the observance at San Damiano, addresses her former community and asks for prayers for herself and her new sisters. She adds, however, an interesting remark which makes it possible for us to conclude that Gregory, upon the request of either Clare or Agnes, had shortly before granted to that community, which wanted to be like the monastery in Assisi in all things, the *privilegium paupertatis*. Hence,

⁸⁰Gennaro, *Clare of Assisi*, p. 263, which also considers with some caution information about Agnes' stays in Verona, Venice, Padua and Mantua; see Rusconi, "The Spread," pp. 44-45. Rusconi rightly notes that from the letter in question it is not possible to find information about Agnes' stay at Monticelli. Rather it is a case in which the interpretation of the document has been strongly influenced by dates offered by tradition. The letter can be found in *Analecta franciscana*, III, (Ad Claras Aquas, 1897), pp. 175-77 and in *Escritos*, pp. 369-71; an English translation is found in *Clare of Assisi: Early Documents*, pp. 109-10.

⁸¹This is revealed by the phrase: "Sciatis quod dominus Papa satisfecit mihi ut dixi et volui, in omnibus et per omnia, secundum intentionem vestram et meam, de causa quam scitis, de facto videlicit proprii [Be assured that the Lord Pope has satisfied me, as I said and wanted, in all things and in every way according to your intention and mine regarding, as you know, our position on the ownership of property]." We should note that if Agnes had been at Monteluce instead of Monticelli, the chronology would be in perfect accord with the *privilegium* which

⁷⁹Throughout 1230, in fact, Elias was mostly in Assisi where he was taken up with work on the construction of the St. Francis basilica (Bartoli, *Clare of Assisi*, pp. 134-135). Our knowledge of the person and works of Brother Elias has recently been expanded through the work of Giulia Barone, "Frate Elia," *Bullettino dell'Istituto storico italiano per il Medio Evo e Archivio Muratoriano*, 85 (1974-1975) 89-144; Barone, "Frate Elia: suggestioni da una rilettura," *I compagni di Francesco e la prima generazione minoritica* (Spoleto, 1992) pp. 59-80). These studies have liberated his image from centuries of prejudice due to the erroneous interpretations furnished by Salimbene and the Spirituals. See also S. Vecchio, "Elia d'Assisi," in *Dizionario biografico degli Italiani*, XLII (Rome, 1993), pp. 450-58.

although relations between Gregory and Clare were no longer marked by that profound affection which Hugolino displayed in his letter of 1223, they were not damaged to the point that prevented Clare making requests for herself or for other communities, nor that prevented Gregory from responding favorably to them. It would certainly have been a serious problem for Gregory to have broken completely with Clare. First of all, because of the fame that the abbess of San Damiano had achieved thanks to the widespread diffusion of Thomas of Celano's Vita prima, which devotes a great deal of space to the origins of Clare's community. A second factor is that, with increasing frequency Gregory was referring to the monasteries he had founded as belonging to the Ordo San Damiani, thus pointing to Clare's community as the ideal model of monasteries directly subject to the Apostolic See in order to ensure for the nuns, as we have seen, the cura of the Friars Minor.

3. Within this delicate balance it is possible to interpret the important work done by Elias, who was in all probability a native of Assisi and therefore had a thorough knowledge of Clare's community. This knowledge clearly distinguished him from the six friars who went with John Parenti as a delegation to Gregory IX in the late spring of 1230 to ask the Pope for an interpretation of some points of controversy in the Rule, an interpretation which the Pope then supplied in *Quo elongati*. Elias, in addition to being well known and esteemed at the papal curia and the imperial court alike and despite the erroneous interpretations about him

Gregory IX granted on June 16, 1229 to the monastery of Perugia (BF I, p. 50), whose superior (who is not referred to as abbatissa or abbass) was named Agnes [see Clare of Assisi: Early Documents, p. 354].

⁸²Rusconi, "The Spread," p. 52; M. Bartoli, "'Novitas clariana,' Chiara, testimone di Francesco," *Chiara d'Assisi*, pp. 164-165.

⁸³A. Rigon, "Antonio di Padova e il minoritismo padano," *I compagni di Francesco*, pp. 187-191; the delegation was composed of Anthony of Padua, Leo of Perego, Gerard Boccabadati, Peter of Brescia, Gerard Rossignol and Haymo of Faversham. Anthony of Padua, Leo of Perego, Gerard Boccabadati of Modena and Peter of Brescia were clerics from the Po valley in northern Italy; Gerard Rossignol was a papal penitentiary and Haymo of Faversham, a priest and professor at Tours, Bologna and Padua, was English. They were "friars belonging to international circles, therefore, to the Papal circles in the area of northern Italy; men of law, learned theologians, famous preachers; not a single one from Umbria" (ibid, p. 189).

found in the chronicles of the Order, must have been one of the most faithful interpreters of the message of Francis, whose vicar he had been from 1221 to 1227, that is, until the general chapter elected John Parenti and Elias was given the task of supervising the construction of the basilica in Assisi.*4 It is not improbable that he was Clare's intermediary with Gregory since, although he was residing for the most part in Assisi, he could easily have access to the Roman Curia. Confirmation of this can be seen from the fact that Agnes, in the above-mentioned letter, first informs her sister that Gregory IX had granted the privilegium paupertatis to her community. This is followed immediately by a reference to Elias, asking Clare to ask him to come more often to visit the monastery which Agnes now headed and to bring her and her sisters the Lord's consolation.85 If such a text is an implicit confirmation of the familiarity between Clare and Elias, it also suggests some type of connection which the latter had with what we could call the foundations related to St Clare, as distinguished from the Hugolinian monasteries which were now called the Ordo S. Damiani.

