

## *Mendicants, the Communes, and the Law*<sup>1</sup>

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THE present essay briefly examines evidence for the development of the mendicant orders, focusing on their relationship to important members of the middle and upper classes in the communes as one of the chief ways in which they gained popularity and public support. These orders came into existence between the late twelfth century and the latter half of the thirteenth. Their increased involvement with the laity was both a direct product of their concern with the needs of the contemporary church and a source of conflict between them and the existing monastic and diocesan clergy. The experience of the Humiliati in various dioceses in northern Italy illustrates an important point, namely the growing divisions within the church and the tendency to label various groups as heretical. The condemnation of the Humiliati and other groups by Pope Lucius III in Verona in 1183 is a sign of the increasing sensitivity to the danger of heresy among the laity within the leadership of the church.

With the election of Pope Innocent III in 1198, there was a recognition that the divisions within the church threatened to drive many good Christians into the arms of the heretics. Innocent and his allies in the hierarchy began to embrace some elements in the popular religious movements. Among the earliest beneficiaries were the Humiliati, the Trinitarians, and the founder of the Hospital of the Holy Spirit in Rome. It was shortly after this that Francis of Assisi, with the support of his bishop, approached Innocent. In this same period, Dominic de Guzman with his bishop undertook missionary work among Catharist heretics in the Midi. These seemingly separate occurrences were the beginning of a new approach to the problems that were besetting the church. The formation of the mendicant orders was the result not only of their founders but also of the recognition by the papacy of the role that they might play in a divided church.

This essay moves away from the emphasis on the internal history of the orders and focuses on their relationship to the laity. It focuses on the reason for the success of the mendicants as well as the failure of some to survive. Few topics in medieval religious history have received the attention accorded

<sup>1</sup>I dedicate this article to Edward Peters. He is an excellent scholar and teacher as well as a friend.

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the mendicant orders, especially the Franciscans and Dominicans, the earliest and the most widely known.<sup>2</sup> Gradually in the course of the thirteenth century, the Carmelites, Augustinians (*Eremiti*), Servites, the Friars of the Sack, and the Pied Friars were founded.<sup>3</sup> The Humiliati, though not classified as mendicants, shared much in common with them. The Trinitarians had more in common with hospitaliers and specialized in ransoming captives. The Crutched Friars (*Fratres Cruciferi*) worked in hospitals and cared for the sick. A large part of existing research has been devoted to the internal history of the orders. Scholars within these communities were chiefly interested in constitutional and religious issues.<sup>4</sup> More recently, however, greater attention has been paid to relations with the community at large.<sup>5</sup> This approach owed much to the research of historians outside the order, such as Paul Sabatier, Herbert Grundmann, and Gioacchino Volpe, who were moved by issues that had little to do with the internal history of the order.<sup>6</sup> More recent scholarship such as that by Lester Little looks to the place of the friars in the broader society, a trend that has now become dominant.<sup>7</sup> In the case of the Dominicans, their highly visible and controversial role in the Inquisition, even though the numbers actually involved in this work were small, has attracted considerable attention. Although some Franciscans were also inquisitors, their pastoral activity and their close relations with the laity have overshadowed that aspect of their work. Much less attention has been paid to those orders founded later, but

<sup>2</sup>Given the many controversies surrounding the Franciscans, there is no recognized standard account. I suggest John Moorman's *A History of the Franciscan Order* (Oxford: Oxford University Press, 1968) and Cajetan Esser's *Origins of the Franciscan Order* (Chicago: Franciscan Herald, 1970). See also my article, "The Papacy and the Early Franciscans," *Franciscan Studies* 36 (1976), 248–262. For the Dominicans, the work of William A. Hinnebusch, *A History of the Dominican Order*, 2 vols. (New York: Alba House, 1972) is quite useful.

<sup>3</sup>C. H. Lawrence, *The Friars: The Impact of the Early Mendicant Movement on Western Society* (London: Longman, 1994) is a good survey. Francis Andrews, *The Other Friars: The Carmelite, Augustinian, Sack, and Pied Friars in the Middle Ages* (Woodbridge: Boydell, 2006) provides a more detailed discussion of these orders within a comparative framework.

<sup>4</sup>Esser, *Origins of the Franciscan Order*, 53–111.

<sup>5</sup>Lawrence, *The Friars*, 102–126.

<sup>6</sup>The importance of Sabatier's biography has been overshadowed by the controversy it engendered over Francis as a pre-Reformation figure. See Paul Sabatier, *Life of St. Francis* (London, 1908). Behind this thesis, we can clearly recognize Sabatier's understanding of Francis's connection to the people. Gioacchino Volpe (*Movimenti religiosi e sette ereticali nella società medievale italiana* [Florence: Sansoni, 1971]) recognized this fact when he said that "il santo d'Assisi salvò la chiesa cattolica dalla rovina estrema" (165). Herbert Grundmann (*Religious Movements in the Middle Ages*, trans. Steven Rowan [Notre Dame, Ind.: University of Notre Dame Press, 1995]) has been one of the most influential voices in the English-speaking world. His work continues to influence the agenda of research, especially on women. With his work the place of the mendicants achieved canonical status in the history of religious movements.

<sup>7</sup>Lester Little (*Religious Poverty and the Profit Economy in Medieval Europe* [Ithaca, N.Y.: Cornell University Press, 1978]) stretched the picture still further, speaking of an urban spirituality.

recently a valuable survey has been published by Frances Andrews.<sup>8</sup> What emerges clearly from a comparative study of all of these orders is the fact that, despite numerous similarities, the term mendicant did not apply in a strict meaning to any of them, though it may have significance for several during their early period. It was much more a term that distinguished them from the monastic order than a description of their way of life.

