

I

The Chronicle of 'Nicholas the Minorite'

In an attempt to re-map the famous theological controversy over the poverty of Christ and his apostles with a view towards pinpointing the position of Bertrand de la Tour, it is appropriate to begin an examination of primary sources with the one on which most reliance has subsequently been placed.¹ This is the *Chronicle of Nicholas the Minorite*. Since every modern historical account is based on its narrative, it will be useful at the outset of this investigation to paraphrase closely the somewhat disjointed story told in the *Chronicle*—if for no other reason (though there are other reasons, as will transpire later), than to provide an introduction to the characters, events, and issues involved.

In 1321 a Dominican Inquisitor named Jean de Beaune arrested a certain beguine (a lay associate of the Franciscan Order) for heresy in Narbonne. The beguine had asserted, amongst other things, that Christ and the apostles, in following the way of perfection, had nothing individually or in common by right of *proprietas* or *dominium*. The Inquisitor wished to sentence the beguine, so, as the process required, he summoned all the religious priors, guardians, lectors, and other wise people of the town as witnesses. While Jean de Beaune was reading out his list of errors, Berengar Talon, a lector from the local Franciscan *studium*, stood up and protested against the charge relating to the poverty of Christ. He said the beguine's proposition was not heretical but 'sound, catholic, and faithful' doctrine—specifically because it had been defined by the Church in Pope Nicholas III's bull *Exiit qui seminavit* of 1279. The Dominican immediately demanded that the Franciscan recant what he had said. But Berengar did not want to recant, because this would mean renouncing a doctrine both sound and catholic, and defined by the Church. Fearing this offence against justice, Berengar instead appealed to the Apostolic See. When the appeal reached

¹ e. g. 'Our chief source for the history of the whole struggle is the contemporary chronicle of Nicholas the Minorite' (Douie, *Nature and Effect*, 154, n. 1).

the Pope in Avignon, the Franciscan lector was summoned to a consistory (a public meeting of the Pope and cardinals where matters of Church government were discussed). However, Pope John XXII was already disposed toward the opposite point of view. So he had the lector arrested and publicly posed the question 'whether it should be considered heretical to affirm pertinaciously that the Lord Jesus Christ and his apostles did not have anything either individually or in common?' He also circulated this question amongst all the prelates and masters present at the curia.

Because John was ill-disposed toward what had been sanctioned in *Exiit qui seminat* and wanted to define the opposite, he suspended Nicholas III's ban, under pain of excommunication, on the glossing and expounding of *Exiit* beyond its literal interpretation. This John did in his own bull *Quia nonnumquam*. Henceforth anyone, be he prelate or master of theology, could freely contradict and impugn what had previously been determined by the Church. Shortly thereafter, some cardinals and other notable men asked the Franciscan Minister General, Michael of Cesena, and the Chapter General of the Order meeting at Perugia to take a position on the question pending at the curia and to write their opinion to all Christendom. By doing this, they hoped to restrain John from error lest he, in prejudice of his predecessors and of the Catholic faith, should attempt to define the opposite of *Exiit*. Several masters and bachelors of theology at the Chapter General also made a lengthier determination on the question, replete with arguments and authorities. Hearing of the Chapter General's definition and wishing to impugn the determination of Nicholas III which the Chapter had affirmed, Pope John first produced the condemnatory constitution *Ad Conditorem Canonum*. After the promulgation of *Ad Conditorem*, brother Bonagrazia da Bergamo, who had been designated special procurator for the purpose of appealing against the constitution, protested to the Pope and cardinals. Though John saw how effectively Bonagrazia impugned his bull as harmful and illicit by legal argument, he was nonetheless unwilling to accept correction of his errors. So he produced a second version of this bull, adding some things and removing others, without altering the document's promulgation date of 8 December 1322. After this John wished to define in a constitution what he thought on the question of apostolic poverty aired at his curia, but in a way that was, on this question, the opposite of the definitive constitution of his predecessor and of the letter of the Chapter General of Perugia. Therefore John edited and promulgated the bull *Cum inter nonnullos*.

In the following year (1324) Ludwig, Duke of Bavaria, was elected King of the Romans (heir to the Imperial throne). Once he understood how

grievously John had injured the Catholic faith, Ludwig, at the instigation of the Franciscans, promulgated an appeal in which he defended his rights and those of the Empire; in this appeal he also impugned John's two constitutions (*Ad Conditorem* and *Cum inter nonnullos*), showing that they contained manifest heresy. When John saw that King Ludwig had appealed against him and claimed that his two constitutions were heretical, he published in the same year a new bull beginning *Quia quorundam mentes*, in defence of his earlier writings.

Several years later, in the summer of 1327, the Franciscan Minister General, Michael of Cesena, was summoned by Pope John XXII to Avignon. Michael was convalescing near Rome at the time, but sent two friars from Perugia to excuse his absence on the grounds of poor health. When he regained his strength Michael set off for Avignon, where he arrived on the first day of December. Soon thereafter, in January 1328, Ludwig, King of the Romans, was crowned Emperor in St Peter's Basilica in Rome, not by the Pope, but by four syndics specially constituted for that purpose. Back in Avignon, on 9 April 1328 the Pope met with Michael and verbally abused him for many things, especially for the letter on the poverty of Christ and his apostles made by the 1322 Chapter General at Perugia. John stated that the letter was heretical. Michael resisted the Pope to his face, saying that the letter was not heretical but 'sound, catholic, and faithful' and concordant with what Nicholas III had determined and defined in *Exiit*. Because of his response, Michael was arrested and ordered to remain in Avignon. When Michael deduced from the prejudicial assertions made against the Order and against the orthodox faith that the Pope wanted to extract from him a retraction of the letter of Perugia, he wrote an appeal to protest John's actions.

