

Audacious Nuns: Institutionalizing the Franciscan Order of Saint Clare

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In 1263 Bonaventure of Bagnoreggio, Minister General of the Franciscan Order, complained about recent turmoil between the Friars Minor and Franciscan nuns in a letter addressed to the Provincial Minister of Aragon: "You are undoubtedly aware, dear Brother, just how much our Order has been plagued up to now with threats, troubles, and litigation occasioned by the monasteries of the Order of Saint Clare. This has come to the point where they have petitioned the court of the Supreme Pontiff alleging, among other charges against us, that the customary services provided for them by our brothers are in fact prescribed by law; thus our brothers have proposed to have nothing more to do with them unless they first recognize our complete freedom by public written documents sent to the Holy Father."¹

My understanding of the female Franciscan movement, as well as my arguments concerning the Order of Saint Clare, have benefited from conversations with and criticisms from Mark Jordan, Rachel Koopmans, James Mixson, Ingrid Peterson, Darleen Pryds, and John Van Engen. I finished the original research for this piece in 1998. Some of my emphases have shifted since then, in ways that I develop in my current book project, "Beyond Clare: Gender, Identity and Reform in the Medieval Franciscan Order." The original article appears here unchanged except for the correction of minor errors. The following abbreviations are used in this article: AF=Analecta franciscana (Quaracchi: Collegium S. Bonaventurae, 1897); AFH=Archivum franciscanum historicum; AM=Luke Wadding, *Annales Minorum*, ed. Joseph Maria Fonseca, et al, 3rd ed., 32 vols. (Quaracchi: Collegium S. Bonaventurae, 1931-1945); BF=Bullarium Franciscanum, vol. 1-4, ed. Johannes H. Sbaraglia (Rome, 1759-1768); FF=Fontes franciscani, ed. Enrico Menestò, et al. (Assisi: Edizioni Porziuncola, 1995).

Bonaventure wrote these comments at the end of a bitter altercation that had seen the friars withdraw their pastoral ministry from the sisters' houses.² Surprisingly, scholars have paid little attention to this conflict and its significance for the institutionalization of the enclosed nuns attached to the Franciscan order (familiarily known as Clarisses).³ Herbert Grundmann's magisterial study of medieval religious movements remains the standard account of the problem of organizing religious women in the first half of the thirteenth century, but he allotted only one paragraph to the period after 1254.⁴ Even though this particular confrontation was relatively brief (it lasted from 1261–1263), its implications were profound. More than an isolated incident, this conflict helped shape the institutional identity of both orders. The concentrated legal and political battle that erupted between the friars and sisters forced each group to make accommodations and

¹Translation from Dominic Monti, "A Letter To The Provincial Minister Of Aragon," in *St. Bonaventure's Writings Concerning The Franciscan Order* (St. Bonaventure, N.Y.: The Franciscan Institute, (1994): 192–93. The original is printed as "Lletra de Sant Bonaventura al Ministre Provincial d'Arago," *Etudis Franciscans* 37 (1926): 112–14, cited at 112 (hereafter "Aragon"): "Tua, frater Karisime, discretio nosse debet, quantis periculis, laboribus atque litigiis fatigatur [sic] fuerit hactenus ordo noster occasione Monasteriorum sancte Clare nec non etiam quam graviter in curia Summi pontificis impetitus, ut eis per fratres nostros solita obsequia reddentur [redderentur] prescripta consuetudine providorum inter intercessiones alias contra nos propositas allegatas et quomodo fratres nostri eis nihil penitus impendere proponebant nisi prius nostra libertas per litteras dicti patris sanctissimi declaratas firmiter appareret."

²The existing documents are printed in Zeffirinus Lazzeri, "Documenta controversiam inter Fratres Minores et Clarissas spectantia (1262–1297)," *AFH* 3 (1910): 664–79, and 4 (1911): 74–94. That there was conflict between the Friars Minor and Clarisses is not unique; during the thirteenth century religious women faced opposition from most of the established orders (Praemonstratensians, Cistercians, etc.). The Dominicans as well protested against obligations to provide pastoral ministry to women associated with them.

³Compared to other medieval religious women, the Franciscan nuns have received little attention. Most studies focus on Clare as Francis's follower. Hence, they are little interested in the period following her death in 1253 or her canonization two years later. Consult the entries in Isidore de Villapadierna and Pietro Manaresi, *Bibliografia di S. Chiara d'Assisi, 1930–1994* (Rome: Istituto Storico dei Cappuchini, 1994).

⁴Herbert Grundmann, *Religiöse Bewegungen im Mittelalter*, originally published in 1935; rev. ed. 1961. Trans. Steven Rowan, *Religious Movements in the Middle Ages: The Historical Links between Heresy, the Religious Orders, and the Women's Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundation of German Mysticism* (Notre Dame, Ind.: University of Notre Dame Press, 1995). A discussion of the relationship between the Friars Minor and Clarisses up to 1254 can be found on pp. 109–24, 130–37.

compromises between the demands of their religious ideals and institutional organization. This study therefore enhances our understanding of the pressures each group faced in the battle over women's incorporation into the Franciscan order.

The Friars Minor and the Franciscan Nuns, 1212–1254

Francis of Assisi had promised Clare, his first female follower, that he and his successors always would care for her community of San Damiano.⁵ In practice, this meant that the brothers often visited the sisters and ministered to them. They also collected alms for the women's sustenance, since Clare intended her followers to live without material support just as the Friars Minor did. As the number of convents of "Damianites" grew, however, the friars began to protest that the need to minister to these women prevented them from fulfilling their own vocations.⁶ Those brothers who wanted to limit the number of houses dependent on the Friars Minor testified that San Damiano was the only convent Francis was prepared to tolerate.⁷ Their anecdotal memories about

⁵Clare recorded his promise in her Testament, chap. 29 (FF, 2313–14): "Et ad pietatem erga nos motus obligavit se nobis, per se et per religionem suam, habere semper de nobis tamquam de fratribus suis curam diligentem et sollicitudinem specialem." Compare also Clare's *formula vitae* (hereafter abbreviated as RCI) 6.3–4 (FF, 2299).

⁶The growth of the Order of Saint Clare has attracted considerable attention. See for example Anna Benvenuti, "La fortuna del movimento damianita in Italia (saec. XIII): propositi per un censimento da fare," in *Chiara d'Assisi: Atti del XX Convegno internazionale. Assisi, 15–17 ottobre 1992* (Spoleto: Centro italiano di studi sull'alto medioevo, 1993), 59–106; and Roberto Rusconi, "L'espansione del francescanesimo femminile nel secolo XIII," in *Movimento religioso femminile e francescanesimo nel secolo XIII, Atti del VII Convegno internazionale, Assisi, 11–13 ottobre 1979* (Assisi: Società internazionale di studi francescani, 1980), 264–313.

⁷For example, Fra Hugolino de Monte's chronicle of the Franciscan order makes a claim for Francis's reluctance, see AM 1:345: "Dum itaque se praepararet ad iter, et Soldani statueret adire praesentiam, egit cum eo [Francisco] Cardinalis Hugolinus de regimine Monasterii sancti Damiani et aliorum, quae jam multiplicari coeperant pro pauperibus dominabus. Cui ille respondit, praeter unum illud, in quo Clara reclusit, nullum aliud se extruxisse aut extrui procurasse; atque ita huius solius curam assumpsisse, tam quoad disciplinam regularum, quam quoad tenuem victum, mendicitate per se, aut socios, conquerendum. Neque quidquam sibi tantumdem displicere, quam ut fratres in aliis partibus monialibus domicilia constitui et per se regi impensius voverint." The difficulty of recovering Francis's attitude toward women might be compared to debates over the place of education in the Franciscan order. Friars on opposite sides of the debate could cite countering stories about Francis's attitude towards learning (for example, his refusal to stay at a house of studies in Bologna would be contrasted with his permission granted to Anthony of

Francis's attitude toward women must be read with some caution, however, since they equally testify to their own deep-felt desire to exclude women from the order.⁸

Nonetheless, Francis of Assisi seemed not to have intended the friars' obligation to enclosed women to extend beyond San Damiano. Although his affection and respect for Clare was great,⁹ he himself was not interested in organizing or directing an order of enclosed women. When his female followers included only Clare and her companions, he saw no reason that the friars and nuns should not have a close relationship. Yet as his frustration grew over his order's rapid growth and its shift away from his apostolic ideals, Francis withdrew from this position. When the number of convents making claims on the friars increased and the brothers grew so numerous that he ceased to have personal influence on their formation, he tried to separate the men and women and complained about the friars' obligations to these convents. When Cardinal Hugolino dei Segni, Protector of the Poor Ladies, tried to name Fra Philip Longo visitor to the Damianite communities in 1221, he quickly aroused Francis's anger.¹⁰ Francis cursed Philip as an ulcerous tumor and destroyer of the Franciscan order. Hugolino quickly retreated and appointed a Cistercian cleric to oversee the sisters' houses.¹¹ Thus, up to the time of Francis's death in 1226,

Padua to found a school of theological studies).

