

«MINISTERIUM FRATRUM»

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Francis of Assisi is regarded as being the founder of one of the most important religious families in the history of the Church. He is considered as the founder of the Friars Minor (First Order), of the Poor Clares (Second Order), and of the Regular and Secular Franciscans (Third Order). Yet, it never dawned to Francis' mind to found a religious Order. His experience of the Gospel calling drew to him a limited number of followers right from the very start, but these men lived together according to a very simple form of life, modelled upon the life of Jesus Christ and the apostles. The earliest references to the brotherhood initiated by Francis of Assisi try to explain the difference between the brothers and other lay evangelical movements in the 13th century.¹ The friars were basically a *fraternitas*, that is, a family of brothers.² In this they were radically distinct from all the other types of religious life present in the Church up till the 13th century, since these other models, particularly the monastic Orders and the canons regular, were based upon the concept of *communitas*, that is, a common sharing of life and means, according to the example of the primitive Christian community of the early Church.

One of the early chroniclers of the history of the Order, Jacques de Vitry, who was bishop of Acre and not a member of the Order, and therefore gives us an unbiased picture of the way he looked at Francis and the brothers, speaks about a "new order" in the 13th century Church, alongside the traditional forms of life of the hermits, monks, and canons.³

The beautiful liturgical sequence, *Sanctitatis nova signa*, attributed to Thomas of Celano, describes the Franciscan family as:

"An order new, a life-form new / Appeared on earth out of the blue; / Its sanctioned rule was to renew / The pattern the gospels teach."⁴

This *novitas* (novelty) born out of Francis' genius was the power, which transformed a fraternity into an Order,⁵ an intuition into an institution.⁶ Much has been written to try to understand whether this transformation, which marks Franciscan history from the very beginning, was truly a continuation of Francis' own ideals, or a totally different experience, sanctioned by the authority and moral power of the Catholic Church. What is of interest to us, however, is not the historical question as such, but rather the true content of Francis' own intention when he founded an Order of brothers, whom he called *fratres minores* (Friars Minor).⁷

In what way can Francis be considered to be the founder of the Friars Minor? What kind of religious family did he intend to establish? How did he remain faithful to his Gospel calling in giving a structure to this religious family, which was initially problematic to Church legislation in the 13th century? And how did the Church eventually accept this novelty and make it part and parcel of its own structure?

In order to answer these questions we need to delve into Francis' own writings and the early biographies, in order to understand the concrete nature of the early Franciscan fraternity, in which there was also need for a Rule and for principles of government and organisation. We shall analyse the terminology that Francis uses in order to describe the role of authority and government in the Order, by looking at the theological foundations of such an intuition. And, hopefully, we intend to present a faithful picture of how Franciscan authority and service should look like, in order not

to fall into the temptation of a naïve vision of the ministry of the brothers (*ministerium fratrum*), which is going through a moment of crisis in our Order today.

Franciscan terminology: *minister et servus fratrum*

The fundamental difference, which marks the Franciscan Order right from the very start as distinct from all other contemporary religious, is that of terminology. The monastic tradition of the Rule of St. Benedict regards the abbot (*abbas*) as having supreme authority in the monastery, on the model of the Roman *paterfamilias*. The canonical tradition of the Rule of St. Augustine speaks about the prior (*prior*) as superior of the community, a Latin word meaning “the foremost” or “the first”. This term was also taken from monastic circles, where the prior is an official superior of a community living under the direction of the abbot of a larger monastery, which functioned as a kind of motherhouse to the priorate.

The Dominican tradition, contemporary to Francis, accepted as its norm of life the Rule of St. Augustine, and hence the terminology used in this Rule. The early Dominican constitutions speak about the General Prior, the Provincial Prior and the Conventual Prior.⁸

Francis of Assisi was aware of this terminology, and yet he adamantly refused to accept it in his religious family. In the *Earlier Rule* of 1221 we find the first and most clear reference to the fact that no brother in the Order was to be called “prior”:

“Let no one be called “*prior*,” but let everyone in general be called a friar minor. Let one wash the feet of the other.”⁹

The verse is based upon explicit Gospel references. These include the following: (1) Mt 20:26-27 – “anyone who wants to be great among you must be your servant, and anyone who wants to be first among you must be your slave”; (2) Mt 23:8 – “You, however, must not allow yourselves to be called Rabbi, since you have only one Master, and you are all brothers”; (3) Lk 22:26 – “the greatest among you must behave as if he were the youngest, the leader as if he were the one who serves”; (4) Jn 13:14 – “If I, then, the Lord and Master, have washed your feet, you should wash each other’s feet.”