A little later, on 14 April, Emperor Ludwig promulgated a law concerning Pope John XXII's public heresy and crime of lese-majesty. Because John had defended with pertinacity his three heretical statutes, the Emperor at the urging of the Roman people and the Friars Minor deposed him from the Papacy. Then, on 12 May, the Emperor, with the clergy and the people of Rome, elected the Franciscan Pietro da Corvaro pope. Meanwhile, Michael of Cesena believed himself to be in danger of death if he remained in Avignon, since he had written an appeal against John. So he secretly left the curia on 26 May with several companions, including Bonagrazia da Bergamo and William of Ockham. Once John belatedly learned that the band of brothers had gone, he excommunicated them and deposed Michael as Minister General of the Order. Cardinal Bertrand de la Tour was appointed by the Pope as a temporary replacement. Michael

arrived in Pisa on 9 June. There, some months later, he appealed to all Christendom and to a General Council of the Church against the heretical Pope—just as Ludwig the Bavarian had done earlier. This Michael did in two versions, the *Appellatio in Forma Maiori* and the *Appellatio in Forma Minori*. At the same time, Bertrand de la Tour called for all the ministers and custodians of the Order to elect a new Minister General at the next Chapter General in 1329. The Chapter then proceeded to elect Guiral Ot of the province of Aquitaine. Meanwhile Pope John, seeing what Michael had said about him in his two appeals and that he had demonstrated the heresies in his three constitutions, promulgated a fourth constitution (*Quia vir reprobus*). In this bull he responded to Michael's *Appellatio in Forma Minori* instead of the *Appellatio in Forma Maiori*, for although John possessed the latter, he was at a loss how to answer it. Michael, in turn, answered *Quia vir reprobus*, which impugned him, the Order, and the entire Catholic faith.

The foregoing has been offered as a close paraphrase of the (slightly longer) narrative of the controversy over apostolic poverty provided by the *Chronicle of Nicholas the Minorite*.² The narrative itself makes up only a small fraction of the work, the bulk of which consists of texts written by the principal contestants in the conflict. Some texts are uniquely preserved in the *Chronicle*, while others, like John's bulls, had a wide circulation independent of it. The texts are ordered chronologically and provided with brief historical introductions. These say little about the texts' content, but give some rather abstract and occasionally repetitive writings on poverty a narrative framework for interpretation. When the historical introductions are strung together (as they have been above), the story told is of how Michael of Cesena and his followers (Bonagrazia da Bergamo, William of Ockham, and others) came to be fugitives under the protection of Ludwig in Munich. The *Chronicle* appears to be an ingenuous collection of primary sources and has indeed normally been accepted by scholars as that. But it deserves a closer look.

First, who was 'Nicholas the Minorite', and what role did he play in the controversy? Relatively little is known about him, but it is worthwhile reflecting on what little there is.³ The first piece of evidence is the

² The *Chronicle* was printed in *Stephani Baluzii Tutelensis miscellanea novo ordine digesta*, ed. J. Mansi, 4 vols. (Lucca, 1761–4), iii. 206–358. This version, widely used by historians, has now been superseded by G. Gál and D. Flood (eds.), *Nicolaus Minorita: Chronica* (St Bonaventure, NY, 1996).

³ For a standard account of the biography of 'Nicholas the Minorite', see D. Lasić, *S. Iacobus de Marchia. Dialogus contra fraticellos* (Falconara, 1975), 261–4; *Chronica*, 17–18.

Chronicle's prologue, in which the author identifies himself and explains his motivation for writing:

Since according to the Apostle, *if a man knows not he shall not be known*, and according to Augustine, 'crass, supine, or affected ignorance does not excuse [one] from the law, but rather accuses [one]', I brother Nicholas of the Order of Friars Minor have been led to explain matters concerning the question of the poverty of Christ and His apostles that arose in the time of Lord Pope John XXII: specifically, what deeds and actions there were, both for and against, and the causes of these deeds and actions. [I have done this] lest ignorance, which as we read in the *Decretum* is the mother of all errors, be an occasion for sinning and deviating from the rectitude of the Catholic faith. [I have also done this] to commit it to future remembrance, lest the admirable, beneficial, and fruitful deeds and actions, so many and so great, done here and there, be concealed by silence and recede from the memory of men with the passage of time. [I have been led], as far as God has allowed, to collect [the deeds and events] from the very beginning into a single volume in the manner of a chronicle to help readers and those who wish to understand.⁴

The name 'Nicholas' does not in fact occur in manuscripts of the *Chronicle*, where the author is only mentioned as 'brother N'. Following this clue, scholars and editors dutifully searched for a Michaelist whose name begins with the letter N: a 'Nicholas of Freising' in 1330 witnesses Michael of Cesena's appeal to Christendom against John's bull *Quia vir reprobus*.⁵ This Nicholas of Freising is generally assumed to be the author of the *Chronicle* by scholars. Scholars also associate Nicholas of Freising with another 'brother N', a self-described 'follower and faithful friend of Michael and the masters', who wrote a tract included in the *Chronicle*.⁶ However, in both cases the 'N' is likely to have been employed in a purely conventional way to denote anonymity rather than to reveal an author's initial.⁷ So while the author of the *Chronicle* may very well have been a Bavarian friar drawn into

⁴ 'Quoniam secundum Apostolum *ignorans ignorabitur* [1 Cor. 14: 38], et secundum Augustinum et iura ignorantia crassa et supina seu affectata non excusat, sed potius accusat, idcirco ego frater Nicolaus, Ordinis Fratrum Minorum, cupiens ea quae de quaestione, orta tempore domini Ioannis papae XXII, de paupertate Christi et apostolorum eius gesta et facta sunt pro et contra, et causas gestorum et factorum exprimere, ne ignorantia, quae cunctorum errorum mater est, ut in *Decretis* [D. 38 c. 1] legitur, sit occasio delinquendi et a rectitudine catholicae fidei deviandi, et futurae memoriae tradere, ne tot et tanta hinc inde gesta et facta, pulchra et utilia et fructuosa silentio tegantur et de memoria hominum per successionem temporis abigantur, ad utilitatem legentium et maxime intelligentium in uno volumine, per modum chronicae, quantum Deus permisit, dignum duxi redigere, a fundamentis . . .' (*Chronica*, 62).