It is only in this perspective that relations between Elias and the communities closest to Clare become evident. The abbess of San Damiano certainly considered Elias one of Francis' most faithful followers and she always followed his advice with extreme confidence, as she recommended to Agnes of Bohemia to do as well. Elias evidently exercised his mission on behalf of Clare's monasteries with her full approval. What is more, until at least the promulgation of *Quo elongati*, he was able to perform those tasks in total autonomy from the ecclesiastical authority. On the other hand there

⁸⁴Barone, "Frate Elia: suggestioni," pp. 63-65.

⁸⁵Clare of Assisi: Early Documents, p. 110: "I beseech you to ask Brother Elias to visit me more often to console me in the Lord."

⁸⁶This advice is contained in the second letter dated between 1234 and 1238 (*Clare of Assisi: Early Documents*, pp. 39-43): "In all of this, follow the counsel of our venerable father, our Brother Elias, the Minister General, that you may walk more securely in the way of the commands of the Lord. Prize it beyond the advice of the others and cherish it as dearer to you than any gift."

⁸⁷The prescription contained in the Rule according to which it was necessary to have authorization from the Apostolic See in order to enter the convents was not considered as pertaining to San Damiano, since this community was considered a part of the Franciscan Order.

are not many indications concerning any interventions by the cardinal protector Raynaldus. In fact, the sources do not allow us to discern any action he may have performed on behalf of San Damiano, as he did for other monasteries which were now called the "Order of San Damiano."

On still another occasion Clare openly expressed her unconditional esteem for Elias: in the second letter addressed to Agnes of Bohemia, written between 1234 and 1238.*9 Examining Clare's letters, Alfonso Marini insisted that the problem of the Rule occupies a central place. In the letters from Clare to Agnes we see an attempt to shape the Prague monastery according to the model proposed by Francis and faithfully followed at San Damiano, that is, to transform St. Francis in Prague, where Agnes was abbess, from a Hugolinian monastery to a Poor Clare one. On Clare's second letter to Agnes of Bohemia it is clear that there are two themes. First,

^{**}Two witnesses at the process of canonization (II, 22 and III, 14) note the attempts of Gregory IX and the cardinal to persuade Clare to accept property for San Damiano (Clare of Assisi: Early Documents, p. 146 and p. 149). A famous example of Raynaldus' generosity to the religious is the case of Mantua, studied by C. Cenci, "Le Clarisse a Mantova (sec. XIII-XV) e il primo secolo dei Frati Minori," Le Venezie francescane, 31 (1964) 3-92. In this case, Raynaldus is active in the foundation of the monastery as early as 1237 (ibid, pp. 7-9) and, after he became Pope, in an unpublished letter of May, 1257 addressed to the civic authority of Mantua, wrote: "sorores monasterii de Tegeto Mantuano, Ordinis Sancti Damiani ad Romanam Ecclesiam nullo medio pertinentis, ex eo specialius in Domino diligamus quod nos (...) primarium lapidem in ecclesia ipsarum posuimus, tunc in minori officio constituti" [We have such a love for the sisters of the monastery at Mantua, who belong to the Order of St. Damian which is immediately subject to the Roman Church, that we, holding at that time a lesser office, laid the corner stone of their church], (State Archives of Milan, Diplomatic Archives, Bulls and Briefs, cart. 13).

^{*&}quot;This is the hypothesis behind the dating found in Grau, "Die Schriften," pp. 198-202; see *Clare of Assisi: Early Documents*, p. 39.

The monastery in Prague seems to have followed the process, at least in terminology, which characterizes the Hugolinian foundations directly subject to the Apostolic See; in 1234 the nuns were still called *pauperes moniales inclusae*, but in 1237 we find the term "Order of San Damiano"; See Marini, *Agnese di Boemia* (Rome: Istituto Storico dei Cappuccini, 1991) pp. 66-67 and Marini, "Ancilla Christi, plantula sancti Francisci.' Gli scritti di Santa Chiara e la Regola," *Chiara di Assisi*, (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1993) pp. 118-119.

there is Clare's esteem for Elias, whose counsel is also recommended to the Bohemian abbess ("In all of this, follow the counsel of our venerable father, Brother Elias, the Minister General, that you may walk more securely in the way of the commands of the Lord. Prize it beyond the advice of the others and cherish it as dearer to you than any gift"). Second, one can note a precise distancing from the position of Gregory IX, which Clare considered a compromise ("If anyone would tell you something else or suggest something that would hinder your perfection or seem contrary to your divine vocation, even though you must respect him, do not follow his counsel. But as a poor virgin, embrace the poor Christ").