⁸For an interpretation of Francis (and his contemporary Dominic) as misogynists based on these witnesses, see Brenda Bolton, "Mulieres Sanctae," in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), 150. Jacques Dalarun has emphasized that Francis did little to promote women religious compared to his predecessors (for example, Peter Abelard and Robert d'Arbissel). See his *Francesco: Un passaggio. Donna e donne negli scritti e nelle leggende di Francesco d'Assisi* (Rome: Viella, 1994).

⁹Francis's affection for San Damiano is evident in Thomas of Celano's *First Life* (1229), chaps. 18–20 (FF 293–95).

¹⁰Cardinal Hugolino was named their protector in 1221; see BF 1:2–3. The visitor was an official who annually inspected all houses within a province or region and was responsible for correcting abuses. The holder of that office was separate from the chaplains assigned to individual communities.

¹¹Brother Stephen, one of the first to join the order, testified to Francis's reaction; see Livarius Oliger, "Descriptio Codicis S. Antonii de Urbe unacum appendice textuum de S. Francesco," AFH 19 (1926): 384. "Quo audito, beatus Franciscus turbatus est valde, maledixitque illi sicut sui ordinis destructori. Dicebatque dictus frater Stephanus, quod hoc verbum ab ore beati Francisci audivit: Huc usque fistula fuit in carne, spesque curationis erat; ex nunc autem in ossibus radicata, incurabilis prorsus erit." "Misogynistic" Brother Stephen is also the source for Francis's most famous quote concerning women: "Dominus a nobis uxores abstulit, dyabolus autem nobis procurat sorores (383)."

only San Damiano could expect the friars to see to their spiritual needs, even though Clare was sending out sisters to help establish new communities in central Italy and beyond.¹² Over the next three decades the friars' responsibilities to female communities expanded, along with their protests against the burden.

In 1227 Pope Gregory IX—the former Cardinal Hugolino—issued a bull commanding the Franciscan Minister General to provide pastoral care to the Order of Poor Ladies of San Damiano.¹³ While this bull legally incorporated existing Damianite houses—that is, convents where sympathetic friars were accustomed to provide pastoral care—into the Franciscan order, the brothers objected to any obligation to care for new foundations. Over the next two decades, the papacy frequently had to intervene between the friars and nuns as Clare led the fight for her followers' incorporation into the Franciscan order. The sisters' new cardinal protector (the pope's nephew Cardinal Rainald dei Segni) was her ally in this struggle. Since 1220 he had been protector of both the Friars Minor and the Order of San Damiano. The Cardinal believed that the friars should be responsible for these women. He may have done so out of recognition that their shared love of apostolic poverty meant that the women deserved the brothers' care.¹⁴ Yet the friars' assignment was also a matter of convenience and necessity. By the 1220s, both established religious orders and the secular clergy were reluctant to provide spiritual or material care to enclosed women.¹⁵ It was thus expedient for the cardinal protector to assign the friars, over whom he had authority, to minister to the women's order. It was an assignment that would be protested.

¹²Two of the nuns testifying at Clare's canonization process describe how they left San Damiano for a year to establish new communities. See Zeffirino Lazzeri, "Il processo di canonizzazione di S. Chiara d' Assisi," *AFH* 12 (1920): 403–507; see 445 and 469 especially. Later testimonies claimed that she sent sisters to France and Germany. Clare also corresponded with religious women in Bohemia and Belgium hoping these writings would spread the apostolic poverty to other religious women.

¹³BF 1:36: "Propter quod attendentes, Religionem Fratrum Minorum gratam Deo inter alias, et acceptam, Tibi, et successoribus tuis curam committimus Monialium praedictarum in virtute obedientiae districte praecipiendo mandantes, quatenus de illis tamquam de ovibus custodiae vestrae commissis curam, sollicitudinem habeatis."

¹⁴The original bull of commission for the cardinal protector had recognized that the desire to live without possessions was a key motivation for the women, as it was for Francis's primitive brotherhood; see BF 1:2.

¹⁵See Grundmann, *Religious Movements*, 89–92.

In 1230 Pope Gregory IX restated Francis's command that the brothers were not to enter convents without papal sanction.¹⁶ Friars who were already reluctant to undertake this duty interpreted this decree to mean that they did not have to provide pastoral care to the women, and withdrew from their convents. Clare threatened a hunger strike until Pope Gregory persuaded the brothers to return, but no new convents were incorporated into the Franciscan order between 1228 and 1245 in order to placate the Friars Minor.¹⁷ In 1245 Crescentius of Iesi, Franciscan Minister General, petitioned Pope Innocent IV to release the friars from their responsibilities toward the women. Innocent refused and instead incorporated 14 new convents in Italy, France, and Spain into the Franciscan order. To assuage the friars' objections, the pope allowed the General Chapter henceforth to approve all new foundations before their incorporation into the order.¹⁸ His 1247 constitution for the Order of San Damiano contained this decree, but it also entrusted already incorporated houses to the care of the Order of Friars Minor.¹⁹ Nonetheless complaints about obligations to the women continued until finally, in 1250, the friars were granted a bull exempting them from additional obligations of visitation or pastoral care.²⁰ Throughout

¹⁶In the famous bull *Quo elongati* (BF 1:68–69), restating the 1223 *Regula bullata* 11.2.

¹⁷*The Legend of Saint Clare* recounts this confrontation in chap. 37 (FF, 2436–47): “Cum semel dominus Papa Gregorius prohibuisset, ne aliquis frater ad monasteria dominarum sine sua licentia pergeret, dolens pia mater cibum sacrae doctrinae rarius habiturus Sorores, cum gemitu dixit: ‘Omnes nobis aufert de cetero fratres, postquam vitalis nutrimenti nobis abstulit praebitores.’ Et statim omnes fratres ad Ministrum remisit, nolens habere eleemosynarios qui panem corporalem acquirerent, postquam panis, spiritualis eleemosynarios non haberent. Quod cum audiret Papa Gregorius, statim prohibitum illud in generalis Ministri manibus relaxavit.”

¹⁸BF 1:420. “Licet olim quibusdam vestrum per nostras litteras formas dissimiles continentes quaedam Monasteria Ordinis sancti Damiani duxerimus committenda, cupientes tamen eorum utilitatibus sic vestro ministerio provideri. . . . hoc solum a vobis commissionis Nostrae beneficio consequantur, videlicet ut ipsae sub magisterio, ac doctrina vestra, et eorum, qui pro tempore fuerint, debeant permanere.”

¹⁹*Cum omnis vera Religio*, BF 1:482: “Dilectis filiis Generali et Provincialibus Ministris Ordinis Fratrum Minorum curam vestri, et omnium monasteriorum vestri Ordinis plene in omnibus praesentium auctoritate committimus, Statuentes, ut sub eorum, et aliquorum, qui pro tempore Ministri, fuerint, obedientia, regimine, et doctrina debeatis de cetero permanere, quibus teneamini firmiter obedire. . . . Nec aliquod Monasterium vestri Ordinis de cetero ab aliquo inchoetur sine Capituli Generalis Ordinis memorati licentia, et assensu.”

²⁰BF 1:538: “Digne igitur, quia per ea, quae vobis a Apostolica committuntur, principalis vestri propositi nonnumquam executio impeditur; et non

the following decade some female communities sought incorporation into the Franciscan order without success. Papal bulls issued in 1250 and 1257 warned local clergy to give no credence to the false claims of certain "Minoresses" making demands upon the Friars Minor.²¹ While some of these women may have been religious dilettantes living outside a stable community (*circumeundo varias regiones*), it seems probable that certain Minoresses were actually women seeking legitimate incorporation into the Franciscan order with the aid of local clergy.

Given these tribulations, it is remarkable that by the middle of the thirteenth century it nonetheless had become customary for the Friars Minor to provide pastoral care to Franciscan convents. Much credit for this outcome must be given to Clare's determination to connect her followers with the Friars Minor owing to her devotion to Francis's ideals and to his promise of perpetual care. Some convents became almost like double monasteries since friars lived adjacent to the cloister to care for the women's needs.²² This customary practice contrasts noticeably with the protests raised by the brothers whenever there was a formal attempt to tighten the bond between their order and Clare's followers. Nevertheless, the curia was not yet prepared to constrain the Friars Minor to care for the enclosed women beyond the established situation. Innocent IV's monastic rule for the sisters had not been widely accepted, and by 1250 it had been rescinded. Clare tried to bind the friars to her order in a written constitution based on Francis's *Regula bullata* for the friars, but her rule was not allowed to circulate to other houses.²³ Therefore, at the beginning of Bonaventure's

modicum saluti detrahitur animarum; auctoritate vobis praesentium indulgemus, ut ad correctionis, seu visitationis officium Monasteriis, vel Ecclesiis impendendum; necnon ad executiones Causarum, et denunciationes excommunicationum procedere; vel recipere curam Monialium, seu Religiosarum quarumlibet nulli fratrem vestorum de cetero per Litteras Apostolicas teneantur; nisi expresse de hac indulgentia fecerint mentionem."