⁵ See 'Appellatio Michaelis contra "Quia vir"', *Chronica*, 865.

⁶ 'Responsio Nicolai ad Sententiam Geraldii', *ibid.* 938–60.

⁷ H. S. Offler made this observation in his introduction to *Guillelmi de Ockham Opera Politica*, ii. pp. xviii–xix.

the orbit of the former Minister General of the Franciscans when he took up residence at Ludwig of Bavaria's court in Munich, he may equally have been someone else entirely.

So much for the identity of the *Chronicle's* author; now let us turn to the date of the work. The work's prologue specifies that the author was writing not at the time of the events, but at some remove. Since 'Nicholas' apparently did his compilation after the completion of all the texts included in the *Chronicle*, and given that most of these texts are dated, the *terminus post quem* of his composition should be relatively easy to ascertain. Following the most widely used version of the *Chronicle*, edited by Mansi from a fifteenth-century Vatican manuscript (MS BAV vat. lat. 7316), the summary above ended in 1330. Other manuscripts, however, take the story further—through another theological controversy involving John that spawned a second wave of polemical writings and even into the reign of a new pope, Benedict XII (1334–42).⁸ The ten known manuscripts of the *Chronicle* have been divided, *grosso modo*, into two families: those that contain the shorter version and those that contain the longer one.⁹ Since manuscripts containing the more extensive *Chronicle* are identifiably earlier than those containing the version printed by Mansi, the former probably represents the original form of the work rather than a continuation.

The last dated text in the full *Chronicle* is from 1338. After this text, 'Nicholas' offers a clue to the origins of the work when he states that 'all that is written above was sent to Avignon'.¹⁰ It is not clear if 'Nicholas' refers here to his own introductions as well as to the writings of the leading Michaelists. But even if the reference does not demonstrate the existence of the *Chronicle* as a whole in 1338, it nevertheless indicates that some similar compilation of material existed during the pontificate of Benedict XII.

⁸ Long ago it was noticed that there was more material in manuscripts of the *Chronicle* than was published in Mansi. An early study of the manuscript used and the texts omitted is K. Müller, 'Einige Aktenstücke und Schriften zur Geschichte der Streitigkeiten unter den Minoriten in der ersten Hälfte des 14. Jahrhunderts', *Zeitschrift für Kirchengeschichte*, 6 (1884), 63–112; see also K. Eubel, 'Zu Nicolaus Minorita', *Historisches Jahrbuch*, 18 (1887), 375–86; H. Kämpf, 'Die Codices Latini 4008–4010 der Vatikanischen Bibliothek', *QFIAB*, 26 (1935), 143–71. Some treatment of the missing material from the *Chronicle* can be found in A. Carlini, *Fra Michelino e la sua eresia* (Bologna, 1912), 298–308; A. Heysse, 'Duo documenta de polemica inter Gerardum Oddonem et Michaellem de Cesena (Perpiniani, 1331—Monachii, 1322)', *AFH* 9 (1916), 134–84 (at 139). These later texts are all included in Gál and Flood's edition of the *Chronicle*.

⁹ These manuscripts were grouped into families by D. Lasić 'Nicholai de Frisinga Chronica Quaestionis de paupertate et epistula Veritatem sapientis', in *S. Iacobus de Marchia*, 261–94. For a brief description of each manuscript, see *Chronica*, 9–12.

¹⁰ 'Omnia quae sunt superius scripta per ordinem fuerunt missa Avenionem' (*Chronica*, 1155).

Another clue, external to the work, providing another insight into the source's origins, is a manuscript often considered alongside those of the *Chronicle*.¹¹ MS BAV vat. lat. 4009 does not contain the words of the *Chronicle*, but comprises a similar series of papal bulls and Michaelist texts written in diverse hands and arranged chronologically.¹² Some of these Michaelist documents are in draft, written in what has been identified as the autograph of Bonagrazia da Bergamo. Kämpf has conjectured that this manuscript served as a handbook in the Chancery in Munich—a reference tool for Michaelist writers relying on a common stock of arguments and authorities proving the error of John XXII. Avatars of the *Chronicle of Nicholas the Minorite*, such as MS BAV vat. lat. 4009, put the work in perspective: the compilation reflected the textual nature of the Papal–Michaelist/Imperial polemic that it 'chronicled'. Since many of the texts are reactions or replies to other texts, it was natural to juxtapose them.

As stated above, the last dated document of the original version of the *Chronicle* provides a *terminus post quem* for the work of 1338. One might suspect that 'Nicholas' wrote before the rebel Michaelist group began to disintegrate in the early 1340s, with the deaths of Bonagrazia da Bergamo (1340) and Michael of Cesena (1342), as well as the defection of Francesco d'Ascoli (1343).¹³ 'Nicholas' mentions none of these events. If this hypothesis is correct, the *Chronicle* can be situated at the end of a third and final wave of Michaelist polemic generated after the failure, in 1337, of their patron Ludwig of Bavaria's reconciliation efforts with the Roman curia.¹⁴

¹¹ For this manuscript see Eubel, 'Zu Nicolaus Minorita', 375–7; S. Riezler, *Vatikanische Akten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern* (Innsbruck, 1891), 572–5; Kämpf, 'Die Codices Latini 4008–4010', 143–71 (at 145–50); H.-J. Becker, 'Zwei unbekannte kanonistische Schriften des Bonagratia von Bergamo in Cod. vat. lat. 4009', *QFIAB* 46 (1966), 219–76 (at 226–30); Lasić, *Dialogus*, 262; G. Etkorn, *Iter Vaticanum Franciscanum: A Description of Some One Hundred Manuscripts of the Vaticanus Latinus Collection*, Studien und Texte zur Geistesgeschichte des Mittelalters, 50 (Leiden, 1996), 66–72; *Chronica*, 13*.