Gregory IX's letter of May 11, 1238, seems to echo unfavorably Clare's above-mentioned poignant and daring advice to Agnes. Despite the intervention of Wenceslaus, brother of Agnes and King of Bohemia, who had written on his sister's behalf to Pope Gregory asking him to grant her request, the Pope denied Agnes and the nuns of the monastery in Prague permission to follow the *forma vitae* which Francis gave to the community of San Damiano and firmly ordered her to follow the text of the rule—that is the Benedictine Rule with the Hugolinian-Gregorian additions—which he was sending her with that missive. In particular, on this occasion, Gregory expressed a negative judgement of Francis' *forma vitae*, which he described as simple milk fit for a new-born in contrast to solid food for an adult,

⁹¹Note that Clare's expressions closely resemble Francis' Last Will, as Clare relates it in chapter six of the Rule: "Et rogo vos dominas meas et consilium do vobis ut in ista sanctissima vita et paupertate semper vivatis. Et custodite vos multum ne doctrina vel consilio alicuius ab ipsa in perpetuum ullatenus recedatis" (Scritti, p. 152; italics added by the author) ["And I ask and counsel you, my ladies, to live always in this most holy life and poverty. And keep most careful watch that you never depart from this by reason of the teaching or advice of anyone" (Clare of Assisi: Early Documents, p. 72].

⁹²Marini, "Ancilla Christi," pp. 135-140. English translation from Clare of Assisi: Early Documents, p. 41 (Italics added by author).

⁹³BF I, pp. 242-244 (Angelis gaudium). Concerning this letter see Marini, Agnese di Boemia, pp. 76-79. In "Ancilla Christi," Marini notes: "In all probability Agnes' request, which she pressed strongly at the court of her brother Wenceslaus, should be seen as part of a much broader attempt, which Clare was at the very least aware of, but which she herself was able to obtain only in 1253 with the granting of her own Rule"; see also Gennaro, "Il francescanesimo femminile," pp. 275-277.

represented by the rule which he had composed. Most of all, however, it is interesting to note a veiled reference to someone who, suggesting that they adopt the *forma vitae* composed by Francis for San Damiano, had supposedly given bad advice to Agnes and her companions: "Therefore we ask your devout obedience in the Lord Jesus Christ as we enjoin you to the remission of your sins to consider in fruitful meditation what has been said, and prudently observe that whatever action may perhaps be suggested to you by someone having zeal but not sufficient knowledge, the most important consideration should be whether it is pleasing to God, acceptable to Us and salutary for you and your community. At the same time with the forbearance of the Redeemer on your side, you should shun every pretext, and diligently observe the Rule. You should also see to it that it is observed by your Sisters."

⁹⁴BF I, p. 243: "Sane... cum nobis adhuc in minori constitutis officio, dilecta in Christo filia Clara, abbatissa monasterii Sancti Damiani de Assisio et quaeddam aliae devotae in Domino mulieres, postposita vanitate saeculi, elegissent eidem sub religionis observanda famulari, ipsis beatus Franciscus quibus tamquam modo genitis non cibum solidum, sed qui videbat competere, potum lactis formulam vitae tradidit [When We were yet established in a lesser office, and that beloved daughter in Christ, Clare, the Abbess of the Monastery of San Damiano in Assisi, and certain other devout women in the Lord cast aside worldly vanity and chose to serve Him under the yoke of religious observance, Blessed Francis gave them, as new-born children, not solid food but rather a milk drink, a formula of life, which seemed to be suited to them, (Clare of Assisi: Early Documents, 372)]."

Ohristo in remissionem tuorum peccatorum iniungentes, quatenus praemissa solerti meditatione considerans et prudenter advertens, quod quidquid tibi suggeratur ab aliquo forte zelum, sed secundum scientiam non habente, id in tuis affectibus debeat haberi potissimum quod Deo placitum et acceptum nobis salutare tibi et proximis esse valeat, annuent clementia Redemptoris, praedictam regulam omni occasione postposita diligenter observes et a tuis sororibus observari procures [Therefore, we ask your devout obedience in the Lord Jesus Christ as We enjoin you to the remission of your sins in that you consider in fruitful meditation what has been said above, and prudently observe that whatever zealous action may perhaps be suggested to you by someone not having sufficient knowledge, the most important consideration should be whether it is pleasing to God, acceptable to Us, and salutary for you and your community. At the same time, with the forbearance of the Redeemer on your side, you should shun every pretext, and diligently observe the Rule, [(Clare of Assisi: Early

It seems plausible that the expression "someone" (ab aliquo) refers to Elias or Clare. True, if we must base our argument on the Latin word used, we would have to hold for Elias, but the word is purposely ambiguous. The next phrase, "someone having zeal but not sufficient knowledge" could instead offer some support to the hypothesis that the person in question is Elias, especially in view of two considerations. First of all, we should recall Gregory's decisive tendency throughout his pontificate to keep the "lay" element from positions of responsibility in ecclesiastical life. The classic example of preaching, studied by Rolf Zerfass, is rather a case in point: after the cautious and conditional permissions which Innocent III had granted to the laity, from the very first years of his pontificate, Gregory intervenes repeatedly to disallow such important activities to all those who were not part of the ordo doctorum, that is, to those who were not clerics and, preferably, priests, given the close ties which were increasingly being made between preaching and confession. The reference to someone "not having sufficient knowledge" could then well describe Elias who was not a cleric and who, for this very reason, experienced conflict with his Order during that same period.97

The second reason for attributing Gregory's thinly veiled critical reference to the Minister General of the Friars Minor concerns precisely Elias' difficult position in relationship to the Order, but doubtlessly also in his relationship to the papacy with which the Order had close ties. ** We can

Documents, p. 373)]."