Much of this essay focuses on the Franciscans, the most successful of the mendicant orders and the one whose history has presented the greatest problems to historians. By looking at their relations with the laity, we gain a different perspective on that history. Emphasis on the internal history of the order has led to a too exclusive concern with the poverty issue and internal conflicts. By asking what the laity, particularly those who were most important to the development of the order, found in it that attracted them, we change the emphasis to one that stresses the mass appeal of Francis of Assisi and the spirituality that he and his followers brought that touched the lives of the rising urban classes. We begin by seeing the relationship of the mendicants with traditional monasticism.

## I. THE MENDICANTS

While all these orders were rooted in the monastic tradition, some, such as the Humiliati, the Augustinians (*Eremiti*), the Carmelites, and the Servites, were more traditional than the Dominicans and the Franciscans. In the case of the Humiliati, previous experience may well have led them to maintain more traditional organizational structures. The Franciscans underwent severe internal turmoil in the period after the death of Pope Gregory IX over the issue of poverty within the order.<sup>9</sup> In spite of this conflict, their reputation among the laity seems to have remained high even into the fourteenth century, as is evident in Dante's *Divina Commedia*.<sup>10</sup> In spite of

<sup>8</sup>Francis Andrews (*The Early Humiliati* [Cambridge: Cambridge University Press, 1999]) provides an excellent discussion of the development of the Humiliati in the late twelfth century that clarifies many of the issues regarding their status and activities in connection with the work of previous scholars, 6–37.

<sup>9</sup>The dispute over poverty, the roots of which were based in Francis of Assisi's attitude toward property, has been a cause of great confusion to the Franciscans. Putting the problem bluntly, his ideas as we know them from his writings were clear in general but inconsistent in specifics. Thus, he opposed ownership of property but prescribed conventional arrangements for the needs of individuals. Importantly, he supported the decisions of the ministers. There is no indication that Francis was especially concerned about them. The Testament is chiefly a reiteration of Francis's overall view. However, the debate over poverty has become a central issue for modern scholars, which, in my view, needs revision.

<sup>10</sup>Dante, *Paradiso*, 10–13. Although Dante puts criticisms of the decline of both the Dominicans and Franciscans in the mouths of Aquinas and Bonaventure, what comes through is his continuing esteem for them. It is the poverty of the Franciscans that aroused his respect.

their internal disputes, the Franciscans enjoyed continuing support from the papacy and the hierarchy, as well as the laity. The order did spawn a radical wing, the spiritual Franciscans, which was viewed as revolutionary because of its ties to Joachimism, which drew on contemporary mystical strains as well as issues that were distinctly Franciscan. It would be surprising if the history of the Franciscans, given their involvement with the religious movements of the period, were not a lightning rod for contemporary conflicts within the church. For example, the first Franciscans to go to Germany before 1220 raised suspicion that they were heretics.<sup>11</sup> Despite this setback, the important question is, how did they achieve the remarkable success that they attained in the medieval church? For there is no doubt that they were the model for the mendicants who followed them in the latter part of the century.

The foundation accounts found in the histories produced during the early years of the orders put their emphasis on the founder, which was understandable in the case of Francis of Assisi, considering his charisma. Modern scholars like John Moorman have continued to stress his unique qualities while focusing on the more ordinary aspects of his work, such as his effort to keep things simple: wooden churches or abandoned houses.<sup>12</sup> But, as all modern scholars have recognized, from the earliest years emphasis was on Francis as a cult figure.<sup>13</sup> His personality dominated the early history of the order. In the *vitae* composed by Thomas of Celano and St. Bonaventure, the founding of the order and its development were closely paralleled in his life. His miracles confirmed his image as a Christ-like figure. No such image attached to Dominic. But the actual development of the Franciscans was quite different from that depicted in these accounts, and it more closely followed that of the Dominicans. In London and Oxford, they enjoyed the hospitality of the latter.<sup>14</sup> In many places, on their first arrival, the friars were granted a small existing church and a plot of land for a convent and gardens. In Brescia, the Franciscans first settled at the small parish church of San Giorgio Martire, located on the hillside below the western wall of the citadel, which dominated the city.<sup>15</sup> The church lay in the suburbs that were just developing in this area and to the south.

The image of an order living primarily by begging—mendicancy—does not represent the actual situation of the Franciscans, Dominicans, or the

<sup>11</sup>The account in Lawrence, *The Friars*, 43–44, stresses that they did not know German, but that was only part of the picture.

<sup>12</sup>Moorman, *A History of the Franciscan Order*, 63.

<sup>13</sup>*Ibid.*, 23–24. Moorman captures this aspect of Francis's life in a dramatic fashion.

<sup>14</sup>Lawrence, *The Friars*, 45.

<sup>15</sup>Enzo Abeni, *Il Frammento e l'Insieme: La Storia Bresciana* (Brescia: Edizioni del Moretto, 1987), 325. See also Federico Odorici, *Storia Bresciana dai Primi Tempi*, 11 vols. (Brescia: Pietro di Lor. Gilberti, 1856), 6:116 and n. 3.

later mendicants save to a very limited degree and that in their early years. Begging could not provide for the physical needs of the community for housing, for a religious setting adequate to meet the needs of preachers and teachers, and the growing demand for their services as confessors and counselors. Although patrons could assist the friars, they were seldom in a position to meet their needs on a regular basis. The development of the mendicants, moreover, did not follow a single model, as is evident from the substantial differences among the various orders and especially between the Franciscans and the Dominicans. Although the use of the term mendicant is contemporary, from a modern point of view the usage seems somewhat inappropriate, since it conveys an inaccurate picture of the internal development of the orders.