The terminology in the Gospel refers to a situation in which one is a Master (Rabbi) or has a position of priority (great, first). The last two references are taken from the episode of the Last Supper, and particularly from that of the washing of the feet of the apostles in Jn 13.

The fact that Francis never wanted to accept a type of monastic or canonical structure in his Order is shown clearly in the medieval sources. The most important episode regarding this decision on the part of St. Francis is to be found in the *Assisi Compilation*:

“When blessed Francis was at the general chapter called the Chapter of Mats, held at Saint Mary of the Portiuncula, there were five thousand brothers present. Many wise and learned brothers told the Lord Cardinal, who later became Pope Gregory, who was present at the chapter, that he should persuade blessed Francis to follow the advice of those same wise brothers and allow himself to be guided by them for the time being. They cited the *Rule* of blessed Benedict, of blessed Augustine, and of blessed Bernard, which teach how to live in such order in such a way.

Then blessed Francis, on hearing the cardinal’s advice about this, took him by the hand and led him to the brothers assembled in chapter, and spoke to the brothers in this way: ‘My brothers! My brothers! God has called me by the way of simplicity and showed

me the way of simplicity. I do not want you to mention to me any *Rule*, whether of Saint Augustine, or of Saint Bernard, or of Saint Benedict. And the Lord told me what He wanted: He wanted me to be a new fool in the world. God did not wish to lead us by any way other than his knowledge, but God will confound you by your knowledge and wisdom. But I trust in the Lord's police that through them He will punish you, and you will return to your state, to your blame, like it or not.' The cardinal was shocked, and said nothing, and all the brothers were afraid."¹⁰

This episode shows the tension which existed even when Francis was still alive, between the Gospel ideals of simplicity of the first brothers and the new generations of brothers who were intellectually prepared, and who regarded the early years of the Order as heroic, but incapable of offering any future perspective to its life and mission. The ideals of these brothers were certainly modelled upon the experience of religious life in the Church, based essentially upon monastic or conventual discipline. We do find an example of this trend in the writings of Jacques de Vitry.

In his *Letter written from Damietta in 1220*, Jacques de Vitry is highly critical of the seemingly undisciplined structure of the early Franciscan fraternity, and states: "But to our way of thinking, this Order is quite risky, because it sends out two by two throughout the world, not only formed religious, but also immature young men who should first be tested and subjected to *conventual discipline* for a time."¹¹

A Church prelate like Jacques de Vitry regarded true religious as being those who live in *conventual discipline*. Now, the term would simply imply a religious living in a monastic or canonical setting. No other form of religious life could guarantee conventual discipline. The fact that Francis had to accept the introduction of the year of novitiate, with the Bulla *Cum secundum consilium* (22nd September 1220), is a sign that the Church was struggling to give a kind of structure to the Friars Minor, without going against the genuine intentions of St. Francis, who would not listen to anybody suggesting to him to choose the monastic or canonical lifestyle for his brothers.

In order to safeguard his intuition, while at the same time accepting that his Order had to become an institution in the Church, Francis created a new kind of hierarchy at the helm of the Order, by using terms which are intimately linked with Christ's words in the Gospel. Thus, in early Franciscan legislation, we meet the expression *minister et servus fratrum* (minister and servants of the brothers) applied to the official in charge of the whole Order (general minister), to the official in charge of an entity of the Order (provincial minister), and to the local officials (here the terms vary: *custos*, *minister loci*, *guardianus*). We will now take a brief look at the use and significance of these particular terms.