⁹⁶R. Zerfass, Der Streit um die Laienpredict. Eine pastoralgeschichtliche Untersuchung zum Verständnis des Predigtamtes und zu seiner Entwicklung im 12. und 13. Jahrhundert (Freiburg i. B. 1974), pp. 253-301. See, among others, the cogent contributions by Rusconi, "Predicatori e predicazione (secoli IX-XVIII)," Intellettuali e potere, ed. by C. Vivanti (Turin, 1981), especially pp. 960-977; Rusconi, "I francescani e la confessione nel secolo XIII," Francescanesimo e vita religiosa dei laici nel '200 (Assisi, 1981) pp. 251-309.

⁹⁷The situation within the Order from the early 1230's onwards is described by T. Desbonnet, *From Intuition to Institution*, trans. Paul Duggan and Jerry Du Charme (Chicago: Franciscan Herald Press, 1988) pp. 108-26. See also R. Manselli, "La clericalizzazione dei Minori e san Bonaventura," *Bonaventura francescano* (Todi, 1974) pp. 181-208.

⁹⁸Barone, "Frate Elia: suggestioni," pp. 69-70, notes how the Order's dissatisfaction was strongly manifested precisely in 1238, the same year in which

conclude then that, in these years which were difficult for the minister general of the Franciscans, Gregory had an added motive causing him to be wary of Elias, although he did use him for important missions, such as sending him to Frederick II in the spring of 1238. This added motive would be his disapproval of Elias' work in support of the way of life proposed by Clare, which the Pope evidently saw as an alternative to the Order he had been organizing with ever greater determination since the early 1220's. So there is an alliance formed against the directives of the papacy: on the other hand Clare enjoys the substantial support of Elias who, lest we forget, from 1232 to 1239 served as minister general of the Franciscan Order, an Order of which Clare felt she was an integral part.

Furthermore, Elias's acted not only in solidarity with Clare and the communities which wanted to follow her way of life, but also to rescue what was original in Francis' contribution to the life of women religious, a contribution which Gregory was trying to subsume or annul, substituting an extremely rigid asceticism for the practice of absolute poverty.¹⁰¹

Thus Clare and Elias could be considered Gregory's antagonists in what concerns feminine Franciscanism. If, on the one hand the pontiff and the cardinal protector were striving to give a certain degree of uniformity to the various manifestations of the "women's religious movement," Clare and

Robert Grossatesta, who made use of Friars Minor in the administration of his diocese (Lincoln), also turned to the Roman Curia to express his concern about the state of the Order and to ask for some clarification of Elias' position.

⁹⁹Salimbene, Chronicle, p. 78; such activities by Elias are also discussed by G. Barone, "Federico II di Svevia e gli Ordini Mendicanti," Mélanges de l'Ecole Française de Rome, 90 (1978) pp. 613-14, and A.M. Voci, "Federico II imperatore e i Mendicanti: privilegi papali e propaganda anti-imperiale," Critica storica 22 (1985) pp. 24-5.

of Clare in chapter one of her Rule: "And as, at the beginning of her conversion, she [Clare], together with her sisters, promised obedience to Blessed Francis, so now she promises his successors to observe the same obedience inviolably," *Clare of Assisi: Early Documents*, 64.

¹⁰⁾This seems to be the continuous trend of the papacy regarding the new forms of women's monasticism: see the observations of La Grasta, "La canonizzazione di Chiara," pp. 319-20.

her sisters and Elias, on the other hand, were the spokespersons and most directly responsible for spreading the feminine form of religious life as Francis proposed it, and thus introducing, at least in the eyes of the Roman curia, an element of disorder. For Clare however, such an initiative, carried out in accord with the Franciscan minister general, could have meant only one thing: being a faithful witness to Francis in the course of action he had shown her in giving her counsel and help in the "birthing" of San Damiano and placing that community under the care of the Order of Friars Minor. In the name of that unconditional fidelity, Clare places at the beginning of her Rule, approved in 1253, the sentence: "Forma vitae Ordinis sororum pauperum, quam beatus Franciscus instituit haec est" [The form of life of the Order of the Poor Sisters that Blessed Francis established is this]. With these words she was not making a reference to the *Ordo San Damiani*, but to that group of monasteries which we might call "Clarian," 105

¹⁰² I would place in this context the new "edition" of Gregory's forma vitae contained in Cum omnis vera, addressed to the monastery of Ascoli Piceno in May of 1239 (BF I, pp. 263-267). In the introduction of the letter it is apparent that the pope's goal is to confer a well-defined and uniform juridical shape on the Order of San Damiano (see the observations of Gennaro, "Il francescanesimo femminile," p. 276): it is a question, among other things, of an attempt which can be traced to the normative efforts not only of Gregory IX, but also of Innocent IV and Urban IV.