¹² The manuscript contains three versions of Michael of Cesena's so-called 'Avignon Appeal' found in the *Chronicle of Nicholas the Minorite*. Eubel, 'Zu Nicolaus Minorita', 377, had originally suggested that these texts were written in the hand of Michael of Cesena himself; this was corrected by Kämpf, 'Die Codices', 157. Anachronistic details in a draft have led one scholar to conclude that the Avignon Appeal of Michael was 'a pious fraud, a concocted latter-day piece of Michaelist mythology': G. Knysh, 'Biographical Rectifications concerning Ockham's Avignon Period', *Franciscan Studies*, 46 (1986), 61–91 (at 83).

¹³ For biographical details of these men, see the notes in *Chronica*, 24–9. For Francesco, see also N. Mariani (ed.), *Francisci de Esculo OFM Improbatio contra libellum Domini Iohannis qui incipit 'Quia vir reprobus'*, *Spicilegium Bonaventurianum*, 28 (Grottaferrata, 1993), 1–20.

¹⁴ This failure became apparent in August 1337: see H. Schwöbel, *Der diplomatische Kampf zwischen Ludwig dem Bayern und der Römischen Kurie im Rahmen des kanonischen Absolutionsprozesses 1330–1346* (Weimar, 1968); A. Schülz, *Die Prokuratorien und Instruktionen Ludwigs des Bayern für die Kurie (1331–1345)* (Kallmünz, 1973). For the division of the three waves of

By this point, their polemic was no longer confined to apostolic poverty, but incorporated new material on the Beatific Vision controversy and a general critique of papal power. This material targeted the memory of John XXII as well as Pope Benedict XII, who became a 'heretic' by defending his predecessor. Another Michaelist tract dating to this period similarly contains a brief historical interlude narrating the origins of the Michaelist struggle: the *Compendium Errorum Iohannis XXII* attributed to William of Ockham. The absolute *terminus ante quem* for the *Chronicle* is unintentionally supplied by Ockham's critic Konrad von Megenberg, who in 1354 attacked a tract which quoted without acknowledgement a passage from this work.¹⁵

Whatever the precise truth behind these estimates of the date of the *Chronicle*, its prologue makes clear that 'brother N' was sufficiently removed in time from the events of John XXII's pontificate to worry about his contemporaries being ignorant of them. Given that he does not seem to be eyewitness to the events in Avignon that begin the *Chronicle*, a question of sources arises: from where/who did 'Nicholas' obtain his information? He seems, in fact, to have relied almost exclusively on Michael of Cesena. 'Nicholas' apparently sifted through Michael's polemical writings (foremost the *Appellatio in Forma Maiori*) in search of interpretative clues to John's bulls and historical details about the origins of the controversy. This dependence sometimes manifests itself in the paraphrasing of Michael; elsewhere whole sentences from his writings are transplanted into the *Chronicle's* narrative without alteration.¹⁶ As an example, the following two passages may be compared, one from 'Nicholas', the other from Michael:

Qui beguinus inter alia aderebat quod Christus et apostoli, viam perfectionis sequentes, nihil habuerunt iure proprietatis et dominii in speciali nec etiam in communi. Qui inquisitor, volens iudicare dictum beguinum, convocavit ad consilium omnes priores, guardianos et lectores religiosorum et quamplures alios sapientes. Inter quos adfuit frater Berengarius Taloni, lector in conventu Fratrum Minorum de Narbona . . . Qui dominus papam fecit praefatum lectorem in sua curia arrestari, et publice hanc proposuit quaestionem, videlicet utrum pertinaciter affirmare Dominum Iesum Christum eiusque apostolos non habuisse aliqua in

Michaelist writings, I follow C. Trottmann, *La Vision béatifique des disputes scolastiques à sa définition par Benoît XII*, Bibliothèque des Écoles Françaises d'Athènes et de Rome, 289 (Rome, 1995), 471–95.

¹⁵ See *Guillelmi de Ockham Opera Politica*, iv. 453–4. The editor Offler accepted the work as genuine, notwithstanding Knysh's claim that this tract was written by Michael of Cesena: see Knysh 'Biographical Rectifications', 80, n. 75.

¹⁶ Textual parallels, direct quotations, and ellipses are not identified in the Gál and Flood 'study-book' edition of the *Chronicle*.

speciali nec etiam in communi foret haereticum censendum. Et formam ipsius quaestionis in scriptis omnibus praelatis et magistris in theologia in sua curia existentibus tradi fecit . . . suspendit sententiam excommunicatis latam in dicta decretali *Exiit* contra glossantes, docentes et dogmatizantes aliter quam sit eo modo quo continetur in ea. (*Chronica*, 62–3)

. . . qui beguinus adserebat quod Christus et apostoli non habuerunt aliquid in speciali nec etiam in communi. Et vocavit ad consilium suum omnes priores, guardianos et lectores religiosorum, inter quos adfuit frater Berengarius Taloni de Perpiniano, Ordinis Fratrum Minorum, lector in conventu Narbonae . . . Et tunc statim idem dominus Ioannes fecit dictum lectorem arrestari in curia, et publice hanc quaestionem proposuit, videlicet utrum pertinaciter affirmare Dominum Iesum Christum eiusque apostolos non habuisse [*sic*] aliqua in speciali nec etiam in communi foret censendum haereticum, et formam ipsius quaestionis in scriptis omnibus praelatis in curia sua existentibus tradi fecit . . . suspendit omnes prohibitiones et poenas, tam latas quam comminatas in dicta decretali domini Nicolai III contra glossantes in scriptis decretalem ipsius aliter quam eo modo quo continetur in ea. (Michael of Cesena, 'Appellatio in Forma Maiori', *Chronica*, 309–11)

A translation of these passages is not required to see that they are nearly identical. This parallel illustrates the way in which the *Chronicle of Nicholas the Minorite* is not so much a 'chronicle' as a compilation. Its introductions to historical documents, and even its pious prologue about combating ignorance, are unoriginal, being compiled from the polemical writings of Michael of Cesena and other Michaelist sources.¹⁷