Franciscan "hierarchy": *minister*, *custos*, *guardianus*

The Franciscan Order introduced a totally new concept of centralised authority in the history of religious life. The monastic Orders were all established upon the notion of the local supreme authority of the abbot or prior, with each monastery being distinct and independent of all the others. The Friars Minor were born as a centralised religious family with a superior general presiding over all. What is interesting and new in the Franciscan spring is the fact that the binding force of the Order, from the very beginning, was the charismatic figure of St. Francis.¹²

Thus the concept of authority in the Order gradually evolved into a series of offices, emanating from the central authority of the minister general. We have already noted the fact that Francis wanted to use the term *minister* in order to underline the service of

authority in the brotherhood. Here we will see how this term began to be used in the case of the central authority of the minister general, in the case of the entities born in the Order after 1217, where the authority was vested in the minister provincial, and in the subdivision of these same entities in the authority of the *custos* and *guardianus*.

The Later Rule of 1223 speaks about the minister general of the Order. "Let all the brothers always be bound to have one of the brothers of this Order as general minister and servant of the whole fraternity and let them be strictly bound to obey him."¹³

Thus, in the Order of Friars Minor, the highest superior in the Order bears the name *minister generalis*, and this name has been in use ever since in order to denote his title of office.

Francis even goes on to describe the explicit duties of the *minister et servus fratrum*, the minister and servant of the brothers. There is a familiar relationship between the minister, who is certainly responsible for authority in the Order, and the brothers, towards whom he should show fatherly and brotherly care, particularly in the case of brothers who sin. Thus the role of the minister general, as well as that of the minister provincial, is that of guaranteeing the unity and brotherly love of the fraternity. In the Franciscan Order we can speak about the *ministerium fratrum*, the ministry of the brothers. Let us have a look at what the Later Rule says regarding this style of leadership in the Order.

"If any brother, at the instigation of the enemy, sins mortally in regard to those sins concerning which it has been decreed among the brothers to have recourse only to the provincial ministers, let him have recourse as quickly as possible and without delay. If these ministers are priests, with a heart full of mercy let them impose on him a penance; but, if the ministers are not priests, let them have it imposed by others who are priests of the Order, as in the sight of God appears to them more expedient. They must be careful not to be angry or disturbed at the sin of another, for anger and disturbance impede charity in themselves and in others."¹⁴

The notion of familiarity is therefore central to the relationship between the ministers (both general and provincial) and the brothers.¹⁵ It became more evident as the Order grew in numbers, particularly after the General Chapter of 1217, when the Order was divided into provinces for the first time.¹⁶

One of the main duties of the minister general or provincial is that of being physically close to the brothers, by visiting them. The Later Rule states: "Let the brothers who are the ministers and servants of the others visit and admonish their brothers and humbly and charitably correct them, not commanding them anything that is against their soul or our rule."¹⁷

The novelty of the term *minister et servus* in the Franciscan movement was such that, in the biographies and other testimonies coming from the pen of men living outside the Order, it was necessary to explain these new terms, which were radically distinct from the old monastic names of *abbas*, *prior*, or *praelatus*.¹⁸

The Anonymous monk of the Benedictine monastery of Oberaltaich, in Germany, author of the so-called *Legenda Monacensis* (c.1275), says: "In view also of the virtue of humility he did not want in the Rule to call the rulers of the Order by names signifying dignity, such as, abbots, presidents, or priors, but ministers and custodians, so that by this the brothers would understand that they were servants of their brothers rather than lords, and preservers of souls and not dispensers of them, according to this passage from Matthew: *He who is the greatest among you shall be your servant* (Mt 23:11), and this passage from the Song of Songs: *The peaceable one had a vineyard, in that which has people: he let out the same to custodians* (Sg 8:11). The word

‘guardian,’ which has the same meaning as ‘custodian,’ is not from the Rule, but from its use in the Romance tongue and taken to express a difference of duties.”¹⁹

The term *minister* is well documented in the early Sources, but the other two terms *custos* and *guardianus* are less clearly defined, and it is important to stop for a moment to consider the development of these roles in the Order. Regarding the term *custos* (custodian), Kajetan Esser writes:

“In the documents of the Roman Curia itself – and that well into the reign of Gregory IX – can be detected a certain perplexity in regard to this office; as, for example, when a title of office is used for the first time in 1220: ‘To the beloved sons, the priors or custodes of the Friars Minor’ (*dilectis filiis prioribus seu custodibus minorum fratrum*). The term *custos* had not been used hitherto for the superiors of the Friars Minor, since its use in the Order can be traced only to a later date. It appears here, therefore, for the first time. The term does not seem to have been used at first in a proper sense only, inasmuch as the Final Rule prescribes that, in place of an incompetent minister general, the friars are to ‘elect for themselves another as *custos* in the name of the Lord.’ Thus, the term could apply even to the highest superior in the Order. In the same chapter we read: ‘At his death, the election of a successor must be made *by the provincial ministers and custodes* at the Chapter of Pentecost, in which the *provincial ministers* are always bound to convene...’ As only the provincial ministers come to the Chapter, the term *custos* cannot refer here either to any specific office; *minister et custos* is, in all probability, originally a repetition similar to *minister et servus*. Accordingly, we may interpret the address of the papal letter just mentioned to mean that *custos* at first, like *minister*, was a general designation of office in the Order. Yet by the time St. Francis wrote his *Testament* the word had certainly come to mean a clearly defined office. The provinces by that time were, obviously, subdivided into smaller administrative units, headed by the *custos*. When used then in 1230, it was certainly the title given the friar who was to govern a smaller administrative unit of a province.”²⁰

The term *guardianus* is even more complicated, since in the very beginning of the Order it had various connotations, and was sometimes mixed up with the role of the *custos*, and could refer both to a personal jurisdiction exercised over one friar (as in the case of St. Francis, who had a “guardian”) or to the local superior (sometimes called a *minister loci*, “minister of the place”, that is of the friary). The following is Esser’s expert explanation of the term:

“The *Legenda Monacensis* says: ‘The term guardian, which means the same as *custos*, is not from the Rule, but is taken from the usage of the Roman tongue to distinguish the offices. The house superiors are called *guardiani* in both chronicles (Jordan of Giano and Thomas of Eccleston) from the beginning. All the evidence shows that the friars took with them to Germany and England, in 1221 and 1224 respectively, both the name and the office as a firmly established institution [...] Jordan reports that, as guardian of Speyer, he sang the solemn Mass at the Chapter there in 1223, and that, as *custos* of Thuringia, in 1225, he sent a letter to Brother Nicholas at Erfurt ‘that he was to be guardian there.’ [...] The same holds good for the English Province, according to Thomas of Eccleston. He names the first guardians of the most important convents, among them several lay brothers.

For Italy the position is not so unequivocally clear. It was probably in the year 1222 that the sermon which, according to the evidence of the *Legenda Assidua*, revealed the talent of St. Anthony was given. He was called upon by the ‘minister of the place’ to give his sermon. But the latter can only have been a superior of the house there. This

‘minister of the place’ [...] is actually called ‘guardian’ in the later legends. Thus, in Italy, the house superiors were at first called ‘minister’.

Neither do the writings of St. Francis give any clear information on this question. Although the word ‘guardian’ occurs quite often – even as a designation of office – it is never explicitly defined.

In his *Testament* the Saint proclaims that he wishes strictly to obey that guardian whom it may please the Minister General to give him. It must not be understood simply as ‘house superior,’ for it designates merely the Saint’s personal superior who, as may be seen from the context, accompanies him also on his journeys.

As soon as the friars settled down, it was only natural to transfer to the house superior the name that had been given to the leader of the group up to that. In any case, ‘guardian’ then becomes the official designation for the superior of the smallest unit of friars, over whom the *custos* and the minister are placed as the responsible leaders of the larger groups. The hierarchy of the Order is seen in this same sense in the *Letter to a Chapter*, which belongs to the last stage of the life of St. Francis.

The titles ‘minister, custos, guardian’ occur also in the *Letter to a Minister*. The minister is to tell the guardians that they are to have mercy on the friars who sin. Such friars are then expected to have recourse to their guardians. The other friars must ‘send (such a one) to his *custos* with a companion.’ The guardians mentioned here are obviously the leaders of the itinerant groups of friars, who do not always have each of their friars near them. The *custos*, however, is the provincial minister, who is entrusted with the spiritual direction of the friars.