[[]Francis] saw we had no fear of poverty, hard work, trial, shame or contempt of the world,... moved by compassion he wrote a form of life for us as follows: 'Because by divine inspiration you have made yourselves daughters and servants of the Most High King, the heavenly Father, and have taken the Holy Spirit as your spouse, choosing to live according to the perfection of the holy Gospel, I resolve and promise for myself and for my brothers to always have that same loving care and solicitude for you as [I have] for them'. As long as he lived he diligently fulfilled this and wished that it always be fulfilled by his brothers," (RCl 6:2-5; Clare of Assisi: Early Documents, p. 69).

¹⁰⁴RCl 1:1 (Clare of Assisi: Early Documents, p. 62).

Hugolinian terminology, by which the women religious were called *pauperes moniales reclusae*. The opposite opinion is expressed by Marini ("Ancilla Christi," pp. 116-17), who supports his position with the reference to a cardinal protector *noster*: such an expression, however, more than for other monasteries of the *Ordo S. Damiani*, refers

and she was working very hard so that the monastery of Agnes of Prague might be aggregated to hers, certainly conscious of the fact that the union of such a prestigious monastery would have urged a greater number of communities to ask to observe the *forma vitae* of Francis, something which Clare had defended even for San Damiano on more than one occasion.

It is no coincidence, however, that the exchange of letters with Agnes breaks off in December, 1238, after Gregory's firm refusal to allow the religious of Prague to follow the *forma vitae* of Francis rather than that of Gregory, despite the fact that Francis' *forma vitae* was perhaps the only one known to her at the time of her religious profession. One known to her at the time of her religious profession. One such a such

4. The situation must have been particularly difficult for Clare after Elias was deposed in May of 1239, during the chapter which Gregory IX

to the fact that the cardinal protector of the Franciscan Order should be the same one charged with protecting Clare's community. In fact the approval of Clare's rule was addressed only to the monastery of Assisi and makes no reference to an *Ordo*: "Innocent, Bishop, Servant of the servants of God, to his beloved daughters in Christ, Clare, Abbess, and the other sisters of the monastery of San Damiano in Assisi: health and apostolic blessing" (*BF* I, p. 671; *Clare of Assisi: Early Documents*, p. 63).

that at the time of their religious profession she and her sisters knew only of the forma vitae of St. Francis and not the Hugolinian Rule". Gregory replied to this objection, however, assuring her that Clare too had adopted this rule: "What is more, does it not seem that a person does not break a vow by exchanging it for something better?" This example reveals the composite origins of the monastery of Prague, a fact that can be ascertained for other monasteries.

¹⁰⁷ Marini, Agnese di Boemia, pp. 90-94.

convoked in Rome.¹⁰⁸ With the distancing of Elias, in addition to her losing the advice of one of the friars whom she considered closest to Francis, Clare saw a weakening in the last support for her initiative on the part of the highest authority within the Order. The new administration, which played a part in Elias' removal, was in fact heavily laden by friars who were not particularly sensitive to the experience of Clare and of her sisters in the monasteries united to San Damiano.¹⁰⁹ The dominant attitude among the ministers was to strictly limit the involvement requested of the friars on behalf of the women's monasteries, following a line, which we might call "juridical" or "canonical," a line begun with *Quo elongati* in 1230.¹¹⁰

It is not insignificant that it is precisely in the early 1240's that we find a number of papal letters intended to strike down the phenomenon of the *Minorissae*, those *religiosae mulieres* who, inspired by the ideal of Francis spread by the Friars Minor and asking the latter for spiritual direction, were condemned first by Gregory IX and later by Innocent IV because they did not observe the strict enclosure required by the Hugolinian-Gregorian *forma vitae* but rather led a life-style inspired by that of the male mendicant orders." In fact, it is significant that this phenomenon begins to arise only after Elias was deposed, and that could hint at the fact that until that time such experiences were recognized in substance by the Order, or at least by a part of it, and channeled in the direction of what we have called "Clarian"

¹⁰⁸Gratien de Paris, *Histoire*, pp. 144-45; G. Odoardi, "Elia di Assisi," *Dizionario degli istituti di perfezione*, III, (Rome, 1976) col. 1098-1100; Barone, "Frate Elia: suggestioni," pp. 70-71.

¹⁰⁹ For observations on the backgrounds of the friars who were most representative of the Order in the early 1240's see Rigon, "Antonio di Padova e il minoritismo padano," p. 189.

The difficulties which arose in the Order of Friars Minor after the death of Gregory IX, regarding the amount of work generated by the growing number of monasteries to be cared for, are treated by Grundmann, pp. 115-17.

¹¹¹Rusconi, "The Spread," pp. 68-70. Gennaro, "Il francescanesimo femminile," pp. 281-84; "Probably the Minors' refusal to accept new monasteries to care for, as the papacy would have liked, created a difficult situation in which many women's need for a Franciscan type of religious life, which was not accepted in official channels, was then translated into the discovery of less rigid forms that were closer to the 'minorite' movement" (p. 283).

foundations.¹¹² After Elias's removal, however, the Order sought every way possible to limit the *cura monialium* and the failure of these dissident *religiosae mulieres* to submit to the rigid papal directives would have seemed more than enough reason to refuse their recognition by the Order.¹¹³

This is not all, however. Such an attitude makes it possible for us to speculate that, in agreement with the Apostolic See, the Franciscan leadership intended to promote the Order of San Damiano, at the expense of the "Clarian" foundations: only those nuns who lived according to the rule composed by the Pope and who thus observed strict enclosure could henceforth enjoy the *cura monialium* of the friars minor.