In the case of the Franciscans, considerable emphasis was early placed on the manner in which they secured support and held property, stressing their uniqueness in avoiding ownership of money, goods, and property. In actuality, stress by modern historiography on these arrangements has led to a distortion of the development of the order, making it seem as if the conflict over property raised obstacles to the work of the order. This point is best illustrated if we turn to the historic role of public support of religious communities.<sup>16</sup> The support of the communes was also critical to the development of the mendicants. But such public support was neither new nor limited to the mendicants. In a world in which monarchs and nobles traditionally founded and supported monastic houses, it is not surprising that communes took up similar functions, since they regarded themselves as successors to these authorities.<sup>17</sup> But their role was directed to the needs of the communities rather than to the support of the charitable works carried out by the friars at this time.

Charity for the poor was in the hands of the laity, often through confraternities or guilds. At times, communes also provided public support for the poor and would continue to do so. In Bergamo, for example, the confraternity of the Misericordia, founded at the behest of the Dominican bishop Herbord in 1265, encompassed many earlier groups that had existed on the parish level. The membership of the Misericordia included numerous members of the communal elite and their families. It had the paramount role in providing charity for the poor. I have not found any legislation at this time designating any public support for the friars in works of charity. Instead, communal statutes addressed the needs of the members of the orders

<sup>16</sup>For a recent discussion, see Augustine Thompson, *Cities of God: The Religion of the Italian Communes, 1125–1325* (University Park: Pennsylvania State Press, 2005), 419–456.

<sup>17</sup>Gabriella Airaldi makes this point. See her introduction to *Gli Annali di Caffaro (1099–1163)* (Genoa: Fratelli Frilli Editore, 2002), 11–30.

themselves. Thus, when the mendicants appear in communal statutes, it is as recipients of aid either for construction or alms for the support of the community. They are sometimes grouped with non-mendicants, and support was in response to formal requests made by the various groups. These legal ties were critical to the early history of the mendicants.

## II. LEGISLATION

A brief survey of legislation suggests a complex picture. One of the most interesting pieces of legislation is a statute dealing with the *confraria* of Ivrea.<sup>18</sup> It spells out regulations regarding the amounts to be dispensed by the *confraria* of Ivrea to “miserable persons,” that is, those in danger of losing their station in life through poverty. The mendicants did not belong in this category, but the statute specifies in the case of the Franciscans and Dominicans the conditions under which they may share in the food of the *confraria*, namely when there is a surplus.<sup>19</sup> On the feasts of St. Francis and St. Dominic, they were to be given the same gifts that were given on the Feast of St. Theodore. Obviously, they were being made eligible for public charity by the commune. Moreover, this statute makes the point that they are given support for themselves and not for the poor. The statutes of Nice contain a rather interesting arrangement that not only do mendicants, who have no real estate [*stabilia*], pay no hearth tax, but neither should they be counted in the number of hearths.<sup>20</sup> Recognition of this special status of the mendicants should, I believe, be read as recognition of their view on poverty in their way of life, for which this statute aims to provide a remedy. It is evident that this provision applies to the situation of the Franciscans rather than the other mendicants. At Brescia in 1279, the Poor Clares asked for

<sup>18</sup>*Monumenta Historiae Patriae*, 22 vols. (Turin: E Regio Typographeo, 1836–1955), Statuta Eporedie [Ivrea], 2, 1186–1187, “De elemoxina fratrum Predicatorum et minorum.” This provision is typical. “Item statuerunt et ordinauerunt ad honorem Dei qui civitatem Yporegie [Ivrea] et omnes habitantes in ea servet et gubernet perpetuo in honore et statu pacifico et tranquillo quod conventus fratrum predicatorum et minorum de Yporegia uterque ipsorum conventuum habeat et habere debeat in elemoximam pro eorum vestibus vel aliis necessariis libras viginti imperiales semper omni anno a comuni Yporegie quas potestas sive vicariis et iudices teneantur speciali sacramento eis dari facere singulis annis per comune Yporegie.” The following statute deals broadly with the relations between the commune and the *confraria*. MHP, 2, 1187–1191. “De confraria Yporegie [Ivrea] et de eius questionibus.”

<sup>19</sup>MHP, Statuta Eporedie [Ivrea], 2, 1189. “et aliquis vel aliqui confratres dicte confrarie non possint et debeant ire ad comedendum ad dictam confrariam nisi contingeret quod cibus esset de superfluo pauperibus sub pena et banno solidorum quinque pro quolibet et qualibet vice.”

<sup>20</sup>MHP, 2, 140. Statuta Niciae [Nice]: “*Medicantes nulla stabilia, vel immobilia obtinentis in fogaigiis nichil solvant...*: “... nec in foculariorum numero computentur.” This statute is especially interesting because it shows the adaptability of the commune to meet the unusual status of the mendicants. But note that it does not take up the issue of poverty in any direct way.

support.<sup>21</sup> In 1252, the Franciscans joined the Dominicans and the Augustinians (*Eremiti*) in seeking an exemption on taxes for goods intended for their houses outside of Brescia.<sup>22</sup> Frances Andrews discusses the close relationship formed between the Augustinians and the *castrum* of Monticiano in the later thirteenth century.<sup>23</sup> Examination of legislation suggests that the religious orders were dependent on the communes for ordinary activities.<sup>24</sup>