²¹See *Cum harum Rector Satanas*, from 20 April 1250, BF 1:541, and 8 January 1257, BF 2:183-84, cited at 184. BF 1:541: "Unde frequenter accidit, ut per tales nomen Sororum Minorum; quod nec ipsis etiam Sororibus Ordinis S. Damiani ex Regula, seu vitae Formula competit, sibi fallaciter usurpantes, infamie nubilo dilectorum filiorum Fratrum Minorum Ordinis puritas obfuscetur." In 1257 Pope Alexander IV reissued Innocent IV's bull of the same name (suggesting the perception of a similar situation).

²²*Inter personas* (discussed below) printed in BF 2:574-75 (from 19 August 1262, not 1264) describes the customary relationship between the friars and Clarisses prior to the crisis: "ac nonnulli ex eisdem Fratribus a Monasteriis ejusdem Sancti Damiani Ordinis, in quibus Ecclesiastica Sacramenta inibi degentibus ministrabant."

²³Clare's form of life attempted to extend Francis's promise to care for San Damiano to all Franciscan convents. For example, RCI 12.5-7 (FF, 2306):

generalship (1257), customary practice continued to direct the relationship between the friars and nuns.

Conflict, 1261–1263

Cardinal Rainald continued to act as protector of both the Franciscan friars and the Order of San Damiano even after he ascended the papal throne as Pope Alexander IV in December 1254. This situation changed, however, when Alexander's successor, Pope Urban IV, appointed separate protectors for each group in 1261. At the friars' request, the new pontiff assigned Cardinal John Caetano Orsini to be protector of the Order of Friars Minor. He named Cardinal Stephen of Hungary to hold the same office for the women. Urban left no record as to why he made this decision. Perhaps as an outsider to Franciscan politics—unlike Gregory IX and Alexander IV, he had not held the office of cardinal protector prior to his ascension to the papal throne—he saw no reason not to grant the friars' request.²⁴ Yet this separation of the office of cardinal protector ignited a brutal legal battle between the Friars Minor and the Clarisses over the custom of the brothers' spiritual service to the sisters' houses.

Although he served as the nuns' protector, Cardinal Stephen's commission apparently allowed him (or was perceived to allow him) to compel the Friars Minor to provide spiritual care to the women's houses.²⁵ It

“Capellanum etiam cum uno socio clerico bonae famae, discretionis providae, et duos fratres laicos sanctae conversationis et honestatis amatores in subsidium paupertatis nostrae, sicut misericorditer a praedicto ordine fratrum minorum semper habuimus.” This provision obviously was a cause of conflict between the Friars Minor and the Clarisses. More problematic for the curia (and a reason why her rule was not allowed to circulate beyond a few communities) was the requirement that all houses live in complete apostolic poverty (RCI 6).

²⁴Contemporary chroniclers viewed Urban as an outsider to the curia and the politics of the Italian court; see Sophia Menache, “Réflexions sur quelques popes françaises du bas moyen âge: un problème d'origine,” *Revue d'Histoire Écclésiastique* 81 (1986): 117–30, esp. 119.

²⁵Since the bulls of commission do not survive, we know of this authority only from its revocation in *Inter personas*: BF 2:575: “Cum quibus ei non solum dictus Ordo Sancti Damiani committitur ad exhibendum Monasteriis, et personis ejusdem Sancti Damiani Ordinis ministeria consueta; sed et ipsi Episcopo [Stephen] conceditur, quod ad hoc possit compellere per Censuram Ecclesiasticam dictos Fratres; Nos eisdem Litteris quoad jurisdictionem, et potestatem sibi concessam in Monasteria praedicta, et personas ipsorum in suo robore duraturis, ipsas quoad alia, quae dictos Fratres Minores, et eorum Ordinem quoquomodo contingunt, de voluntate dicti Episcopi revocamus; et carere decernimus omni robore firmitatis; etiam si de iis Litteris plenam, et expressam de verbo ad verbum fieri oporteret in praesentibus mentionem.

is not known whether this entitlement was inserted independently by the papal chancery or whether the women caused it to be written. The latter seems possible: Philip of Perugia, writing four decades after the resolution of the conflict, disparaged the nuns' audacity in seeking to bind the friars to serve them.²⁶ Cardinal Stephen's authority in any case infuriated the brothers. In response, the friars recalled their brothers assigned to convents and the Franciscan Order refused to provide any spiritual ministries to the nuns. They protested that their privileges had been impinged upon since they no longer had the freedom to decide to whom they would minister.²⁷ The friars then petitioned Pope Urban to allow them to withdraw completely from all responsibilities to the Order of San Damiano.

The Pope, though unwilling to alienate the friars by forcing their return to the sisters' houses, could not allow the Clarisses to be abandoned.²⁸

²⁶Philip's *Catalogo cardinalium, qui fuerunt ordinis protectores* provides the earliest account of this confrontation (1306), in AF 3:708–12. Later chronicles, such as the *Chronica XXIV Generalium* (ca. 1369), incorporated Philip's description; compare AF 3:329–31. I have quoted Philip in full to provide a sense of how the conflict was understood by near contemporaries. AF 3:710. "Hoc itaque defuncto [Alexandro IV] a successore eius, domino Urbano Papa IV. natione Trecensi, celebrato capitulo generali Pisis a fratre Bonaventura, tunc Generali Ministro, et a Ministris ceteris anno Domini MCCLXIII dominus Iohannes Caietanus, sancti Nicolai in carcere Tulliano diaconus Cardinalis, petitus et obtentus est, quamvis, ut intellexi, idem Papa nepotem suum dominum Ancherum dare Ordini voluisset, sed non acceptantibus fratribus dominum Iohannem Caietanum petitem contulit tamquam patrem Ordini praecipua devotione coniunctum. Nam pater ipsius Cardinalis, scilicet dominus Matthaues Rubeus, de tertio Ordine exstitit, de quo audiui aliquando ipsum dominum Iohannem, etiam cum esset Papa, publica confabulatione gloriari. Isto igitur ad Protectorem Ordinis deputato, *accidit, quod fratres ex certis dominarum supradicti Ordinis sancti Damiani temeritatibus, quibus sibi ius ministeriorum ab Ordine vindicabant*, fratribus petentibus et Cardinali ipso assistente, fratres ipsi sive Ordo ab earum obsequiis absoluti sunt per dominum Urbanum praedictum, adiecta declaratione, quod Ordo nullo eis debito tenebatur. Unde Papa ipse eis alium Cardinalem praefecit, scilicet dominum Stephanum, episcopum Praenestinum. Sed quia hic volebat quasi ex auctoritate fratres ad ipsorum Monialium obsequia revocare, visum est quod uni tantum, scilicet domino Ioanni praefato, uterque, quaemadmodum et aliis praecedentibus, fuit Ordo commissus, qui eis ordinavit regulam, quam nunc habent, sub Bulla domini Urbani praedicti." (Emphasis mine.)

²⁷BF 2:574–75. "Propter quod nec non ex quarundam litterarum, circa hoc dicto Episcopo [Stephen] concessarum occasione, quae, ut dicebas, in manifestum tu fili Cardinalis, Ordinis eorundem Fratrum tibi commissi poterat praedictum redundare; ac etiam, quia quaedam proponebantur pro Sancti Damiani Ordine supradicto, quae libertati praedicti Ordine Fratrum, ut ex ipsorum Fratrum parte afferitur, derogabant; turbationis, et quaestionis materia est orta."

²⁸Urban's sister was a nun at the Franciscan convent of Monteluca (outside

Urban instead sought a compromise between the two groups. The bull *Inter personas* (promulgated in August 1262) asked the friars to reinstate their customary association with the women's houses for one year until the next General Chapter. At that time their affiliation with the Order of San Damiano could be deliberated. He promised that if the friars would agree to provide pastoral care to the women, their ministry would not create a legal obligation and their service would be recognized as voluntary. If an agreement could not be reached, he would allow the friars to recuse themselves.²⁹

Pope Urban also enlisted other means to persuade the friars to resume a pastoral relationship with the sisters. On 15 May 1263, he sent a letter, *Spiritus Domini*, to the General Chapter meeting in Pisa, which he hoped would act as moral persuasion. He entreated the friars to protect and guide the sisters, to nourish them with spiritual attention, and to aid them however they could. They should not be reluctant, he urged, but rather find glory in this service.³⁰ The pope made clear that his petition stemmed not

Perugia). We might expect greater sympathy toward the Order of San Damiano because of his sister. The surviving texts, however, do not demonstrate either positively or negatively how she may have influenced his attitude toward the women. His letter to her describing the demands of the papal office and his concerns regarding his capabilities survives; see AM 4:191–92.