According to Thomas Eccleston, after Elias was deposed "without permission and despite the prohibition of the minister general, he went to visit the monasteries of the Poor Ladies, for which reason it seems he may have incurred the sentence of excommunication decreed by the Pope."

the "minorite" movement in the Po valley; for example, there is the situation in Verona, which has been studied in detail by G. M. Varanini, "Per la storia dei Minoria Verona nel Duecento," Minoritismo e centri veneti nel Duecento, ed. by G. Cracco, (Civis. Studi e testi 7 (1983)), pp. 93-101. This could be an interesting witness to how a "clarian" community, that is, one inspired directly by Francis' ideal as spread by his friars, is transformed into a Hugolinian community, subject to strict enclosure and exempt from the authority of the local ordinary as early as 1225. The agent of that institutional change has been identified as Leo of Perego, one of the friars who, as we have seen, was sent in a delegation to Gregory IX to ask for an interpretation of the controversial points of the Rule at the end of the Chapter of 1230; see also, Alberzoni, Francescanesimo a Milano, p. 26.

¹¹³Grundmann, pp. 115-17.

ed. A.G. Little, (Paris, 1909) p. 85: "Post hoc frater Helias, electo ad morandum loco de cortona, contra generalem prohibitionem general ministri sine licentia accessit ad loca pauperum dominarum; unde sententiam latam a papa videbatur incurisse" ["After this, Brother Elias, having chosen the place of Cortona for his dwellling place, went without permission and against the general prohibition of the minister general to visit the houses of the Poor Ladies; for this reason he seems to have incurred the sentence of excommunication decreed by the pope." XIIIth Century Chronicles, trans. Placid Hermann (Chicago: Franciscan Herald Press, 1961) p. 156]. The author thanks Giulia Barone for having pointed out this passage. See also

This is an interesting clue, one which can support the observations made above both in regard to the work Elias had previously performed with Clare's consent and without any papal appointment, as well as an indication of Gregory IX's displeasure at the initiative of the former minister general of the Minors who, according to the chronicler, for this very reason had fallen into total disgrace with the Pope. Thus many elements lead us to reevaluate Elias's role on behalf of the women's communities inspired by Francis and Clare. In all probability the close relationship between Clare and the Order of Minors drew strength from the bonds between the community of San Damiano and Francis' first companions, among whom it seems Elias must be reinstated with full rights. The unjust "demonization" which he suffered, especially in works by Spiritual authors, could explain in substance the almost complete silence about Clare and her community in the writings of this group.

With the loss of the firm support offered by Elias¹¹⁵ and, with him, by the highest powers in the Order, it seems that Clare, whose illness also worsened, withdrew from active involvement in the spread of Francis' *novitas*, dedicating herself entirely to making San Damiano the perfect model of a woman's Franciscan community. In this too she followed the example of Francis who, in his day, had pointed to the Porziuncola as the model for the whole Franciscan Order.¹¹⁶ In order for this to happen, she had to be the first to live in conformity with and to incarnate the form of life established by Francis.

Miccoli, "Postfazione," p. 194.

¹¹⁵Elias, died in April 1253, several months before Clare; even after he was deposed, became distanced from the Order and incurred a double excommunication, he continued to work in promoting the memory of Francis, as can be seen by his promotion of the construction of a basilica in honor of the saint in Cortona: Vecchio, "Elia," pp. 453-54.

¹¹⁶ Bartoli, Clare of Assisi, p. 87; See also Rusconi, "Chiara d'Assisi e la negazione del potere," in E. Menesto-R. Rusconi, Umbria. La strada delle sante medievali, (Turin, 1989), p. 51, which explains in the following manner the silence of Celano's Vita Secunda concerning Clare and San Damiano: "Perhaps the root of this is found in certain questions in the minds of some people in the Roman curia in regard to this nun who, more than two decades after the death of Francis, obstinately persisted in being the most strenuous and bothersome 'witness' of the saint's original vocation of poverty".

Within the scope of these considerations the relations between Clare and the highest Church authority in these years assumes a particular significance. Francis was dead and had been canonized for many years, but Clare continued to remain the faithful guardian of his memory. For its part the Apostolic See under Innocent IV continued along the lines indicated by Gregory IX and tried to give a greater degree of uniformity to the vast Order of San Damiano, which now had at least two "souls": one which reflected the experience of Clare and one which had been born from the regulations of the Apostolic See. And these different tendencies were expressed, for example, in the various names by which the religious were called: pauperes sorores, pauperes moniales inclusae or, still another, pauperes moniales reclusae Ordinis S. Damiani. Besides the multiple forms of the name there were certainly different customs characterizing the individual monasteries or groups of monasteries having ties to one another.