We may say by way of summing up that the titles of office in the Order had at first a personal character. ‘Minister of the Friars’ is an older title than ‘Minister of the Province.’ Thus, too, the guardian’s function as leader of a group of friars is older than his function as a house superior. He is the protector of his friars to preserve them from evil and keep them good.’²¹

As a conclusion we can state that the term *minister* (*minister et servus*), referring to the general or provincial minister, was used from the beginnings of the Order. The term *custos* was originally mixed with the office of minister, but it gradually assumed the meaning of a superior in charge of a group of friaries within a particular province, and hence acting under the direction of the minister provincial. The term *guardian* is the most problematic, since it originally seems to have denoted the office of a superior of a group of itinerant friars, or even a personal guardian, as in the case of St. Francis. Only later did it distinguish itself as denoting specifically a local superior (*minister loci*) of a particular friary. The sense of the Latin terms *custos* and *guardianus* is very similar, since both indicate the office of protection and safeguarding of the brothers.

Authority and service in contemporary Franciscan legislation

The current legislation of the Order of Friars Minor reflects in a faithful way the concept of authority as service as contained in the Sources we have just referred to. Nowadays, the respective roles of Minister General, Minister Provincial, Custos, and Guardian, are well-defined and distinct one from the other. But they are still based upon the same concept of service underlined by Francis in his writings and in the examples of his life. We shall simply refer to what the General Constitutions of the Order of Friars Minor say regarding each level of authority and service in the Order. Regarding the *ministerium fratrum*, the Constitutions speak about the underlying notion of authority with humility:

“The Ministers and Guardians are to carry out their service of authority with humility; and docile to God’s will in fulfilling their duty, they are to watch over the friars (*fratres custodiant*) as children of God and they are to encourage their voluntary obedience with respect for the human person.”²²

The duty of watching over the brothers is expressed by the Latin verb *custodiant*, which is typical in the Franciscan tradition.²³

The first duty of custody of the brothers falls within the competence of the Minister General of the Order:

“The Minister General, either personally or through others, is obliged, according to special Statutes, to make a canonical visitation of Provinces and other entities of the Order dependent on Provinces at the time a Minister Provincial must be elected in Chapter; he is to visit other entities at a suitable time. He is also to visit them fraternally to foster and strengthen their Franciscan spirit.”²⁴

The exercise of authority in the Order and in the Provinces is best expressed by the personal contact of the Minister with each and every brother. The Minister General can certainly accomplish such a difficult task, but he needs the collaboration of the Ministers Provincial. That is why the Constitutions are more specific about the duties of the service of authority of the Minister Provincial:

“The Minister Provincial is to visit his friars frequently, admonish and comfort them spiritually, and correct them humbly and charitably. At the time specified by the General Statutes, he is obliged to make canonical visitation of all the Houses and friars.”²⁵

A close look at the verbs used in Latin throws light upon the specific duties of the Minister Provincial. He should visit his friars frequently (*saepe visitet fratres*). During these visitations he is to spiritually admonish and comfort them (*moneat et confortet fratres*). This duty is best carried out when he corrects them humbly and charitably (*humiliter and caritative corrigat eos*). The duty of visiting the friars and dealing with them with brotherly familiarity does not diminish in the least the minister’s duty of admonishing and correcting the faults of the brothers, who are bound in conscience to obey his commands. Humility and charity on all sides are the best guarantee for an effective exercise of the service of authority and the friars’ generous response to it.

Last, but not least, the Constitutions describe the important role of the Guardian, which is maybe the most problematic in the Order, given that the authority on the local level is, according to my way of seeing things, in a deep crisis in the Order today:

“In accordance with universal law and the proper law of the Order, the principal responsibility of the Guardian is to foster the welfare of the fraternity and of the friars, to exercise watchful care over the religious life and discipline, to direct activities, to promote an active and responsible obedience among the friars in a spirit of true fraternity.”²⁶

The principal office of the Guardian (*guardiani officium praecipuum*) is that of being faithful to the universal law of the Church and the Order, by fostering (*fovere*) the welfare (*bonum*) of the brothers. He is to do this by being a custodian (*vigilantem curam gerere*) of the religious life and discipline. Therefore he is responsible to see that the brothers truly live the Franciscan values of their religious consecration, community prayer, fraternal life in community, poverty and humility, evangelization, and that they take care of their ongoing formation. The Guardian also is the moderator (*moderari*) of the activities of the fraternity. In other words, he is the animator of whatever happens in the fraternity, and is to see to it that no friar lives and acts by himself, without any reference to the mandate given to him by the fraternity. In this way the Guardian promotes (*promovere*) a truly active and responsible obedience in

order to build a true fraternity. In the exercise of these duties the Guardian has a daunting challenge, but also a sound tradition of 800 years of experience in a fraternity that was founded by a man who conceived authority as service of loving the brothers by washing their feet as the Lord Jesus Christ did as Servant and Master.