What the *Chronicle* provides is a context for understanding key texts (such as John's bulls), rather than an in-depth account of events. Very little information is provided about what went on during the gaps of months, and sometimes years, between the dated documents introduced by 'Nicholas'. The narrative of the *Chronicle* has the effect of telescoping a drawn-out controversy over apostolic poverty into a series of short, sharp shocks: of frontal attacks by John and counter-attacks by the Franciscans. The historical limitations of the *Chronicle* reflect those of its main source. Although Michael of Cesena's various appeals were occasioned by particular events to which vague reference was often made, his method was not historical. Beyond providing an interpretative framework, the *Chronicle* is of limited usefulness for a precise reconstruction of events. But the documents that make up the *Chronicle* supply further historical details that 'Nicholas' either overlooked or did not think relevant. These are worth

¹⁷ For the comparison of the *Chronicle*'s prologue and the Michaelist tract *Veritatem sapientis* found in the family of manuscripts containing the shorter version of the *Chronicle*, see Lasić, *S. Iacobus de Marchia*, 274–5.

examining closely, both for the sake of an accurate historical reconstruction of the beginning of the apostolic poverty controversy,¹⁸ and for what they reveal about the compiler's principles of selection.

After mentioning the disagreement between the Dominican Inquisitor and the Franciscan lector, Michael of Cesena states (in his *Appellatio in Forma Maiori* of 1328) that Jean de Beaune OP arrived in Avignon and 'provoked the Lord Pope with his lies and falsehoods against the Friars Minor'.¹⁹ Michael provides the information that John circulated amongst all the prelates and masters of theology living in Avignon the question of whether it was heretical to assert that Christ and the apostles did not have anything, but he then adds:

It was obvious and well known that all who said and held that Christ and the apostles had things individually and in common and who asserted the opposite to be heretical, they and their words would be greatly praised. If, however, they asserted the contrary, he [John] sharply confounded them in speech, just as in the case of Lord Vital, Cardinal Bishop of Albano, of the Order of Minors. Because Vital had said before Lord John in consistory that to assert the aforesaid was not heretical but to assert the contrary ought to be judged heretical (since it contradicted the determination contained in the decree of Nicholas III), Lord John in the harshest words denounced and insulted him, saying several times 'you have spoken your heresies'. On this account, [John] impetuously reproached him for heresy. Lord Vital was terrified by this menace and was forced publicly to admit his error. This was also apparent in case of the reverend father Royard, Archbishop of Salerno and Enrico, Bishop of Lucca and Jeroni, Bishop of Caffa. These John bitterly and outrageously rebuked because they said the proposition was not heretical and they firmly asserted that they remained within the determination of the Church as expressed in the decretal *Exiit*. These ever-constant men persisted in the truth which they had stated. But after such terrors and threats, few indeed could be found who wanted or dared to profess a statement of what they believed.²⁰

¹⁸ What follows is a more detailed presentation and critical consideration of the sources admirably assembled by L. Duval-Arnould, 'Élaboration d'un document pontifical: les travaux préparatoires à la constitution apostolique *Cum inter nonnullos* (12 novembre 1323)', in *Aux origines de l'état moderne: le fonctionnement administratif de la papauté d'Avignon*, Collection de l'École Française de Rome, 138 (Rome, 1990), 385–409.

¹⁹ 'Et dictus frater Ioannes similiter accessit ad curiam et suis seductionibus et fallaciis ipsum dominium Ioannem, spiritui mendacii inhaerentem, enormiter contra Fratres Minores et eorum statum et Ordinem provocavit' (*Appellatio in Forma Maiori*, *Chronica*, 310).

²⁰ 'Quod etiam manifeste et notorie patuit ex eo quod omnes dicentes et tenentes quod Christus et apostoli habuerunt in proprio et in communi, et quod contrarium dicere erat haereticum, ipsos et eorum dicta maxime laudabat. Si qui vero contrarium adserebant, ipsos verbis acriter confundebat, sicut patuit in domino Vitali, dicti Ordinis Minorum, Albanensi episcopo cardinali. Nam quia in consistorio coram ipso domino Ioanne ipse dominus Vitalis dixit quod praedicta adserere non erat hereticum, sed contrarium adserere erat hereticum

Although Michael's intent was simply to indicate the oppressive intellectual atmosphere in Avignon at the beginning of the controversy, he seems to have had in mind a particular occasion when various Franciscan prelates spoke on the poverty of Christ while others listened. Michael attaches no precise date to the event, but his description immediately follows the recounting of the 1321 disagreement between the Dominican Inquisitor and the Franciscan lector. It also precedes Michael's citation of John's bull *Quia nonnumquam*. Therefore it may be inferred that such a meeting would have occurred before the date of that bull (26 March 1322).²¹

This account adds not only a new event to the introductory narrative of the *Chronicle* but also additional dramatis personae. In the *Chronicle*, the primary Franciscan protagonists were the leaders of the Order, Michael of Cesena and Bonagrazia da Bergamo, who took the first and last stands against John's assault. But Michael here indicates that Franciscan prelates (Cardinal Vital du Four,²² Archbishop Arnaud Royard,²³ Bishop Jeroni of

iudicandum, cum determinationi contentae in dicta decretali domini Nicholai papae III repugnaret, ipse dominus Ioannes verbis acerrimis publice arguit et confundit ipsum dominum Vitalem, dicens sibi pluries et frequenter 'dicatis haereses vestras' cum de haeresi ob hoc cum animi impetu arguens et reprehendens. Unde ipse dominus Vitalis, ex his comminationibus metu perterritus, de praedictis quae dixerat inductus fuit ut in consistorio publice diceret culpam suam. Hoc etiam patuit in reverendis patribus Arnaldo Royardi, archiepiscopo Salernitano, et Henrico, episcopo Lucano, et Hieronymo, episcopo Caffensi, quos ipse dominus Ioannes acriter et enormiter redarguit, quia dicebant dictam adsertionem non esse haeticam, et se in hoc stare determinationi Ecclesiae, positae in dicta decretali *Exiit* firmiter adserebant, qui semper constantes, in veritate quam dixerant persisterunt. Ex quibus terroribus atque minis ceteris perterritis, pauci valde inveniebantur qui vellent aut auderent confiteri sententiam quam credebant' (ibid. 310–11)

²¹ Both Valois ('Jacques Duèse, pape sous le nom de Jean XXII', *HLF* 34 (1914), 391–630 (at 455)) and Douie (*Nature and Effect*, 163–4) assume that this episode occurred after *Cum inter nonnullos* (November 1323). This is presumably because only after this bull (a) would John have grounds to call Vital's opinion heretical, and (b) would there be reason for Vital to recant. This is sound reasoning, but the episode cannot have occurred after *Cum inter nonnullos* since one of the participants mentioned, Enrico del Carretto, died in August 1323 before the publication of that bull.