¹¹⁷ The most important testimony in this regard is Beata Clara by Urban IV on October 18, 1263: "In hoc autem Ordine, vos et alias ipsum profitentes sub nominationum varietate, interdum Sorores, quandoque Dominas, plerumque Moniales, nonnumquam Pauperes Inclusas Ordinis Sancti Damiani, contigit hactenus nominari; vobisque, sub horum et aliorum diversitate nominum, diversa privilegia, indulgentiae ac litterae a sede apostolica sunt concessa, et tam a felicis recordationis Gregorio papa predecessore nostro, tunc Ostiensi episcopo et vestri Ordinis curam gerente, quam ab aliis variae datae sunt Regulae et formae vivendi, quarum observantiis se vestrum aliquae sollemniter obligavere. Propter quod, dilectae in Domino filiae, fuit nobis humiliter supplicatum, ut eundem vestrum Ordinem curaremus certi nominis titulo insignire ... certam vobis vivendi formam, ad tollendum omnem de vestris conscientiis scrupulum, largiremur [But it so happens that in this Order you and others who profess it, have been up to now called by various names: sometimes Sisters, sometimes Ladies, often Nuns, frequently Poor Enclosed [Women] of the Order of St. Damian. Under these and various other names, you have been granted by the Apostolic See various privileges, indulgences, and letters. And you were given, both by our Predecessor, Pope Gregory of happy memory, when he was Bishop of Ostia and protector of your Order, as well as by others, various Rules and forms of life, which some of you solemnly obliged yourselves to observe. For this reason, beloved daughters in the Lord, we have been humbly asked to give to your Order a single title, and a certain and well defined form of life, ... in order to relieve your consciences of any scruple]," (BF II, p. 509)

Asti, between 1236 and 1244, granted the religious who were in the process of

Thus one can understand the reasons leading Innocent IV to promulgate a new rule in 1247.119 Perhaps its most significant element was the absence of any reference to the observance of the Rule of St. Benedict, which was now replaced by that of St. Francis. It is true that there was still some cause for concern, especially in the fact that these norms explicitly provided for the monasteries' possession of property. 120 Clare managed to obtain an exemption from observing it, since it obviously contrasted with the privilegium paupertatis. 121 Despite the fact that San Damiano had given its name to a vast order of women's monasteries, the community there, along with those monasteries that were fashioned after it, seems to have increasingly constituted a unique case in the whole picture. At this point, since it no longer even enjoyed a direct link with the leadership of the Franciscan Order, Clare feared new interventions which would distort even further San Damiano's originality and decided to draft a new Rule, probably seeking the advice of the Cardinal Protector, with the aim of having his approval and his support with the pope.

The work was finished in November, 1251, when Raynaldus, passing through Assisi with the Roman Curia as it returned to Rome from Lyon, came to pay a visit to Clare who had been ill for many years and was,

founding a monastery the following exemption: "domus clausa ad habitandum et manendum in servitio domini nostri Jesu Christi, in habitu sororum Minorum; et ut teneant et observent vitam et regulam quam observant sorores et dominae de Sancta Garaffa de Sardona (Tortona), salvo eo quod istae sorores et dominae possint et debeant habere possessiones [... an enclosed house to dwell in and live in the service of our Lord Jesus Christ, in the habit of the Minor sisters; so that they can hold and observe the life and rule which the sisters and ladies of St. Garaffa de Sardona (Tortona) observe, except that these sisters and ladies can and ought to have possessions]" (BF I, p. 330).

¹¹⁹Cum olim vera religio of August 6, 1247, BF I, pp. 476-483; Clare of Assisi: Early Documents, pp. 113-31 Concerning this action, see Rusconi, "The Spread," pp. 55-56.

¹²⁰"Ad haec, liceat vobis in communi redditus et possessiones recipere et habere ac ea libere retinere" (*BF* I, p. 482; *Clare of Assisi: Early Documents*, p. 125: "As far as this is concerned, you may be permitted to receive, to have in common, and to freely retain produce and possessions").

¹²¹Gennaro, "Clare, Agnes," pp. 272-73.

it was feared, at death's door.¹²² With great devotion she received him and deemed it a providential opportunity for her to ask for the approval of her Rule.¹²³

Despite Clare's pressing appeal, almost a whole year passed before the Cardinal, with his *Quia vos* of September 16, 1252, granted permission for San Damiano to follow Clare's Rule.¹²⁴ The papal approval, which also held only for the monastery at San Damiano, came a year later and, in this case as well, was granted only during Innocent IV's visit to the dying Clare.¹²⁵

5. "Lord Innocent IV of happy memory together with the cardinals hurried to visit the servant of Christ. ...Entering the monastery, he went to

124A different time frame is proposed by L. Hardick, "Zur Chronologie im Leben der hl. Klara," *Franziskanische Studien* 35 (1953) pp. 108-09. He places Raynaldus' visit to Clare on September 8, 1252, which is only eight days before the cardinal granted her request. Raynaldus' letter is contained in its entirety in Innocent IV's *Solet annuere*, dated August 9, 1253 (*BF* I, pp. 671-678; *Clare of Assisi: Early Documents*, pp. 62-80; see Bartoli, *Clare of Assisi*, p. 179).