²⁹BF 2:575. "Volentes igitur concordiae utriusque Ordinis diligenter intendere, ac saluti animarum dicti Ordinis Sancti Damiani misericorditer providere, discretionem tuam, fili Generalis Minister, rogamus, et hortamur attente, per Apostolica tibi scripta mandantes, quatenus usque ad generale capitulum tui Ordinis proximum celebrandum, aliquos de Fratribus tuis facias in monasteriis morari in quibus tempore dictae commissionis factae dicto Episcopo morabantur;... aliquos vero facias deputare ad ministrandum praefatis personis huiusmodi Ecclesiastica sacramenta, quibus eiusdem Ordinis Fratres illa sine cohabitatione memoratae Commissionis tempore ministrabant, ita tu etc. Nos autem de Fratrum nostrorum consilio, et assensu ordinamus, definimus, ac decernimus statuentes, quod si usque ad Capitulum Generale, vel ab ipso Capitulo concordia super ministriis huiusmodi a Fratribus impendendis de communi assensu partium non provenerit inter Ordines supradictos; ex tunc Ordo Fratrum Minorum, et ipsi Fratres, si voluerint, ac ipsum Capitulum generale eo ipso quod hoc voluerit, seu super hoc expresserit voluntatem, a praedictis cohabitatione, visitatione, ministerio, omnique onere alio quoad praedicta Monasteria, et personas degentes in eis sint liberi penitus, et immunes; et quod per eadem Monasteria, vel personas ipsorum, vel quoscumque alios eorum nomine, sive pro eis praetextu obsequiorum exhibitorum eisdem, aut Litterarum, Indulgentiarum, vel privilegiorum ipsis Monasteriis, vel aliis quibuscumque personis sub quacumque forma a Sede Apostolica concessorum, sive ex quocumque alio jure, vel causa, nisi a supradicto Fratrum Ordine peti possit."

³⁰Lazzeri, "Documenta," 672. "Processit itaque, prout dicitur, de ipsius providentia Confessoris ancillas easdem vestris debere confovere presidiis, consiliis dirigi, spiritualibus nutriri subsidiis, et in suis opportunitatibus adjuvari."

merely from expediency, but equally from his understanding that these men and women shared a spiritual origin. He compared the friars to farmers who had sown flowers throughout the world.³¹ Urban argued that they must be aware of what had grown from the seeds they had scattered: "Nor should you wonder, my sons, that you are such remarkable farmers, when you follow in the footsteps of the nurturing confessor who founded your order, who fostered your mission, and who brightened your pasture by the light of his blessing. For certainly, among the abundant fruits which your order has brought forth assiduously, it has produced the devoted maidservants of Christ, the Order of San Damiano. With you they are limbs of the same body. They serve manifestly, they shine with a beauty of merits, and they render their vows devotedly to the Lord."³²

Urban did not rely solely on this argument, however, but offered other reasons why the friars should resume their customary relationship with the women. He warned that without their involvement and guidance, the women they had inspired to enter religious life would become dissolute. The resulting scandal would be great since the Friars Minor had encouraged the daughters of kings and magnates to enter the order.³³ Having reminded the brethren of their responsibilities, Urban concluded by asking them to

³¹Lazzeri, "Documenta," 671. "Propterea non indigne Deus et generalis Ecclesia in agro vestre religionis exultant. Nam in ipso semina sparsa non pereunt, flores producunt, nec arescunt; et tandem, multiplicatis manipulis, ibidem grana glorie colliguntur. Gaudete igitur, quod studio clare devotionis hunc agrum solerter excolitis, quod in eo virtutum semina spargitis, et quod inde talia grana meremini colligere post laborem."

³²Lazzeri, "Documenta," 671. "Nec mirum, filii, quod tales estis agricole, dum illius sequimini Confessoris almi vestigia, qui Ordinem vestrum instituit, institutum coluit et saltum claritate beatudinis illustravit. Cuius nempe Religionis ager, inter alios fructus uberes, quos profert assidue, Christi devotas ancillas, Sorores Ordinis S. Damiani, produxit, que vobiscum, eiusdem membra corporis existentes, argumentose deserviunt, meritorum decore prefulgent, et reddunt devote Domino voto sua."

³³Lazzeri, "Documenta," 672. "Quid posset de sexus fragilitate sperari, ubi circa illum debite correctionis officium negaretur? Quibus possent nutriri delitiis imbecillum anime personarum, nisi reficerentur pabulo verbi Dei? Absit, quod erga dictas Sorores eiusdem Confessoris provida, sanctaque dispositio non servetur; absit, quod in Redemptoris iniuriam tantarum periculum animarum, tantus Ordo, vestrae curae defectu, maculam alicuius dissolutionis incurrat. Gravia siquidem inter alia, dispendiosum posset emergere scandalum, si Regum et aliorum Magnatum filias, quae sub eiusdem Ordinis observantia Domino famulantur, contingeret absque debita custodia derelinqui."

continue to provide spiritual care to the women in the accustomed manner (*more solito*) out of respect for himself and for the papal office.³⁴

The Pisa Chapter of 1263 failed, however, to resolve the conflict, as the pope had requested. The friars were unable to come to an accord or issue legislation concerning the nuns—the chapter's surviving statutes are exclusively liturgical.³⁵ Bonaventure's life of Francis, composed during the years of pastoral crisis and approved at the Pisa Chapter, shows evidence of the rift between the two groups. As in Thomas of Celano's *Second Life of Francis* (1247), also written during a period of tension between the friars and nuns, Clare and her followers are almost completely absent from the *Major Legend*.³⁶ In this text there is no mention of Francis's involvement with San Damiano or any other references to his relationship with the sisters.³⁷ Bonaventure instead incorporated stories of Francis's avoidance of women, thus following the pattern of the *Second Life*.³⁸ The brethren seem not to have wanted their official biography of Francis to draw attention to the women from whom they were seeking to separate themselves. Given the enmity that had grown up between the two orders, it is not surprising that the only resolution achieved at Pisa was the naming of a commission headed by the Minister General to bring closure to the conflict.³⁹

³⁴Lazzeri, "Documenta," 672. "Cum igitur disposuisse super huiusmodi negotio, priusquam presens vestra congregatio dissolvatur, salubriter et finaliter providere, universitatem vestram rogamus et hortamur attente, quatinus ob reverentiam apostolice sedis et nostram, Sorores easdem habentes in Domino commendatas, eis, more solito, vestre cura presidia ministretis."

³⁵See S. J. P. van Dijk, "The Liturgical Legislation of the Franciscan Rules," *Franciscan Studies* 12 (1952): 176–95, 241–62.

³⁶Bonaventure's description of Clare is succinct, *Legenda Maior* 4.6 (FF, 807). "Convertebantur etiam virgines ad perpetuum coelibatum, inter quas virgo Deo carissima Clara, ipsarum plantula prima, tanquam flos vernans et candidus odorem dedit et tanquam stella praeifulgida radiavit. Haec nunc glorificata in caelis ab Ecclesia digne veneratur in terris, quae filia fuit in Christo sancti Patris Francisci pauperuli et mater Pauperum Dominarum." For other references see *Legenda Maior* 12.2, 13.8, 15.5.

³⁷*Legenda Maior* 2.7 discusses how Francis repaired San Damiano, but makes no reference to his prophecy concerning the founding of the Order of Poor Ladies. Marco Bartoli makes a similar point in *Chiara d'Assisi* (Rome: Istituto Storico dei Cappuccini, 1989), 247.

³⁸For example, the conclusion of *Legenda Maior* 5.5 (FF, 817): "Quae sunt,' inquit, 'religioso cum muliere tractanda negotia, nisi cum sanctam poenitentiam vel melioris vitae consilium religiosa petitione deposcit? Ex nimia securitate minus cavetur hostis, et diabolus, si de suo capillum potest habere in homine, cito excrescere facit in trabem.'"

³⁹There are no records of this commission other than Bonaventure's

Pope Urban again served as catalyst in the negotiations. On 14 July 1263, he removed Stephen of Hungary from his position as the sisters' protector and replaced him with Cardinal Orsini. Governance over the orders of San Damiano and of the Friars Minor thus was reunited under one cardinal protector. Once again we can only speculate about the pope's reasons. The friars' customary sustenance of the Damianites must have been regarded as a binding precedent.⁴⁰ Some credit must be given, moreover, to Urban's recognition in *Spiritus Domini* that the friars and nuns shared a common spiritual origin and thus deserved a more formal association. Whatever factors motivated him, the pope now was prepared to force the friars to fulfill their responsibilities toward the nuns. He requested that Orsini assign Friars Minor to provide the convents with spiritual care as allowed by their *Regula bullata*. If they refused, Orsini would compel them.⁴¹ The cardinal in turn commissioned Bonaventure to restore the friars and their pastoral ministry to the women's communities.