²² Like Bertrand, Vital was a Minister Provincial of Aquitaine made cardinal. Pope Clement V raised this fellow Gascon to be Cardinal Priest of St Martino dei Monti in 1312 and John XXII promoted him to Cardinal Bishop of Albano in 1321. He died in 1327. See L. Duval-Arnould, 'Les Conseils remis à Jean XXII sur le problème de la pauvreté du Christ et des apôtres (MS. BAV vat. lat. 3740)', *Miscellanea Bibliothecae Apostolicae Vaticanae*, 3, Studi e Testi, 333 (Rome, 1989), 133.

²³ Originally from Périgord, Arnaud Royard was lector in theology in Toulouse in 1311 and a master in Paris in 1314. Arnaud succeeded Bertrand de la Tour as Archbishop of Salerno in 1320 and held that office until 1330, when he was transferred to Sarlat (in the Dordogne), close to his ancestral home. He died in 1334. See ibid. 136.

Caffa,²⁴ and Bishop Enrico del Carretto²⁵) present at the curia, and not the Chapter General at Perugia, made up the front line of opposition to the Pope. Furthermore, Michael alludes to other anonymous figures/participants: first the sycophants supporting John XXII, who were rewarded with praise, then the silent majority who, according to Michael's implication, supported the Franciscans. Given the proximity of this passage to others that 'Nicholas' takes from Michael, it is difficult to believe that the compiler overlooked it. The question thus arises: why should a source so explicitly concerned with the historical circumstances surrounding the poverty controversy leave out such pertinent detail?

A similar piece of evidence concerning a consistory can be found interpolated in an Italian translation of the shorter version of the *Chronicle of Nicholas the Minorite*. This translation exists in a fifteenth-century manuscript (MS Florence Biblioteca Nazionale, Magliabecchiana Cl 34, 76), where it appears as an appendix to the story of the 1388 trial and execution in Florence of Fra Michele da Calci.²⁶ This remarkably vivid account reads (in my loose translation):

On Friday 6 March in the year of the Lord 1322, with the cardinals and all the prelates and masters of the court assembled in consistory, Lord John the twenty second pope of that name said the things written below. About these things he was constantly answered, as also appears below, by the most courageous prelates who contradicted what he said on the poverty of Christ and of His apostles. He [the Pope] began: 'Some say that We wish to act against the decretal that begins *Exiit qui seminat*. But this decretal has already been revoked, or at least modified, regarding

²⁴ Jeroni was originally from Catalonia but, as he says, spent most of his life in the East. Angelo Clareno states that Jeroni arrived in Greece in 1301 in the company of 'his mother and sister', with several books sent to Angelo's band of Celestine hermits by Pierre de Jean Olivi OM. When it was discovered that Jeroni's female companions were not in fact his relations, he is said to have turned against Angelo's group: Jeroni went off to join the Franciscan Order, and then condemned the Celestine hermits for errors and faults of which he himself had been guilty. Independent of Angelo's testimony, it is known that Jeroni was in 1311 consecrated as a suffragan to the Bishop of Peking, Giovanni da Montecorvino OM. In 1318 he was named bishop of the newly created Crimean diocese of Caffa by John XXII. He is known to have been in Avignon at the end of 1321 and the beginning of 1322. He died in 1326. See *ibid.* 140.

²⁵ Enrico was appointed Bishop of Lucca in 1300 by Pope Boniface VIII but lived at the papal curia from 1309 until his death in 1323. While in Avignon he became involved (on the Conventual side) in the Spiritual Franciscan debacle both during and after the Council of Vienne. For a brief biography, see C. Schmitt, 'Henri del Carretto', *Dictionnaire d'histoire et de géographie ecclésiastiques*, 23 (1990), 1108–9.

²⁶ For the Italian text see F. Zambrini (ed.), *Storia di fra Michele Minorita come fu arso in Firenze nel 1389* (Bologna, 1864), 59–77; F. Flora (ed.), *Storia di fra Michele Minorita* (Florence, 1942), 92–139. Also discussed by Müller, 'Einige Aktenstücke', 65–7. For Michele, see M. Becker, 'Florentine Politics and the Diffusion of Heresy in the Trecento: a Socio-Economic Inquiry', *Speculum*, 34 (1959), 60–75.