Communal legislation treated the mendicants in traditional ways by providing funds for food and clothing as well as for construction. The aims of these laws were purely practical. Obviously, they reflected the thinking of leading members of the commune. Of course, we must be careful not to read too much into it, but it seems fair to suggest that communal support demonstrates a level of popularity. The type of concern that is reflected in the law can also be read as a reflection of conventional attitudes. The legislation raises another important point. The laws we have dealt with here refer chiefly to the mendicants from the Alpine regions. The numbers were modest, and their convents were not centers of education. The great majority of Franciscans and Dominicans were concentrated in central Italy and the cities of the lower Po valley. This was also the richest part of the peninsula in terms of both agriculture and industry. It witnessed a dramatic increase in population illustrated by the enlargement of the areas enclosed within walls in the thirteenth and early fourteenth century. The mendicant orders shared in this prosperity. In the large region between the Alps and Rome, they were able to draw on much greater resources. The result of their close identification with the urban middle and upper classes was reflected in a consequent narrowing of the groups from which members were recruited. Public support combined with private patronage from these classes made

<sup>21</sup>MHP, 16:2, 1584 (186). Statuta Brixie [Brescia]. “Anno Domini millesimo ducesimo septuagesimonono [1279], indictione septima, die iovis XVI, mensis Februarii. In generalibus consiliis more solito congregatis tam comunis Brixie quam populi campanarum sonitu et voce preconia in pallatio maiori comunis eiusdem lecta fuit infrascripta petitio sororum minorum de sancto Francisco, et ordinis sancte Clarae.” The letter of the nuns states that they are forty-two in number and lack the necessities of life. They are seeking support beginning in the preceding year. Their request was granted.

<sup>22</sup>MHP, 16, 1722. Statuta Civitatis Brixiae [Brescia]. “Item statuunt et ordinant correctores, quod fratres minores morantes in districtu Brixiae, res sibi necessarias ad victum et vestitum possunt conducere et conduci facere ad domos suas extra civitatem Brixiae et per districtum Brixiae de una domo ad aliam, absque ullo datio vel tolomeo inde solvendo, uno de fratribus ad minus presente cum rebus, quae debentur conduci praedicto modo. MCCLII [1252]. Illud idem intelligatur de fratribus praedicatoribus et heremitis.” But note that there were limits to the commune’s trust.

<sup>23</sup>Andrews, *The Other Friars*, 107.

<sup>24</sup>Powell, “Frederick II, the Hohenstaufen, and the Teutonic Order in the Kingdom of Sicily,” *The Military Orders*, ed. Malcolm Barber (Aldershot, U.K.: Variorum, 1994), 236–244, traces the fundraising carried out by Gerard, the Master of the Magione in Palermo.

possible the great mendicant churches of Florence, Bologna, Venice, and Padua, as well as those in many smaller towns.

One of the most difficult problems facing the historian of the mendicant orders in the thirteenth century is the paucity of evidence dealing with their relationship with the laity as opposed to that treating their internal development and activities.<sup>25</sup> One of the major reasons for this scarcity lies in the very small number of thirteenth-century lay authors and the fact that their writings mostly provide little or nothing about relations between the orders and the laity. True enough, the Franciscan chronicler Salimbene does provide some valuable information on relations of the laity with the Franciscans, though his writing is quite opinionated. Save for an occasional report such as that left by Thomas of Spalato regarding the sermon Francis of Assisi preached in the public square in Bologna in 1222 or 1223, our only sources for his preaching are directed more to the members of the order than to exploring the relationship to the laity.<sup>26</sup> The major exception to this, if it is one, lies in the sermons Francis preached to the crusaders and the sultan in Egypt in 1219. I have dealt with the problems they present most recently in an article titled "St. Francis of Assisi's Way of Peace."<sup>27</sup> I suggest that that experience was formative for Francis and, to some degree, for the order.

### III. FRANCISCAN EXCEPTIONALISM

The other mendicant orders did not have a founder with such a charismatic personality as that of Francis, who was clearly a major celebrity during his lifetime. But even the Franciscans had to make their way, as we have already suggested, based on their own work and not merely on the reputation of their founder, though they invested enormous efforts into publicizing his life, employing the greatest artists of the day in their churches. Still, those images, virtually unique in the iconography of the mendicant orders in the thirteenth century, do not provide the kind of testimony that we are seeking. The voice of the laity is missing.

But the case of Brescia provides an extraordinary means for understanding this aspect of the development of the Franciscans in the mid-thirteenth century. There a small confraternity, composed of *causidici*, that is, counselors as opposed to advocates, met on a regular basis, probably before 1250, at the

<sup>25</sup>Frances Andrews, *The Other Friars*, has devoted considerable space to this topic for each of the orders she treats. She shows that the record is inconsistent, but she observes: "All religious orders, of the Middle Ages and beyond, depend on lay support" (98).

<sup>26</sup>Thomas of Spalato, *Ex Thomae historia pontificum Salonitanorum et Spalatinorum*, MGHSS, 29:580.

<sup>27</sup>James M. Powell, "St. Francis of Assisi's Way of Peace," *Medieval Encounters* 13:2 (2007), 271–280.



church of San Giorgio Martire, where the Franciscans first settled. Such an opportunity is almost unique, particularly because one of its members provides us with a body of writings without parallel for such a group in this period. It was independent of the friars, though it enjoyed a good relationship with them. It is from Albertanus of Brescia, a married layman and perhaps the leading member of the group, who authored three important treatises and five sermons, that we glean our information.<sup>28</sup> The four sermons that he delivered to the confraternity in the year 1250 constitute a commentary on its rule, a fact that suggests that it had only recently been founded. On occasion friars were present and even spoke after the meeting, but there is no indication that they were in charge.<sup>29</sup> In his first Brescian sermon, he speaks about “spiritual refreshment,” which “we are accustomed to receive here from the friars.”<sup>30</sup> The evidence clearly suggests that this was an effort to unite members of the same profession in a religious organization. What emerges, however, are also some insights into the reasons the Franciscans came to be valued by members of the professional class.