NOTES

¹ The earliest reference to the name “Friars Minor” seems to be that given by Burchard of Ursperg, a canon of the Premonstratensian abbey of Ursperg in the diocese of Augsburg. Writing c. 1228-1230 he says: “At that time, when the world was already growing old, there arose two religious orders in the Church, whose youth is continually renewed like the eagle’s, and which were approved by the Apostolic See, namely the Friars Minor and the Friars Preachers. Perhaps they were approved at that time because two sects, which had previously sprung up in Italy, were still around: one was called the Humiliati and the other the Poor Men of Lyons. Pope Lucius had not long before listed them among the heretics [...] At that time we saw some of their number, who were called the Poor Men of Lyons, at the Apostolic See with one of their ministers whose name, I think, was Bernard. He was seeking to have his sect confirmed and given privileges by the Apostolic See. In fact, they went about through towns and villages, saying that they were living the life of the apostles, not wishing to possess anything or to have a definite place to live [...] In place of these the Lord Pope approved certain others then on the rise who called themselves ‘Poor Minors.’ They rejected the above-mentioned superstitious and scandalous practices, but travelled about both in winter and in summer absolutely barefoot; they accepted neither money nor anything else besides food, and occasionally a needed garment that someone might spontaneously offer them, for they would not ask anything from anyone. However, later on these men realized that their name could possibly lead to self-glorification under the cover of great humility and that, as many bear the title ‘poor’ to no purpose, they could boast in vain before God; therefore, obedient to the Apostolic See in all things, they preferred to be called Friars Minor instead of Poor Minors.” Text quoted from FAED I, 593-594. Quotations of the Writings and Sources for the Life of St. Francis from: *Francis of Assisi. Early Documents*, Vol. I: The Saint; Vol. II: The Founder; Vol. III: The Prophet, edited by R.J. Armstrong, J.A. Hellmann, W.J. Short, New City Press, New York – London – Manila 1999-2001 (abbreviated as FAED, plus volume no, plus page no.).

Personal note: I prefer to use the official name Order of Friars Minor (*Ordo Fratrum Minorum*), and not Order of Lesser Brothers, used by the translators of the latest edition of the Sources of St. Francis, for the simple reason that it is a more faithful reflection of the Latin original. The term “brothers” could be taken as a good translation of the Latin term *fratres*. The same cannot be said regarding the translation of *minores* into “lesser.”

² GIOVANNI MICCOLI, “The Writings of Francis as Sources for the History of the Franciscan Origins,” *Greyfriars Review* (GR) 18,1 (2004) 1-22.

³ JACQUES DE VITRY, *Historia Occidentalis*, 1 (FAED I, 582): “There have been three religious orders: hermits, monks, and canons. But in order that the state of those living according to a rule might rest firmly on a solid foundation, the Lord in these days has added a fourth form of religious life, the embellishment of a new order, and the holiness of a new rule.”

⁴ *The Liturgical Texts. Sequences in honour of St. Francis* (FAED I, 356).

⁵ KAJETAN ESSER, *Origins of the Franciscan Order*, Franciscan Herald Press, Chicago 1970, 17-135, especially page 23: “Francis himself, in those writings of his which have come down to us, preferred to use ‘fraternitas’ to describe the community which had grown around him, because this word gives expression to an essential characteristic of his followers. Yet, just as often, he calls it ‘religio’ and ‘ordo.’”

⁶ DAVID FLOOD – WILLIBROARD VANDIJK – THADÉE MATURA, *The Birth of a Movement*, Franciscan Herald Press, Chicago 1976; THÉOPHILE DESBONNETS, *From Intuition to Institution: The Franciscans*, Franciscan Herald Press, Chicago 1988.