The Minister General recognized that the friars would have to yield to papal wishes. Between July and October 1263 Bonaventure sent out encyclicals to the provincial ministers directing them to resume pastoral care for the Damianite communities.⁴² These letters were surprisingly

reference in the letter to the Provincial Minister of Aragon, "me ac fratres mecum missos de [P]jissis a Capitulo generali obnixe rogavit" (112).

⁴⁰Medieval canonists debated the authority of custom to create legal obligation. Perhaps influential in the debate between the friars and the Clarisses was the idea that custom was legally binding if the practice was known to and not abrogated by those who had the power to do so, an idea expressed, for example, by the late-twelfth-century decretist Rufinus and accepted by later glossators including Giovanni d'Andrea (Johannes Teutonicus). See James Brundage, *Medieval Canon Law* (New York: Longmans, 1995): 158–59.

⁴¹BF 2:474–75. "Instituendi quoque, ac destituendi Abbatissas, et personas alias Monasteriorum, et locorum ipsorum; ordinandi etiam, statuendi, disponendi, praeciendi, et faciendi quicquid salubri et prospero statui praedicti Ordinis, et personarum ipsius expedire videris; dandi insuper licentiam Fratribus Minoribus, quibus volueris, ingrediendi huiusmodi Monasteria; prohibitione contraria Regulae sui Ordinis non obstante; ac contradictores et rebelles per censuram Ecclesiasticam appellatione postposita compescendi, plena et libera facultate."

⁴²Two of these letters survive, the already cited letter to Aragon and a letter to the visitor of the Tuscan Province, a Brother Lothario (printed in Lazzeri, "Documenta," 678–79). The letters are slightly different in their presentation but include the same requirements. That Bonaventure personally named Brother Lothario visitor for the Tuscan province and addressed a letter to him suggests that the relationship between the friars and nuns was more tense in central Italy than in other provinces. Presumably, the Minister General considered Lothario a skilled diplomat: "de tua itaque providentia et probitate confisus;" see Lazzeri, "Documenta," 678.

triumphant in tone, proclaiming that the friars had won their independence from the nuns:

Through the effort of our Lord Jesus Christ and by the strenuous effort and considerable pains of venerable father [Cardinal Orsini], we have fully achieved that autonomy. The lord cardinal, the father of our order, for the sake of achieving peace has taken upon himself the governance of the said Order of Saint Clare and thus has earnestly entreated me and the brothers delegated with me by the General Chapter to get the friars to assist him in this burden, which he cannot carry alone. He recalled how faithfully he labored to cast off the stain of servitude and how, through his mediation, we now are free from the perpetual bonds of obligation—all of this he has done because he has tenderly cherished our order from his childhood. I, with all my brothers, cannot and should not put out of mind such favors; it is therefore entirely right that we should trouble ourselves to assist our venerable father in providing spiritual services for the monasteries of the said order as a special favor, at least until the next General Chapter.⁴³

Bonaventure gave credence to established custom when he told the brethren that it was “fitting and reasonable” that they continue their association with the sisters.⁴⁴ He evaded Urban’s claim in *Spiritus Domini*, however, that the friars and nuns shared a common spiritual origin. Bonaventure furthermore insisted that the women must state publicly that the friars offered their services voluntarily and without establishing either legal precedent or obligation.⁴⁵ Cardinal Orsini supported Bonaventure’s

⁴³Monti, 193; “Aragon,” 112–13: “Cum igitur per gratiam Jesu Christi et per multam industriam multosque labores venerabilis patris nostri Domini Johannis Sancti Nicholai in carcere tulliani diachoni Cardinalis prefatam adepti simus plenius libertatem ac ipse Dominus Cardinalis patris (sic) nostri ordinis pace servanda Memoratum sancte Clare ordinem suscepit gubernandum et me ac fratres mecum missos de pisis a Capitulo generali obnixe rogavit, ut sibi fratres assisterent in hoc quod per seipsum non poterat sustinere pondere supportando, allegans quomodo fideliter laboravit ut a nobis abiceret maculam servitutis et qualiter suo studio mediante sumus a perpetue obligationis cuiuspian vinculo libertati quantumve ordinem nostrum a sua teneritudine predilixerit, non potui nec debui cum fratribus memoratis tanta beneficia oblivioni mandare ac omnino decuit prefato venerabili patri nostro quin condescenderemus eidem in aliquibus obsequiis exhibendis Monasteriis Ordinis supradicti de gratia speciali donec expedire videbitur capitulo generali.”

⁴⁴Parallel to his “omnino decuit” in the letter to Aragon, Bonaventure wrote to Brother Lothario both “dignum est et consonum” and “conveniens est et decens” that the friars provide care to the nuns. Lazzeri, “Documenta,” 678.

⁴⁵“Aragon,” 113–14. “Ut autem libertati nostre plenius caveatur . . . ut illis solis Monasteriis concedantur obsequia supradicta que litteras suas dabunt, vel publica instrumenta quod hec omnia recipiunt a fratribus de gratia speciali. . . .

terms. In letters sent both to the sisters⁴⁶ and to their visitator, he confirmed that this association would be voluntary and establish no precedent.⁴⁷

Bonaventure's proclamation that the brethren had gained their freedom from the women was more significant rhetorically than in practice. The friars were not legally bound to provide pastoral care to the women, but his directives followed the order's established practice.⁴⁸ Provincial ministers were asked to assign two ministers to each convent for which the order was

Littere autem seu publica instrumenta fient iuxta formam hanc sic annotatam que talis est: Nos talis Abbatissa et sorores talis Monasterii pro nobis et Monasterio nostro dicimus, confitemur, et etiam recognoscimus quod Ordo fratrum Minorum aut fratres eiusdem ordinis nobis seu Monasterio nostro, seu personis in eo degentibus ad obsequia seu ministeria exhibenda aliquatinus ex debito non tenentur. Et idcirco dictis ordini et fratribus precavere volentes, ne per aliqua obsequia vel ministeria que nobis dicti fratres de facto seu liberalitate sua, vel mera gratia exhibebunt, ex quantacumque diuturnitate temporis possit eis prejudicium generari, promittimus tibi tali fratri nomine eorundem Ordinis et fratrum recipienti et stipulanti, quod ministeria vel obsequia ab eis taliter exhibenda nullo umquam tempore prestationis huiusmodi de debito non petemus, nec super eis movebimus contra ordinem vel fratres ipsius Ordinis aliquam questionem. Et in huius rei testimonium volumus fieri hoc publicum instrumentum, vel volumus has litteras sigilli conventus nostri munimine roborari."

⁴⁶A letter addressed to the convents in Tuscany from 11 December 1263 is printed in Lazzeri, "Documenta," 77-80, cited at 80: "Nos talis Abbatissa et Sorores talis Monasterii, pro nobis et Monasterio nostro dicimus, confitemur, et etiam recognoscimus, quod Ordo Fratrum Minorum vel Fratres eiusdem Ordini nobis seu Monasterio nostro, seu personis in eo degentibus, ad obsequia seu ministeria exhibenda aliquatenus ex debito non tenentur. Et idcirco dictis Ordini et Fratribus precavere volentes, ne per aliqua obsequia vel ministeria, que nobis dicti Fratres de facto seu liberalitate sua, vel mera gratia exhibebunt, ex quantacumque diurnitate temporis possit eis preiudicium generari, promittimus tali Fratri, nomine dictorum Ordinis et Fratrum recipienti et stipulanti, quod ministeria vel obsequia ab eis taliter exhibenda, unquam temporum, occasione prestationis huiusmodi, ex debito non petemus nec super eis movebimus contra eundem Ordinem vel Fratres ipsius, aliquam questionem."

⁴⁷From 13 December 1263 in Lazzeri, "Documenta," 80-83, cited at 81: "Cum Ordinem Sante Clare sub spe adiutori tui Ordinis susceptum gubernandum, nostreque sollicitudini ex suscepta cura dignoscitur incumbere, ut Monasteriis eiusdem Ordinis Sante Clare visitationis officium impendamus, venerabilem virum Fratrem B[onaventuram] Generalem Ministrum tui Ordinis, attente rogavimus, ut nobis in hoc opportunum pararet auxilium de gratia speciale Visitatores assumens vel assumi faciens, qui auctoritate nostra circa eadem Monasteria, iuxta formam eis a nobis mittendam visitationis officium exercerent."