125 See Solet annuere, Clare of Assisi: Early Documents, pp. 62-80. I hold that the question of the presumed autograph of Innocent IV on the original copy of Solet annuere should be reconsidered; it was supposedly meant to attest to the pontiff's concern that the chancery would prepare the document as soon as possible. This problem was already raised by P. Sabatier, "Le privilège de la pauvreté," Revue d'histoire franciscaine 1 (1924) pp. 50-53, but both Bartoli's Clare of Assisi, p.188 and Marini, "Ancilla Christi," p. 152, accept the premise of the papal autograph without discussion.

¹²² Bartoli, Clare of Assisi, p. 179).

little while the Roman Curia arrived in Perugia. The Lord of Ostia, after hearing about the increase of her sickness, hurried from Perugia to visit the spouse of Christ [He had become] a father [to her] by his office, a provider by his care, always a dedicated friend by his very pure affection. He nourished the sick [woman] with the Sacrament of the Body of the Lord, and fed [those] remaining with the encouragement of his salutary word. Then she begged so great a father with her tears to take care of her soul and those of the other Ladies for the name of Christ. But, above all, she asked him to petition to have the Privilege of Poverty confirmed by the Lord Pope and the cardinals. Because he was a faithful helper of the Order, just as he promised by his word, so he fulfilled in deed."

her bed and extended his hand so that she might kiss it. The most grateful woman accepted it and asked, with the greatest reverence, that she might kiss the foot of the pope." We are now at the last scenes of Clare's life. As we have noted, she is a famous woman, held to be a saint, as was demonstrated by Innocent IV himself who, in celebrating her funeral even suggested that they recite the office of virgins rather than the office of the dead. However, the pope's enthusiasm was tempered by Cardinal Raynaldus of Ostia. 127

The extreme devotion that Clare showed the Roman Pontiff, which is given a certain amount of emphasis in the legend, suggests a few considerations. Even in regard to Gregory IX, Clare was not openly rebellious, and she certainly honored him, although such obedience never took priority over her desire to safeguard the guidance Francis had given her. When Clare met Innocent IV, however (and it is of no concern to us whether they met once or twice 129), her health had deteriorated and she almost despaired of ever seeing her Rule confirmed by the Apostolic See. A humble but insistent request for papal approval seemed to be the best way of receiving the favor she had so long desired. We no longer find in her the disdain she displayed when Gregory IX, who had also come to visit her at San Damiano, suggested that she mitigate the poverty practiced in the monastery and conform to the details of his forma vitae.

Although Clare had known Gregory before he became pope, Innocent IV was from an area very far from Umbria, and it does not seem that he had any contact with Clare before he was elected to the See of Peter. The Pope's visit to the abbess of San Damiano in August, 1253, must have been the first encounter between the two. If there had been any exchange of ideas between the two prior to this, it must have been through intermediaries, and the most probable premise is that the intermediary

¹²⁶ Legenda, 41; Clare of Assisi: Early Documents, p. 292.

¹²⁷Legenda, 47; Clare of Assisi: Early Documents, p. 297.

¹²⁸We have already noted the tradition, preserved for a long time within the Franciscan Order, at least in the Spiritual camps, concerning a strong conflict between Clare and Gregory IX which resulted in the Pope's excommunicating the abbess of San Damiano; see above, note 4 and the corresponding text.

¹²⁹ Bartoli, Clare of Assisi, p. 180.

would have been Cardinal Raynaldus. On at least one occasion there must have been some difficulties between Clare and Innocent IV, and that is when she refused to accept the Rule which he wrote for the Order of San Damiano. As we have noted, on the one hand this Rule sought to adapt itself to the needs of the Damianites in one way, eliminating all reference to the Rule of St. Benedict and introducing into it the Rule of St. Francis; on the other hand, it explicitly provided for the monastery's ownership of property, thus again proposing for the Order of San Damiano the classic model of monasticism. The Pope was certainly aware of the opposition previously expressed by Clare against those norms and perhaps we can interpret his hesitation in approving her Rule as showing that he had some reservations about the abbess of San Damiano who, in her turn, just a few years previously, had failed to obey promptly a solemn papal directive.

In any case it seems that their personal encounter and the extreme devotion Clare showed him must have favored his approval of her Rule as she lay dying. Just one day before her death Clare was able to hold in her hands the written pledge that San Damiano could continue to follow faithfully the way shown by Francis. Clare's final effort to keep Francis' memory alive had been crowned with success.

¹³⁰Rusconi, "The Spread," p. 56: "...the assimilation of this Order to traditional monasticism was really not a question of rule but of ownership," Gennaro, "Il francescanesimo femminile," p. 278.

¹³¹Bartoli, Clare of Assisi, p. 188. The most eloquent testimony in this regard is that recorded in the acts of the process of canonization; see Clare of Assisi: Early Documents, p. 153: "Her great desire was to have the form of life of the Order confirmed with a papal bull, to be able one day to place her lips upon the papal seal, and, then, on the following day, to die. It occurred just as she desired. She learned a brother had come with letters bearing the papal bull. She reverently took it even though she was very close to death and pressed that seal to her mouth in order to kiss it."