⁷ 1C 38 (FAED I, 217): “(Francis) himself originally planted the Order of Friars Minor and on the occasion of its founding gave it this name. For when it was written in the Rule, ‘Let them be minors...’ at the uttering of this statement, at that same moment he said, ‘I want this fraternity to be called the Order of Friars Minor.’”

⁸ These primitive Dominican Constitutions were written before the revised edition of St. Raymond of Peñafort which went into effect in 1241. The full text in English of these constitutions can be downloaded from <http://www.domcentral.org/trad/domdocs/0011.htm>

⁹ *Regula non bullata* 6,3 (FAED I, 68).

¹⁰ AC 18 (FAED II, 132-133).

¹¹ JACQUES DE VITRY, *Letter written from Damietta in 1220*, (FAED I, 582).

¹² KAJETAN ESSER, *Origins of the Franciscan Order*, 58-59: “The little groups of friars, with no stable abode, by the very nature of things needed strong ties to the man whose spirit inspired them all. And so, a further novel element is introduced, namely, that the whole body of friars, and not just individual groups, is guided by one man. From the outset, therefore, there exist, not heads of smaller fraternities or of individual monasteries who, as they merge into one body, elect a superior to whom all others are subject, but one man whose personal life inspired the whole movement and who ruled it with full authority.”

¹³ *Regula bullata*, 8,1 (FAED I, 104).

¹⁴ *Regula bullata*, 7 (FAED I, 103-104).

¹⁵ KAJETAN ESSER, *Origins of the Franciscan Order*, 65: “The expression *minister et servus* was not conceived by Francis as a kind of title or designation of office, but taken rather in the full literalness of its meaning. Thus, in the Final Rule, after he has enjoined upon the friars ‘who are subject’ total obedience to their ministers, he gives these latter a most serious warning to show such *familiaritas* towards their friars ‘that they may act with them as masters with their servants.’ That this admonition means exactly what it says is proved by the reasoning, which follows and which leaves no room for doubt: ‘for thus it ought to be, that the ministers be the servants of all the friars.’ Here the relationship between the superior and those subject to him is viewed entirely in the light of the Gospel [...] The ‘service’ in the office of the superior was to guarantee also that the superior himself would actually remain a ‘friar minor,’ imbued with the spirit of the whole community. It may well have been for this reason that the ‘ministry of the friars,’ except for the office of Minister General, was not conferred for life.”

¹⁶ KAJETAN ESSER, *Origins of the Franciscan Order*, 64: “We have good reason to believe that a ‘province’ was understood to be a more corporate entity, with definite territorial limits, corresponding to some extent to the existing monastic abbeys and priories. In the same way, those functions which at that time belonged to abbots and priors fell as a matter of course to the minister provincial.”

¹⁷ *Regula Bullata* 10,1 (FAED I, 105).

¹⁸ The word *praelatus* (prelate), is however, used by Francis in the *Admonitions*. Examples include *Adm* 3 (FAED I, 130), and also *Adm* 4,2 (FAED I, 130), where Francis speaks about the one who is placed over the others (*prior*). But note that, in this last case, Francis is clear about what he intends by prior: “Let those who are placed over others boast about that position as much as they would if they were assigned the duty of washing the feet of their brothers.”

¹⁹ ANONYMOUS OSB, *Legenda Monacensis*, 55 (FAED III, 858).

²⁰ KAJETAN ESSER, *Origins of the Franciscan Order*, 67-68.

²¹ KAJETAN ESSER, *Origins of the Franciscan Order*, 172-175.

²² *General Constitutions OFM*, General OFM Curia, Rome 2004, Art. 185 §1.

²³ The duty of being Custodians in the Franciscan Order touches some core issues of Franciscan life, presence and mission: the ministers and servants are custodians of the brothers, the Franciscan friars are custodians of the Holy Places in the Holy Land, the Franciscan friars are custodians of the tomb of Saint Francis and of the chapel of the Porziuncola in Assisi.

²⁴ *General Constitutions OFM*, Art. 199.

²⁵ *General Constitutions OFM*, Art. 221, §1.

²⁶ *General Constitutions OFM*, Art. 237.