Albertanus began to write in the year 1238. His first work was titled “De amore Dei et proximi et aliarum rerum et de forma vite.” In this essay, he fused the concept of a religious rule with the classic moralist tradition, based on his careful study of the letters of Seneca, in his desire to present a vision of society as a pursuit of happiness in this world.<sup>31</sup> He was very much a man of the commune, as is evident from the sermon that he preached in Genoa in 1243, while in the service of the podesta, to the audience of *causidici* and notaries, and his second treatise, written in 1245, “De doctrina loquendi et tacendi,” both of which are directed to the professional concerns of a member of the commune.<sup>32</sup> After his return from Genoa, his “*Liber consolationis et consilii*,” best known in English to Chaucer scholars in the version known as the “Tale of Melibee,” focuses on the problem of securing peace in the commune and, most particularly,

<sup>28</sup>Gregory W. Ahlquist, “The Four Sermons of Albertanus of Brescia: An Edition.” M.A. thesis, Syracuse University, 1997, Introduction, 1–24, esp. 7–14. See also James M. Powell, *Albertanus of Brescia: The Pursuit of Happiness in the Early Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 1992), 90–106. An earlier edition of these sermons is found in *Sermones Quattuor: Edizione Curate sui Codici Bresciani*, ed. Marta Ferrari (Lonato: [Fondazione Ugo da Como]), 1955. Albertanus had earlier preached a sermon to the *causidici* and notaries in Genoa in 1243, when he had accompanied Emmanuel de Madiis, who served as podesta: *Sermone inedito di Albertano, giudice di Brescia*, ed. Luigi F. Fè d’Ostiani (Brescia, 1874); reprinted in *Sermo Januensis*, ed. Oscar Nuccio (Brescia: [Industrie Grafiche Bresciane], 1994), which provides a facsimile of ms Brescia. Queriniana C. VII. 14 as well as a translation into Italian by the editor.

<sup>29</sup>Powell, *Albertanus*, 99.

<sup>30</sup>Gregory Ahlquist, “Four Sermons,” For Latin, see 33; for English, 55.

<sup>31</sup>*Ibid.*, 49.

<sup>32</sup>*Ibid.*, 57.

on the vendetta as a source of conflict. During this period Albertanus may well have been more closely involved with the Franciscans, who had arrived in Brescia before he wrote this treatise. Given the difficulty in getting a more complete picture of the activities of the Franciscans on this level, we must use every opportunity to reveal their relations with men who were important leaders in the commune.

What is very evident is that the Franciscans who, with the Dominicans, were identified with the movement to bring peace to the communes carried out in the so-called Alleluia of 1233, would certainly have found the theme of the "Liber consolationis et consilii" supportive of their efforts. Unfortunately, there is no direct evidence in Albertanus's writings that would enable us to make this point more evident. Perhaps it would be best to suggest that about this period we are approaching a critical point in the development of communes, which is reflected both in the Alleluia of 1233 and the writings of Albertanus, without going beyond the suggestion that they shared common concerns. The issue of factional violence already prominent in 1233 had emerged as a threat to communal governance. But each source drew on its own perspective, for, as we see in the "Tale of Melibee" and in the sermons, there were differences in the manner in which each approached the issue of violence. For example, the stress on usury, which was central to the view of the friars as a cause of divisions, found no significant role in Albertanus's writings.<sup>33</sup> Still, these encounters demonstrate the extent to which mendicants, in this case Franciscans, drew on issues that were also of deepest concern to a group of laymen. This point, which has not been fully investigated, strongly suggests that the Franciscans were much closer to the laity at this early date than we have previously thought, but not that they were the leaders in this relationship. Obviously, this would change in the course of the second half of the thirteenth century with the growth of third orders.

In fact, as we look at the situation in Brescia, it seems clear that the friars, whether Dominican or Franciscan, lent their support to existing groups, only taking initiative as organizers later. Close examination of the sermons of Albertanus of Brescia does make it clear that the laity were in the leading role, with the friars as supporting cast. But the development of their relations with the upper classes was gradual. For example, we know that Albertanus was closely connected to the rising family of the Maggi (de Madiis) through service with Emmanuel de Madiis, the professional podesta in Genoa, whose family provided two bishops and dominated political life in Brescia at the end of the century under Bishop Berard, but there is no evidence for close

<sup>33</sup>Powell, *Albertanus*, 8, n. 34 where he mentions usury in the "De amore," in discussing the poor as victims of the rich and powerful. He carried this theme throughout his writings but did not take up the issue of usury again.

ties between him and such leading noble families as the Gambarara and the emergent Martinengo.<sup>34</sup> Moreover, the Franciscans lagged behind the Dominicans in both Brescia and Bergamo, where the latter enjoyed episcopal support from members of their own order. The picture of the friars that emerges from the writings of Albertanus of Brescia is of a group seeking allies from among the middle class by sharing their concerns.