⁴⁸See Michael Bihl, "Statuta generalia Ordinis edita in capitulis Generalibus Celebratis Narbonae an. 1260, Assisii an. 1279 atque Parisiis an. 1292," AFH 34 (1941): 13-94, 284-358; see esp. chaps. 6.5-6, 7.8, 8.25 of the 1260 constitution.

responsible.⁴⁹ These ministers were responsible for hearing confessions on a monthly basis and offering communion to the sisters. They should provide spiritual care to bedridden nuns, including final unction and burial rites as necessary. Finally, these ministers also should hear the confessions of chaplains assigned permanently to these convents.⁵⁰ Bonaventure also asked the provincial minister to appoint a visitor and to send preachers to the women twelve times a year.⁵¹ He reminded the friars that only those who were assigned to that duty should enter the women's communities. These brethren should remain always with their companion, take no gifts from the women, and avoid remaining overnight within the cloister.⁵² None of these requirements would have appeared new to the Friars Minor. They could receive some satisfaction that they had avoided legal obligation to the nuns' communities, but in practice, their duties remained the same.⁵³

Aftermath: The Sisters' Response

The surviving documents from the 1261–1263 battle demonstrate how the papacy negotiated with the Friars Minor to secure pastoral care for the nuns. What they do not show overtly, however, are the accommodations sought from the sisters. While it was the nuns' audacious attempt to bind the friars to them legally that initiated the conflict, these documents do little to reveal the sisters' ongoing concerns and attempts to safeguard their

⁴⁹"Aragon," 113. "Quare volo et mando fraternitati tue quatenus beneficia [sic] inferius annotata Monasteriis tue provincie ordinis memorati facias per duos fratres idoneos pro singulis Ministracionis tue Monasteriis deputatos cum honestate debita exhiberi." In mid-thirteenth-century Aragon they would have to care for ten convents; see Jill R. Webster, *El Menoret: The Franciscans in the Realms of Aragon from St. Francis to the Black Death* (Toronto: Pontifical Institute of Mediaeval Studies, 1993), 220–40.

⁵⁰"Aragon," 113–114; Lazzeri, "Documenta," 678–79.

⁵¹Orsini issued the decree *Accedat* confirming the visitor's duties. It effectively functioned as a gloss on the Urbanist Rule (see below); see Lazzeri, "Documenta," 88–90. He also described the *forma visitationis* in his 13 December 1263 letter; consult Lazzeri, "Documenta," 81–82.

⁵²"Aragon," 113–14; Lazzeri, "Documenta," 679.

⁵³Some friars may have resisted this agreement. In 1271, Bonaventure wrote to the friary in Pisa requesting that the brothers provide "special services" (*gratiam specialem*) to the convent of Ognissanti. Most of the requirements were those of a normal visitation, but Bonaventure also requested that the friars counsel the women in times of danger and send carpenters to their convent. Bonaventure may have been encouraging them to fulfill what had been customary. See *Epistola 3*, in Bonaventure of Bagnoreggio, *Doctoris Seraphici S. Bonaventurae opera omnia* (Quaracchi: Collegium S. Bonaventurae, 1898), 8:471.

interests. For these matters, it is necessary to turn to the next confrontation between the Clarisses and the papacy.

On 18 October 1263, during the same period in which the pastoral relationship between the friars and nuns was being decided, Pope Urban IV published a new constitution for the Clarissan nuns.⁵⁴ Two reasons motivated his decision to promulgate new legislation. First and most obviously, he sought to reassure the brothers by giving the sisters a rule that did not require the Order of Friars Minor to provide spiritual care as some of the earlier rules had done. The new legislation adopted the provision from the 1218 constitution (authored by Cardinal Hugolino) that the cardinal protector would be responsible for the nuns' spiritual care. The protector was encouraged to appoint Friars Minor to see to that duty, but the choice was discretionary. Nonetheless, since the 1263 rule also required that the friars and sisters share one Cardinal Protector, the brothers' appointment again appeared to be an advantageous solution.⁵⁵ The new legislation was a clever compromise designed to insure the brethren's participation without provoking anew their earlier protests.

Pope Urban, however, had a second reason for promoting the new statute—legislative unity. The Franciscan nuns were living under different rules. Some houses had adopted Hugolino's constitution of 1218, while others followed Pope Innocent IV's rule of 1247, and a few convents with close ties to San Damiano had been allowed to profess Clare's rule of 1253.⁵⁶ The diversity of statutes among the Franciscan nuns had created confusion. Houses had different obligations and degrees of observance, most notably concerning poverty. Clare had intended all her followers to live without material support, but the papacy was reluctant to expand this right beyond San Damiano. Individual houses thus were forced in practice to seek privileges on their own.⁵⁷ Indeed, the more separated they were from

⁵⁴See the Urbanist Rule (RUrb) in BF 2:509–21. This rule was closely related to the so-called Isabelline Rule, which Bonaventure had helped compose. It was promulgated on 27 July 1263, see BF 2:477–86 (discussed below).

⁵⁵RUrb, chap. 25 (BF 2:520): "Dilecto filio nostro I. Sancti Nicolai in Carcere Tulliano Diacono Cardinali, Gubernatori, Protectori, et Correctori Ordinis Fratrum Minorum curam, et regimen vestri Ordinis, necnon et personarum in eis degentium scilicet Cappellanorum, et Conversorum, et Familiarium plene duximus committenda; statuentes, ut sub eius et aliorum Cardinalium, qui fuerint pro tempore gubernationi, protectioni, atque correctioni eorundem Fratrum Ordinis a Sede Apostolica deputati, obedientia, et cura et regimine debeatis de caetero permanere, quibus teneamini firmiter obedire." Compare also RUrb, chap. 7.

⁵⁶On the history of the rules governing the Franciscan nuns, see L. Oligier, "De origine regularum Ordinis S. Clarae," AFH 5 (1912): 321–401.

⁵⁷Bulls from this period demonstrate that most houses had material support

personal contact with Clare or San Damiano, the less likely they were to seek a privilege of poverty, even though in her rule Clare had made this observance a hallmark of female Franciscan identity. With the new legislation, Pope Urban superseded her ideal of female apostolic poverty by requiring each house to have adequate material support.

Urban's rule of 1263 thus seized an opportunity to redefine the demarcating ideals for Franciscan nuns. As a symbol of this change, Pope Urban renamed the sisters the Order of Saint Clare.⁵⁸ This new institutional designation proclaimed that the enclosed Franciscan nuns were no longer "Poor Ladies" (*povere donne*), as Clare's first followers were known. Neither were they Minoresses—that is, female equivalents of the friars—nor even Damianites, the spiritual heirs to Clare's ideals. The pope's desire to regularize monastic legislation among the nuns thus proved an attempt to separate the sisters from their unique spiritual heritage. In effect, the pope was seeking to make them act like other orders through central governance (exercised by the Cardinal Protector) and legal coherence (symbolized by their changed name and guarantee of material support).

The sisters were pressured to profess the Urbanist Rule. On 11 December 1263 Cardinal Orsini sent a letter urging them to adopt it at once. Not only would their order be united under one rule, he advised them, but the new constitution would protect them from future pastoral crises since he would assign ministers to their convents. Moreover, he told them, the brethren could no longer refuse to provide care by citing the variety of constitutions.⁵⁹ Nevertheless, the new legislation forced the nuns to confront

(compare BF 2:207 for the grant of a hospital to a Pisan convent). Unfortunately, they leave no record of whether the women accepted property and income to sustain their communities or if they protested this shift from Clare's ideals.

⁵⁸BF 2:509: "Ipsum de Fratrum nostrorum consilio de coetero decrevimus Ordinem Sanctae Clarae uniformiter nominandum." Since the hagiographical *Legend of Saint Clare* (commissioned by Pope Alexander IV in 1255) recast its subject as a generic female saint and suppressed Clare's Franciscan ideals and connections with the Friars Minor, the choice of the name Order of Saint Clare does not indicate any particular links with Clare's apostolic idealism.

⁵⁹Lazzeri, "Documenta," 79: "Prout animarum saluti et debilitati corporum congruit, temperatam, discretionem precipua, discussione provida, diligentia circumspicua et maturo consilio conditam, per sanctissimum patrem dominum nostrum Urbanum Papam quartum, vestri Ordinis zelatorem, procuravimus vobis dari, per quam saluti vestri consullitur, Religionis honestatem indicitur et docetur. Et non solum vestra Religio censetur uniformiter nominanda, verum in habitu et ceteris regularibus disciplinis observantia traditur uniformis, ut futuris perturbationibus obvietur, ac predictis Fratribus, quorum consilio et auxilio admodum indigetis aproximetis (sic) imposterum, et ipsi propter diversitatem capitum obsequendi vobis materiam non assumant. Item per eandem Regulam de sacro sancte romane

their relationship to Clare's legacy: should they accept a rule that did not guarantee their incorporation into the Franciscan order and that did not guarantee their original ideal of poverty?⁶⁰ The majority of Clare's followers in the 1260s seemed less concerned with the issue of poverty and more focused on complete incorporation into the Franciscan order. But like the Friars Minor, they would not accede docilely to papal attempts to direct their way of life.