some things by Pope Clement.' And then he had some things read out from a decretal [*Exivi de paradiso*] concerning the excesses said to have been committed in the Order of Friars Minor.²⁷ Then Pope John said: 'We revoke the sentence of excommunication from this decretal [*Exiit qui seminat*], so that the question can be discussed.' Then he said: 'Let the prelates speak, especially those who have not yet offered their opinion, and let them do so briefly without arguments or proofs.' The Lord Bishop of Lucca then stood up to state arguments that he had earlier left out. But the Pope said to him: 'Let those who have not already spoken speak.' Then six prelates said in unison that the question posed was a matter of opinion, with one answer or another only being probable. For this reason, they did not consider it a matter of heresy. But the Lord Bishop of Padua said: 'I hold and believe with the decretal *Exiit* that Christ and the apostles did not have anything either individually or in common, though some say that this proposition is heretical.' Then Lord Jeroni, Bishop of Caffa, of the Order of Friars Minor said: 'Holy Father I place myself and all that I say under the correction of the Holy See and under you, whom I truly believe to be the vicar of Jesus Christ. For this profession, I was made prisoner by the Saracens. I begin with a passage from the *Collations of the Holy Fathers*, which is appropriate to me and to my brothers, who are debating this question. In this work, it is said that a dispute arose among the monks about who was the father of Melchizedek. When the Abbot Copres was asked this question, he struck his head and said: "Woe to you, Copres, because those things which God does not command you to seek, you seek and those which he commands you to seek, you neglect."²⁸ Now I will respond to the question at hand: I believe that Christ and His apostles and the Blessed Virgin, after they began to follow Christ preaching, did not have any property, either individually or in common. Such poverty I believe to be the apostolic and evangelical way of life. It seems to me that this is the case for three reasons. First, because the arguments offered for the contrary position do not convince. And if this proposition is indeed heretical, I never saw such an error against the faith of Christ in the court of any heretic, pagan, or schismatic.' Brother Gregory the Hermit then said that it is more evident in Scripture that Christ had something than it is that He was God and man; if the first proposition is denied, one can deny the second. The Pope, however, responded that, to the person who understands this correctly, the aforesaid words do not constitute an error; the meaning is that it can be observed with the naked eye that Christ and the apostles had things in common, but that He was God and man cannot be seen but only believed through faith. Then Brother Jeroni said: 'With all due respect, Your Holiness, the contrary

²⁷ John may refer to the fact that *Exiit* was no longer the definitive papal interpretation of the Franciscan Rule and had been partially replaced by Clement V's *Exivi de paradiso*. Clement had justified his intervention by saying that *Exiit qui seminat* had confused more than clarified matters on the observance of the Rule. ' . . . Et quia, ut intelleximus, non minuitur hoc dubium, sed augetur ex eo quo felicis recordationis Nicolaus Papa III. Praedecessor noster noscitur declarasse . . . ' (*BF V*, no. 195).

²⁸ H. Rosweyde, *Vitae Patrum de vita et verbis seniorum sive historiae Eremiticae*, V. 15, 24 (Lyon, 1617; Antwerp, 1628), 474; PL 73 953B.

is true. Because in all the Gospels the words, or rather the works, of Christ declare and reveal to the naked eye that He was man since He ate and drank; in the miracles, in the Resurrection and the Ascension, one knows that He was God.' The Pope then responded: 'Magicians produced many great miracles in the presence of the Pharaoh.' Brother Jeroni responded: 'Yes, but [they did so] through the operation of magical arts and about this there are various opinions. But do we want to equate the miracles of Christ with the magical arts?' The Pope remained silent. Brother Gregory then got up to excuse himself. The Pope said: 'It is not necessary for you to excuse yourself because your opinion is correct.' Then brother Jeroni sought to counter the arguments made that Christ and the apostles owned things individually and in common, by invoking the authority of Saint Jerome which said: 'Christ held it a fraud to divert that which belonged to the poor to His own use.'²⁹ Then the Pope said for all to hear: 'Badly said, Jerome.' Whereupon he had read out from the Gospel that passage when tribute was demanded from Christ and when He said to Peter: *In order not to offend them, go to the sea* [Matt. 17: 27]. 'There', said the Pope, 'this is the motive: not to give scandal. It is not the reason that Jerome suggested.' Brother Jeroni responded and said: 'Holy Father, both statements are true: that He made them give the money away not to give scandal and that He thought it was an unjust thing to reserve to oneself those things which belong to the poor.' Brother Jeroni added: 'Holy Father, listen to my second reason if you please. It is a hard thing for me to affirm that the profession of the blessed Francis, whose Rule proposes not to possess anything either individually or in common, is heretical. And the Roman Church says in the decretal *Exiit qui seminat*: 'This is that Rule and life which Christ taught in His words and affirmed in His example.'³⁰ This Rule or Order has been approved and confirmed by many Roman Pontiffs and also by you, Most Holy Father. It has enjoyed much honour and favour until now. This is, Holy Father, the religious Order that is truly from the vine of Christ which extends its branches across the sea unto the infidel. There is no kingdom, no language, no nation where the Friars Minor are not, or have not been, preaching the faith of Holy Mother Church. And their blood has been shed everywhere: from Morocco to India.' Then the Pope said: 'The Preachers, and other religious, shed their blood there as well and preach the word of God there.' Brother Jeroni responded: 'With all due respect, Your Holiness, never has there been a single preacher, nor indeed any religious, to die for Christ among the infidels who was not a Friar Minor. In my time, nine have been martyred (and he tells the places and names of the friars) and none from the other Orders. And much fruit has been brought forth exclusively by the Friars Minor for the conversion of souls.' Then a friar from the Order of Preachers, the Archbishop of Alborea, rose and said:

²⁹ This quotation is taken from his *Commentariorum in Matheum*, III (CCSL 77 156; PL 26 128), and is the ordinary gloss to the line of Matthew's Gospel that Pope John is about to cite in response.

³⁰ Cf. 'Hi sunt illius sanctae regulae professores, quae evangelico fundatur eloquio, vitae Christi roboratur exemplo fundatoris militantis ecclesiae, Apostolorum eius sermonibus actibusque firmatur' (Friedberg, ii. col. 1110).