A comparison with the way an earlier figure found acceptance by the hierarchy shows that awareness of the need to cultivate relations with the urban middle classes was in the air. Saint Homobonus of Cremona, whose cause for sainthood had been advanced by Bishop Sicard of Cremona shortly after his death and who was canonized by Pope Innocent III in 1199, was embraced and his cult encouraged for this very reason.<sup>35</sup> His earliest vita, probably prepared by Sicard as part of that process, describes him as a pious layman, faithful in attending Mass, and active in charitable activities, even to the point of incurring criticism from his family.<sup>36</sup> He was a tailor and member of a confraternity, and was later claimed by the Humiliati. His vita suggests that its author was concerned to make him acceptable to the hierarchy. When asked to preach to his fellow members, he refused on the ground that he was not sufficiently learned. Francis of Assisi reflected a similar viewpoint when, in company with one of his brothers, he went out to preach. When the brother later asked why he did not preach as he had intended, he assured him that they had preached by example. In the case of Albertanus, whose learning was impressive, the Brescian Franciscans had no problem. What distinguished Francis from laymen like Homobonus or Albertanus is the way he moved to gain recognition for his foundation as clerics bound by a rule, in effect following the path charted by the Humiliati and John of Matha, the founder of the Trinitarians during this same period.<sup>37</sup> The Franciscans did not merely spring from the laity but continued to resonate with them.

As we have already seen in the case of Brescia—and we could easily extend this to other communes—within a relatively short time the mendicants developed very strong ties with leading members of the commune. They formed a bridge between the upper classes and the masses. Albertanus pointed out that assistance to the poor was important to the peace and order

<sup>34</sup>For the rise of the Maggi, see Gabrielle Archetti, *Berardo Maggi: Vescovo e signore di Brescia* (Brescia: Fondazione civiltà Bresciana, 1994), 29–60.

<sup>35</sup>Andre Vauchez, “Le trafiquant de céleste: Saint Homobon de Crémone (–1197), marchand et père des pauvres,” *Horizons Marins: Itinéraires Spirituels (Ve–XVIIIe siècle)*, 2 vols. (Paris, 1987), 115–120.

<sup>36</sup>Venice, BNM, Lat, IX, 28 (2798), 133r–137r.

<sup>37</sup>On the Humiliati, see Hieronymus Tiraboschi, *Vetera Humiliatorum Monumenta*, 3 vols. (Milan: Galeati, 1766–1768), 3:128–148 for Innocent III’s letters. For the Trinitarians, see my “Innocent III, the Trinitarians, and the Renewal of the Church, 1198–1200,” in *La Liberazione dei ‘cattivi’ tra Cristianità e Islam* (Vatican City: Archivio Segreto Vaticano, 2000), 245–254.

of the community. He was aware of the danger of violence.<sup>38</sup> He might easily have added that political factions tended to draw support from the lower class. Albertanus gave deep thought to the risk posed to the commune by social unrest. Recent studies have paid more attention to the origins of violence but have seldom plumbed the attitudes of contemporaries. The fact that Albertanus made this argument suggests that there was a fairly wide recognition of its cogency. But Albertanus did not recommend a solution based on legislation. He did not address the issue of public charity, nor did he speak about the role of the friars in this situation despite the presence of some of them at his sermon where he raised this question. He was very likely aware of their involvement in the preaching of the Alleluia in 1233 in which they had undertaken a reform of statutory law in the communes, a step that placed them in the middle of factional controversy, but he made no mention of it.<sup>39</sup> Instead, he advocated personal commitment by the laity to a way of life based on confraternity rules.

Evidence does not permit us to know with certainty whether this choice represented a rejection of the path advocated by the friars during the Alleluia, but we should not rule out the possibility that it was put forward as an alternative. The attitude of Albertanus toward the mendicants, and particularly the Franciscans, lends support to a need for a study of the way their role in the communes developed in the latter part of the century. It is in this sense that we may rethink the early history of the Third Order, an approach certainly consistent with the direction laid out by Albertanus, whose work became increasing popular over the next century.

Albertanus of Brescia provides us with an interesting insight into the way professionals viewed the issue of the poverty of the mendicants. He pointed out that both the Dominicans and Franciscans did not hesitate to add to their houses and churches as needed.<sup>40</sup> The casual nature of this remark, made as early as 1238, makes it much more important than the conjectures of scholars. The conflict over poverty within the Franciscan Order was only beginning to heat up about that time. During their early years, internal conflict before mid-century had much more to do with the locus of authority

<sup>38</sup>Powell, *Albertanus*, 95–98; 114–115; Ahlquist, “Four Sermons,” 61–101.

<sup>39</sup>See the very extensive treatment by Augustine Thompson, *Revival Preachers and Politics in Thirteenth-Century Italy: The Great Devotion of 1233* (Oxford: Clarendon, 1992), which raises a number of important questions regarding the effectiveness of the mendicants.

<sup>40</sup>Powell, *Albertanus*, 100; Albertanus, “De amore et dilectione Dei et Proximi et Aliarum Rerum et de Forma Vite,” ed. Sharon Hiltz (Ph.D. diss.: University of Pennsylvania, 1980), 221. “Nam nec ibi exclusit Dominus necessitatem vel utilitatem, sed voluntatem et nimiam cordis appositionem. Nulli enim sunt religiosi qui non addant quandoque domum domui. Nam si fratres minores vel predicatorum non haberent ecclesiam competentem ad congregationem fidelium adderent ecclesie sue. Et si non haberent coquinam et refectorium, adderent predicta domibus suis. Excludit ergo dominus per illis verbum ‘nolite’ tantummodo voluntatem nimiam vel superfluitatem.”