Rejection of the Urbanist Rule appears to have been widespread among the Franciscan nuns throughout central Italy. Cardinal Orsini appealed to the Tuscan visitor to determine how many nuns were refusing to profess the new rule and for what reasons.⁶¹ Their resistance endured beyond the initial promulgation of the new constitution. Urban's successor, Clement IV, twice issued bulls addressing the refusal of many sisters to profess the rule.⁶² In 1265 he warned sisters in the Umbrian province that they would lose the cardinal's protection if they refused to profess Urban's rule.⁶³ They would be expelled from the order and forfeit pastoral care from the Friars Minor.⁶⁴ Clement urged the sisters to profess the new constitution

Ecclesiae Cardinalibus, vobis perpetuis temporibus conceditur cardinalis, qui Fratrum gubernationi dictorum fuerit pro tempore per Sedem Apostolicam deputatus. . . . Monemus igitur et rogamus, ac vestre devotioni qua possumus affectione suggerimus, quatenus reverenter suscipientes Regulam prelibatam, quam vobis sub nostri sigilli testimonio mittimus."

⁶⁰RURb 21 (BF 2:520): "Ad haec, vobis in communi redditus, et possessiones recipere, et habere, ac ea libere retinere. Pro quibus possessionibus, et redditibus Monasterii modo debito pertractandis Procurator unus prudens pariter, et fidelis in singulis Monasteriis vestri Ordinis habeatur, qui per Abbatissam, et Conventum constituto, et amoveri debeat, sicut videbitur expedire."

⁶¹Lazzeri, "Documenta," 83-84, cited at 84: "Si vero, quod absit, aliquae de predictis Sororibus ipsam profiteri Regulam pertinaciter recusarent; tu huiusmodi recusantium numerum, cum recusantium occasionibus sive causis, nec non et conditiones earum, et nomina, nobis studeas intimare; ut circa id quieti nostrae conscientie provideri, et de ipsarum statu, per prefatum patrem et dominum possit, prout eius decreverit sanctitas, ordinari."

⁶²*Ut Ordo Beatae Clare* from 11 December 1265 in BF 3:62-68, and *De statu tuo* from 31 May 1266 in BF 3:82.

⁶³BF 3:63: "Illud etiam debent Abbatissae, et Sorores praedictae prae oculis suae considerationes habere, quod si quae ipsarum despectis sanitatis consilis propriae prudentiae innitentes Regulam non receperint antedictam ad quam tot et tantis utilitatibus, et necessitatibus invitantur, dilecti Filii nostro J[ohannis Cajetani Ursini] Sancti Nicolai in carcere Tulliano Diaconi Cardinalis ejusdem ad praesens Ordinis Protectoris, qui Ordinem ipsum tam serventi caritate zelatur, et ad profectus ipsius inspirante Domino tam ardentem aspirat; forsitan destituentur auxilio et favore."

⁶⁴BF 3:63-64: "Et ne sine Pastoris cura remaneant, oportebit, quod vel

with proper humility. He assured them that the cardinal protector would guarantee that they received pastoral care and annual visitations. In the event that the nuns' opposition was a matter of conscience, the pope also released the nuns from earlier vows in order to profess the 1263 constitution.⁶⁵ There are no records extant as to whether he tried to carry out his threat.⁶⁶ Presumably he did not proceed immediately because three months later, in March 1266, Clement wrote to Cardinal Orsini about further opposition from the Franciscan nuns.

In his letter, the pope complained that a delegation of sisters from the Order of Saint Clare had come to his palace at Viterbo, all with one declaration: they would not profess the Urbanist Rule. They were demanding either to return to the original form of their profession or to be

Diocesanis Episcopis, vel aliis regimen committatur ipsarum, qui curam gerentes earum per alium modum, quam per illum, quem hactenus habuerunt, et per alias personas earum procurent commoda et salutem: sicque Ordinae ipsarum, quae dictam regulam non tenebunt, ab eodem Ordine S. Clarae diviso, ipsae tanquam omnino discretae, ac effectae ab eodem Ordine alienae non denominabuntur ab Ordine antedicto; et ipsius immunitatibus, et concessis ei privilegiis, ac indulgentiis non gaudebunt. Cum igitur, sicut accepimus, quorundam Monasteriorum, quae infra fines visitationis tuae sunt sita, Abbatissae et Sorores dictam Regulam adhuc recipere non curaverint; volumus, ut eas omnes auctoritate nostra efficaciter moneas, et inducas, ut sicut nostram et Apostolicae Sedis gratiam caram habent; et Divinam, ac nostram Benedictionem desiderant, dictaque commoda consequi, ac incommoda evitare; infra octo dies post monitionem tuam praefatam praedicti Praedecessoris Urbani regulam suscipere, ac profiteri procurent; alioquin ex parte nostra peremptorie cites easdem, ut infra decem dies immediate sequentes, non Sorores inclusas, aut servitiales Sorores, sed Procuratorem idoneum cum suae possessionis Regula, modo, formaque vivendi, quae servare disponunt, sufficienter instructum rationibus eas ad non profitendum Regulam antedictam moventibus ad praedictam Cardinalem [Orsini] destinare procurent, qui Cardinalem eundem plene instruat super illis; et Nos postmodum de ipsis per Cardinalem ipsum edocti de eis, prout animarum earumdem profectui expedire viderimus, disponamus, committendo eas Diocesanorum custodiae, aut etiam aliorum, qui gerant ex tunc curam, et sollicitudinem earumdem, cum dictus Cardinalis nequaquam, ut creditur, velit intromittere se de illis, quae se dictam Regulam, aut aliam, quae saluti earum congruat, non promiserint servaturas."

⁶⁵BF 3:62: "Illas, quae Regulam [Urbani] profiterentur eandem, ab omnibus aliis Reguliis, et vivendi formis, ac votis super eas emissis absolvit."

⁶⁶Urban commissioned the Umbrian visitor to promote the rule throughout his province. If after eight days the women had still not professed the Urbanist Rule, he allowed another ten days for a procurator to make a report to the cardinal listing the reasons for the women's refusal. The cardinal protector, in turn, would make a report to the pope who would ultimately decide the women's status. This clause presumably would allow for exceptions, as in the case of San Damiano and the privilege of poverty. See BF 3:64-67.

allowed to adopt the Isabelline Rule, a constitution recently composed by Bonaventure and other friars for the sister of the King of France.⁶⁷ Unfortunately, no records survive to report who these women were, how many traveled to the papal palace, who presented their demands to the court, and most importantly, what specifically motivated them to organize a protest before the curia. It is difficult to reconstruct their dissent based only on Clement's brief complaint.⁶⁸ The stakes involved in the sisters' bold protest become clearer, as do the stakes they saw in adopting Urban's legislation, however, by comparing the two proposals set before the papal court.

At first the Clarisses' request to adopt their "primitive" rule appears to be a clever ploy designed to allow them to profess Clare's 1253 rule. They had asked to return to their original profession (*statutum . . . pristinum*). Clare's rule was the only record of Francis's oral form of life for the sisters at San Damiano, the nuns' earliest constitution. Indeed, Clare had gained provisional approval for her rule mainly because she cast it as Francis's regulations for the Poor Ladies.⁶⁹ But if this was their goal, why did they offer as an alternative the Isabelline Rule, a text almost identical to Urban's 1263 constitution, as an alternative?⁷⁰ The right to live without material support could not be their motivation since the Isabelline legislation required communal property.⁷¹ The sisters therefore must have offered that

⁶⁷BF 3:82. "Sorores Ordinis Sanctae Clara venerunt Viterbium pro multarum terrarum Sororibus; quarum mora in Curia nec olim placuit tibi, nec hodie Nobis placet. Sunt omnes in hoc proposito, quod tuam Regulam non recipant; sed vel statum observant pristinum; vel si ille videtur dubius, vivendi formam, quam habet dilecta in Christo filia soror Regis Franciae acceptabunt."

⁶⁸Clement's letter appears to be the only contemporary testimony to the nuns' protest.

⁶⁹RCl 1.1: "Forma vitae ordinis sororum pauperum, quam beatus Franciscus instituit, haec est: Domini nostri Iesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate" (FF, 2292).

⁷⁰There was already a precedent for houses adopting the latter text. In June 1264 Urban had allowed the house of St. Catherine in Provins to profess the French Rule, see BF 2:563-64. This house had been founded around 1237 and it is unclear what rule they lived under up to 1264. This bull made clear that Orsini would be the protector, as for other Clarissan houses.

⁷¹BF 2: 485: "Liceat eis in communi redditus, et possessiones recipere; ac eas libere retinere; pro quibus possessionibus modo debito pertractandis Procurator unus prudens, et fidelis in dicto monasterio habeatur." Angelo Claren's fourteenth-century *Arbor vitae* remembered their protests as related to poverty. (This is not particularly surprising for Claren was a leader among the Franciscan Spirituals who promoted a strict return to Francis's ideals). He claimed that Orsini had deliberately quashed poverty. See his *Arbor vitae crucifixae Jesu* (Turin: Bottega d'Erasmus, 1961),

rule as a second option because it explicitly tied them to the Friars Minor by requiring the brothers to provide pastoral care, the major difference between the two rules. The Isabelline Rule called upon the brethren to supply confessors and visitators, and made clear that the sisters who professed the rule were subject to the Franciscan Minister General.⁷² The sisters' protest demonstrates that they refused to rely on the friars' good will and customary practice even if it was secured through the cardinal protector. The women were continuing to fight to gain a legal bond between themselves and the brethren even after the 1263 resolution. Their protest further indicates that while the Friars Minor were trying to evade a bond with the cloistered women, the women privileged a legal connection with the brothers that would secure their incorporation into the Franciscan order.

There is no record of what occurred immediately after the sisters' protest at the papal palace in Viterbo. Most Italian houses in fact did not

5:6: "Tantum vero scivit facere serpens antiquus persuasione illorum, qui iam a sua paupertate defecerant, et procuracione illius qui illius ordinis erat inter cardinales protector, dominus iohannes de ursinis, qui fuit postea nicholaus papa tertius, qui sibi novam regulam ipse composuit cardinalis existens et ab altissima paupertate deiecit et in gradu vilissimo, respectu prioris altissimi, collocavit; quod manifeste claret, si prime regule, quam per spiritum sanctum F[ranciscus] composuit, et huius regule, quam hic dedit, legatur textura. Nam tantum differunt quantum altum et immum, crudum et insipidum, seraphicum et perfectum. Et quia ipse etiam protector nostri ordinis erat, fecit dura precepta mandari per mundum quod nullus frater presumeret dissaudere illis sororibus, quod non reciperent suam confectionem, quam fecerat per urbanum papam bullari, perfectione alterius regulae refutata. Sed persecutiones et comminationes multe facte sunt fragile illi sexui, aliquibus monasteriis ex eis per multos annos resistantibus, ne sua confectio commodaretur ab eis. Certe utrum hoc a spiritu sancto fuerit, nisi a permittente peccata, rebus exitus docet. Nam monasteria illa, que seraphica caritate ardebant in austeritate et oratione et continuis lachrymarum gemitibus et opere manuum et exercitatione virtutum, facta sunt ociositate et litigiis et tot imperfectionibus et defectibus plena ex tunc, quod quantum in sanctitate institutores regularum, illarum differunt, tantum videtur differre observantia earumdem."

⁷²BF 2:485: "Confirmatio vero; et informatio, seu ipsius amotio fiat per Generalem Ministrum Ordinis Fratris Minorum, si aderit in Provincia, et in eius absentia per Provincialem illius Provinciae, in qua praetactum Monasterium fuerit constitutum, ad quos ordinis spectat huius ordinis, regimem, cura, et visitatio, correctio, nec non reformatio tam per seipsos, quam per visitatores. Unde in virtute obedientiae formiter praecipiendo mandamus, et iniungimus Abbatissae, et ceteris Sororibus huius Religionis, quatenus Ministro generali Fratrum, ac Provinciali illius provinciae, in qua praetactum Monasterium situ fuerit." Compare also 481 (confessors will be friars), 484 (visitor will be a friar). There are numerous other references to the women's dependence on the Friars Minor (478).

profess the Isabelline Rule.⁷³ There are no records of further organized dissent, however, suggesting that in practice uninterrupted pastoral care came to satisfy the sisters. Over the course of the late thirteenth and fourteenth centuries, most Franciscan convents eventually adopted the Urbanist text. Nonetheless, some resistance persisted. At the General Chapter held in Lyons in 1274, the friars were warned against dissuading the women from professing the Urbanist Rule.⁷⁴ In 1297 the Franciscans' Cardinal Protector, now Matteo Orsini, was still asking the friars to promote that rule to the nuns.⁷⁵ That there are no later records of audacious legal action or bold protests before the papal curia should not suggest passivity on the sisters' part. Rather, it indicates their realization that custom, which changed only slowly, would assure their bond with the friars. Their willingness to drop their demands to adopt Clare's rule with its refusal to guarantee material support, however, demonstrates that there was one way in which most sisters had accommodated the papacy's desires to direct their way of life.

Conclusion

Despite a crisis over spiritual care, the practical relationship between the Friars Minor and Clarisses changed little during Bonaventure's tenure as Minister General (1257-74).⁷⁶ Customary practice had triumphed over legal wrangling to define the bond between male and female Franciscans. The friars continued to provide for those communities which were considered associated with the Franciscan order. We might conclude

⁷³In October 1285 Honorius IV did allow the community of San Silvestro in Capite in Rome to adopt the Isabelline Rule. They were considered Minoreesses rather than Clarisses, even though the Friars Minor would provide them with the same pastoral care as detailed in the Urbanist Rule. See BF 3:544-45, 549-50.

⁷⁴Bonaventure, *Opera* 8:467: "Item, inhibet generalis Minister Fratribus, ut non dissaudeant Sororibus sanctae Clarae de receptione Regulae, immo contrarium suadeant, et vult, quod Minister habeat eas recommendatas ob reverentiam Dei et venerabilis Patris domini cardinalis."

⁷⁵See his letter of 8 April 1297 printed in Benvenuto Bughetti, "Acta Officialia de regimine Clarissarum durante saec. XIV," AFH 13 (1920): 108-9: "Concedimus insuper vobis generali Ministro ut ad singula monasteria que fuerunt Ordinis S. Damiani eo tempore quo dictus d. Urbanus edidit Regulam supradictum nec ipsam Regulam postmodum susceperunt, et vobis Ministris provincialibus ad singula monasteria talia infra vestras Provincias constituta, cum uno vel pluribus fratribus possitis accedere, ad hortandum, monendum, et inducendum abbatissas, sorores, et personas monasteriorum ipsorum ut recipiant Regulam a prefato d. Urbano editam; et ut ad hoc possitis fratres Ordinis vestri mittere, et Fratribus ipsis ut missi taliter ad ea possint accedere, licentiam specialem."

⁷⁶Compare Grundmann, *Religious Movements*, 133.

that Bonaventure's fervent claims that the brothers had gained their freedom from the enclosed women were an attempt to cover over a *de facto* defeat with a *de jure* victory. In fact, the pastoral relationship between the two groups would shift from voluntary custom to legal requirement by the century's end. In 1297, the friars' insistence on their freedom of ministry would be dropped without protest from papal bulls assigning them to the nuns' care.⁷⁷ Pope Benedict XII's 1336 constitution for the Franciscan order confirmed that the brothers owed pastoral care to any nun whether she had professed Clare's rule, Urban's, or Isabella's.⁷⁸

The decisive conflict of 1261–1263 nonetheless marked an important shift in the relationship between the Friars Minor and Clarisses. It indicated a change from Clare's ideologically driven conflicts over the way the brothers and sisters would live out their Franciscan vocations, to her successors' legal battles over the issue of obligation. What remained constant, however, was the women's struggle for a bond with the brothers because they understood themselves to be Franciscans and thus deserving of the friars' pastoral care. For the men, the acceptance of pastoral service was consistent with the clericalization of the order—the Friars Minor were rapidly becoming an order of ordained priests. For the women, this shift brought about the pressure to conform to the same rule and to accept material support. For both groups, it reflected how the Franciscan order had moved away from Francis's ideals—which Clare shared—to become more like other religious orders.⁷⁹

⁷⁷BF 4:396: "Nos igitur ejusdem praedecessoris vestigiis inhaerendo, praedictas litteras, et processus per eas habitos approbantes, ac omnia in litteris ipsis contenta, quae idem praedecessor statuit, inviolabiter observari debere auctoritate praesentium decernentes, discretioni vestrae ad instar dicti praecessoris per Apostolica scripta mandamus, quatenus omnia praemissis, etiamsi, eadem litterae de cetero nullatenus apparent, circa praefate Monasteria, et eorum peronas, sive Ordinis Sanctae Clarae, sive Sancti Damiani, sive Minorissae dicantur, exequi diligenter, et sollicitae studeatis."

⁷⁸"Ordinationes a Benedicto XII pro Fratibus Minoribus promulgatae per bullam 28 novembris 1336," ed. Michael Bihl, *AFH* 30 (1937): 309–90. See chap. 31: "De monialibus seu Minorissis."

⁷⁹My understanding of the Clarisses, as well as my arguments concerning their order, have benefitted from conversations with and criticisms from Mark Jordan, Rachel Koopmans, Bonnie Mak, James Mixson, Ingrid Peterson, Darleen Pryds, and John Van Engen. I would like to thank them for their support and encouragement throughout the process of writing this article and the dissertation of which it is a part.