in the order than with the issue of poverty.<sup>41</sup> Indeed, as Salimbene's chronicle makes clear, the issue of authority within the order, which had troubled it since its founding and had ultimately led to the withdrawal of St. Francis from a role as leader of the community, was central to the conflict over Brother Elias's leadership of the order. Criticism of Brother Elias on the issue of poverty was a side issue in that dispute.<sup>42</sup>

What brought the poverty issue to the fore was the growth of the wealth of the order, which brought on a crisis between the builders and administrators and those who saw what they regarded as the simpler life of the earlier years disappearing. As we have seen, the wealth of the mendicants was increasing due to public support. Notably, the strength of the opposition to the building of great churches and larger convents seems to have been in more remote and poorer areas and among some intellectuals. Albertanus probably reflected the majority of the laity in seeing no problem over the issue of poverty in the order. The growing popularity of the order did not revolve around the issue of poverty. Albertanus made it very clear that he valued the friars for the "spiritual refreshment" that they brought.

There is no question that the order was undergoing significant changes in this period. But these were more related to the changing character of its membership than to poverty as such. The change in its members would have a profound effect on its relationship to the laity. It is precisely this issue that had the greatest impact on the development of the order. Salimbene, who reflects this change and the internal conflicts it provoked, provides the key to understanding its impact on members of the community.<sup>43</sup> The "gentrification" of the order was chiefly the product of the patient efforts of the friars to gain acceptance from the middle and upper classes. It was this process rather than the poverty issue itself that split the order. The majority of the friars gained acceptance because they were members of wealthy families.<sup>44</sup> Increasingly, public support for the order was also support for the sons of leading families. They transformed the order gradually, perhaps even without doing so consciously, and

<sup>41</sup>Powell, *Papacy*, 259–262.

<sup>42</sup>Salimbene (*The Chronicle of Salimbene de Adam*, ed. Joseph L. Baird [Binghamton: Medieval and Renaissance Texts and Studies, 1986], 128–133) sets forth his views on men in authority. From what follows, it is clear that he has Elias in mind.

<sup>43</sup>Salimbene, *The Chronicle of Salimbene de Adam*, 150–152.

<sup>44</sup>Salimbene often provides information regarding the backgrounds of friars. Where he does, he places stress on their education. An outstanding example is, of course, Alexander of Hales (17). Gerard of Modena was a member of a powerful family (52). On the other hand, he stressed the "humble" origins of Brother Elias, of whom he was highly critical (75). Williel Thomson (*Friars in the Cathedral: The First Franciscan Bishops, 1226–1261* [Toronto: Pontifical Institute of Medieval Studies, 1975]) has attempted a statistical analysis of these bishops. His conclusion, though tentative, strongly suggests that they were from the upper classes. There is no evidence for a bishop of humble origins (150–151).

certainly not with any intent to undermine the work of St. Francis. Their leader was St. Bonaventure. His *Life of St. Francis* was the clearest statement of their position. They defended their vision aggressively, labeling their opposition heretics. They were chiefly responsible for promoting the Franciscans as the order that was closest to the masses. The secret of the success of the Franciscans and the Dominicans lay in the kinds of services that they performed for the urban middle-class preachers and objects of charity. This picture fits into the testimony of Albertanus of Brescia regarding the value placed on this service. This view is not to denigrate the concern of the friars for the poor, but for much of this period they were engaged in efforts to build the order. They saw themselves as the deserving poor.

#### IV. CONCLUSION

Further evidence of the manner in which this change came about is to be found in their work with women. Women were very important to this view of mendicant history, both as religious and as lay women. The current tendency to single out women such as St. Catherine of Siena does not do justice to the role of women in the public sector in the communes or in religion. Women provided support not merely from their personal incomes but from their influence over their families and from their participation in such groups as the Confraternity of the Misericordia at Bergamo. The records of female membership in this confraternity, with its huge membership drawn from all classes, provide substantial evidence of the influence of women in Bergamo.<sup>45</sup> It was success along these lines that helped to establish the great popularity of the Franciscans and Dominicans through their distinctive appeal to the middle and upper classes of the towns. The failure of some orders to survive probably reflects their relative lack of success in this regard as well as increasing competition, which probably played a role in the position taken at the Council of Lyons.

The Council of Lyons (1274), in constitution 23, ordered the suppression of mendicant orders, including those with papal approval, founded after the decree of the Fourth Lateran Council in 1215.<sup>46</sup> The result was the suppression of the

<sup>45</sup>Maria Teresa Brolis, Giovanni Brembilla, and Micaela Corato (*La Matricola femminile della Misericordia di Bergamo [1265–1339]* [Rome: l'École Française de Rome, 2001], 14–62) list 1732 women, most of them drawn from the middle and upper classes. The Suardi appear ten times. See also Maria Teresa Brolis, "A Thousand and More Women: The Register of Women for the Confraternity of Misericordia in Bergamo, 1265–1339," *Catholic Historical Review* 88:2 (April 2002), 230–246.

<sup>46</sup>Andrews, *The Other Friars*, 18–20. We should consider the influence of attitudes of this kind on the desire of orders like the Carmelites and Franciscans to bolster their claims to pre-1215 founding.

Friars of the Sack and the Pied Friars.<sup>47</sup> There was no specific reference to these orders. The Council did not present a bill of particulars. Rather, there was as little strong support for them as there was for the mendicants that survived.<sup>48</sup>

There has been a tendency to preserve the exceptionalism that has been the hallmark of much of the historiography of the development of Franciscan Order in its early years without giving enough attention to the picture presented here. Obviously, the Franciscans drew heavily on the charismatic reputation of their founder, which they increasingly celebrated in art in their churches. There is no question that this was important. The purpose of this article is not to substitute one version of their history for another, but to expand the way in which that story is told. The long shadow of St. Francis has provided a mantle of protection for a view of the development of the Franciscan Order that took on a charismatic character akin to that of Francis himself. The effect has been to mask the fact that the growth of the order followed a much more conventional pattern, much closer to that followed by other orders in that period. Success came over time. The Franciscans drew heavily on the experience of other groups. They learned quickly from the Dominicans. They became very active in the schools. Both orders drew their members from similar social groups. The tendency has been to refer to the clericalization of the order in a somewhat pejorative sense in some quarters.<sup>49</sup> But the term clericalization does not reflect the range of changes that took place in Franciscans as well as the term gentrification, which reflects more accurately the development of the order and a major reason for its success. In a very fundamental way, the involvement of more and more members of the middle and upper classes in the order played into the way the order was able to mediate between the needs of the lower social groups and the classes to which its members belonged. The friars combined both the social status that commanded respect and a concern that transcended class boundaries. The Dominicans had not experienced a similar pattern. They maintained a traditional class hierarchy from the beginning. They had a clearly defined mission aimed chiefly at others like themselves. Their importance did not stem from their popularity with the masses but from their reputation in the universities.

<sup>47</sup> Andrews, *The Other Friars*, 207–209, 228–229.

<sup>48</sup> *Ibid.*, 207–223.

<sup>49</sup> Lawrence Landini (*The Causes of Clericalization of the Friars Minor* [Chicago: Franciscan Herald, 1968]) brought this question to the fore. It touched the nature of the early Franciscans as Francis conceived them. In my opinion, Francis aimed clearly at the founding of the order from the very beginning. The debate between the lay brothers and the clerics was not the product of a desire by Francis to minimize clericalization, but of the same forces that had earlier created conflict within the Order of Grandmont. I believe that Salimbene makes it clear that his opposition arose because he and those whom he admired in the order represented a trend toward gentrification. See also Powell, “The Papacy,” 251–255, on the foundation of the order.

The reason for the success of the Franciscans is best understood if we examine the nature of their piety, which was expressed in concrete terms. The great tree of life mural in the church of Santa Maria della Misericordia in Bergamo enables us to see what the Franciscans had come to mean to members of the urban ruling class. In 1347, Guidino di Suardo, member of one of the most prominent families in Bergamo, commissioned a great mural depicting the tree of life for the north transept of the church, which strangely was located next to the cathedral and the city hall. Its location is best explained by the fact that it belonged in a very special way to the commune. The association of the Suardi with the church was not merely due to their prominence in the commune and their wealth—Guiscardus Suardi had been bishop from 1272 to 1282—but also to their involvement with the confraternity of the Misericordia, which had been founded in 1265, through the efforts of Bishop Herbordus, a Dominican.<sup>50</sup> At the foot of the painting knelt the figure of St. Bonaventure, Minister General of the Franciscans and Cardinal Bishop of Albano, clothed in the habit of the Friars Minor, who “among his other wonderful works composed a book on the good Jesus in which he beautifully and devoutly declared for the edification of all the faithful that this holy and decorous image prefigured in the sacred scripture of the Old Testament the decorous tree of life.”<sup>51</sup> Franciscans had participated in the founding of the confraternity, which involved virtually every segment of the population in both city and countryside as well as members of all the important families. In itself, as an expression of devotion, the mural might seem grand but not unusual. Other examples are found during this period, but this one is not in a Franciscan church.<sup>52</sup> The Franciscan role in the foundation of the Misericordia of Bergamo was secondary to that of the Dominicans.<sup>53</sup>

The rule of the Misericordia had been written by Pinamonte da Brembate, O.P., the author of a biography of Santa Grata, the most prominent nun in the history of Bergamo. With this mural, the Franciscans gained a special place in Bergamo in relation to the Misericordia, which had become a leading institution in the commune and, as Maureen Miller has demonstrated, the way the bishop worked to strengthen his position in

<sup>50</sup>James M. Powell, “The *Misericordia* of Bergamo and the Frescoes of the *Aula Diocesana*: A Chapter in Communal History,” in *Pope, Church, and City: Essays in Honour of Brenda M. Bolton*, ed. Francis Andrews, Christoph Egger, and Constance M. Rousseau (Leiden: Brill, 2004), 344–356, esp. 354.

<sup>51</sup>I wish to thank Maria Teresa Brolis for securing a copy of the inscription at the base of the mural for me.

<sup>52</sup>Louise Bourdua, *The Franciscans and Art Patronage in Late Medieval Italy* (Cambridge: Cambridge University Press, 2004), 51–55. What makes this image distinctive is the fact that it is not in a Franciscan church, nor is it associated directly with St. Francis. See also 175 n. 57, which deals with this mural.

<sup>53</sup>Brolis, *Matricola femminile*, xxix–xxxiii.



communal society. The mural identifies Franciscan spirituality with this potent symbol in the public life of the commune in the first half of the fourteenth century. It reflects the complex way in which the mendicants, in this case the Franciscans, achieved their status in the medieval church. The “spiritual refreshment,” which Albertanus saw as the contribution of the friars, was the secret as to how the Franciscans achieved their popularity with the middle and upper classes that has been their hallmark over the centuries. The mural was a remarkable piece of triumphalist propaganda, whether intended as such or not. It reinforced the story that would become the official history of the Order and which would also have an impact on the history of the church as a whole. It did not contradict the more mundane tale we have told here, but it did obscure it.