'Holy Father, I can demonstrate that before the Friars Minor were in Tartary, Pope Innocent sent two Friars Preacher there.' Brother Jeroni responded and said: 'Holy Father I can demonstrate that it is eighty years since the Friars Minor went to Tartary and they already have in this country a good forty places or churches, whereas the Friars Preacher have only five close to the sea and among all these places there are perhaps fifteen friars.' Then the Pope said: 'The Friars Minor appropriate everything to themselves yet they claim to have nothing. They only use things but they want to have beautiful churches, notable vestments, many books, and large houses. They buy and sell their books and other things, just like other religious Orders who have property in common.'³¹ Then brother Jeroni responded: 'The Friars Minor themselves neither buy nor sell these things but do so through procurators of the Holy See which holds the *dominium* of these things that the Friars Minor use.' To which the Pope responded: 'Oh how many times you have sold without procurator!' To these words, brother Jeroni responded. 'Holy Father, if I have done this I have erred. But the Order as a whole buys and sells through procurators who handle money.' Then the Pope interjected, saying that the apostles had possessions in common, alleging the words from the Acts of the Apostles: *They had everything in common* [4: 32]. To these words brother Jeroni responded: 'All the things were common to the crowd of believers who were a model and example for the Church in that they possessed temporal goods. The apostles had no part of these, as can be proven by that phrase in Scripture from the third chapter of the Acts of the Apostles: *Silver and Gold I have none etc.* [3: 6].' Then the Pope said: 'The Friars Minor cause more trouble and suffering to the Church and to the prelates than other religious Orders.' Brother Jeroni responded: 'With all due respect, Your Holiness, there are none in the world so obedient to the Church as to die for her than the Friars Minor.' To which the Pope responded and said: 'A great lawyer (*legista*) he has made himself today! Say more, if you have more to say!' Then brother Jeroni said: 'With a third reason, I prove my conclusion: all the Orientals and specifically the Greeks, are informed by this doctrine of the ancient and holy doctors. They affirm almost as an article of faith that Christ and the Blessed Virgin and the apostles, when they followed Christ preaching, observed a poverty so great and so high that they did not have *proprietas or dominium* of anything either individually or in common. And we are blameworthy that those outside the Church should believe and preach the poverty of Christ and the apostles more perfectly than the Church of Christ. And if we were to preach and say the opposite, that is the contrary, they would stone us.' Then the Pope responded: 'Then how is it that they do not stone the Dominicans who preach to them?' Brother Jeroni responded: 'Holy Father, they have not been bold enough to preach there in person (*e' non sarebbono arditi di predicare questo per l'occhio del capo loro*'). Then the Archbishop of Alborea arose again and said: 'Holy Father, this brother Jeroni was in Greece perhaps for fifteen days, and I have been there forty

³¹ A comparison of the Franciscans' poverty/perfection, based on having nothing in common, and that of other mendicant Orders, which possess things in common, is contained in John's bull *Ad Conditoem* (1322).

years. From my childhood, I have been nourished and educated there. But I have never heard the Greeks deny that Christ and the apostles had things in common.' Then brother Jeroni responded: 'Holy Father, see how this one has spoken the truth. However, he lived forty years in luxury in Greece and he has never preached the word of God there. I have been there not only for fifteen days, but for twenty-two years I have been travelling between Greece and Tartary, preaching with great fatigue the word of God. And I can attest that in the imperial palace in Constantinople I steadfastly preached the faith of Holy Mother Church in the presence of the Emperor and many barons and prelates.' And having calmly said this, brother Jeroni returned to his place. Then the Pope called on the Archbishop of Salerno very reproachfully saying: 'Arise brother Arnaud and repeat those insane and presumptuous things which you said a little earlier, when you made us all heretics.' Arnaud then rose saying: 'Holy Father, saving your reverence, I have never made anyone a heretic but what I said, I said hypothetically and for the sake of argument. I have always placed my words under your correction and under the determination of the Holy Church.' Then the Pope said: 'It is certain that you did not speak the truth.' To which brother Arnaud responded: 'Holy Father, I believe that I did so, and if I did not, I say now: "my fault."' To which the Pope said: 'Make those stupid arguments which you made a little earlier, when you affirmed that it was more heretical to assert that Christ and the apostles had things in common, than that they had nothing.' Then brother Arnaud humbly presented his argument in the following manner: "Whoever explains Scripture otherwise than what the Holy Spirit has said" or indeed against the determination of the Church, they must be judged heretical.³² But Sacred Scripture, as explained by doctors inspired by the Holy Spirit, has manifestly determined that Christ and His apostles had nothing either individually or in common with regard to *proprietas* or *dominium*, and that they had only a simple use. The Church has determined likewise, as is apparent in the decretal *Exiit qui seminat*. And therefore it follows that to say that they had something either individually or in common with regard to *proprietas* or *dominium* is heretical.' For this speech, the Pope said to Arnaud many injurious things. With much abuse he impugned him and all the Friars Minor and their state, by saying that the Franciscans were frauds and liars, that their state was 'hypocritical, obscure, and insecure', that they wished to live lavishly but to appear untruthfully more perfect than other religious. He called the Order 'theoretical (*mattematico*) and fantastic';³³ he stated that Pope Nicholas III

³² Cf. Gratian, *Decretum*, C. 24. q. 3. c. 27 (Friedberg, i. col. 198).

³³ Compare these remarks to the reports in *Appellatio Ludovici de Sachsenhausen* (1324) of what John said about the Franciscans: 'Et hunc statum de simplici usu facti saepe vocavit et vocat in suis sermonibus mathematicum, hypocritalem et deceptorium, impossibilem ad servandum et nullum' ('Appellatio Ludovici de Sachsenhausen', *Chronica*, 145); 'conceperat regulam beati Francisci tamquam phantasticam et impossibilem ad observandum' (ibid. 148). John does use the term 'mathematicus' in the first version of *Ad Conditorem* (cf. *Chronica*, 86) and 'enigmaticus' (cf. *Extrauagantes*, 50; also *Chronica*, 126) in the second. In both cases, the words are used not to describe the Franciscans or their use but rather the Roman Church's *dominium* of the goods used by the Order of Friars Minor.

had made the decretal *Exiit* in his chamber without the counsel of his cardinals. After this, the Pope called on the Bishop of Lucca, who most steadfastly upheld what the Order of Friars Minor adhered to, and responded as the first time he spoke. He said it was a true and catholic belief that Christ and the apostles had nothing of their own, either individually or in common, but only simple use. To affirm pertinaciously the contrary he believed to be heretical. Then the Pope insulted him in a similar manner as he had the aforementioned brother Arnaud. Then, with great fury, he turned to brother Vital the Cardinal with this invitation: 'Repeat now brother Vital, those fatuous and inane arguments that you said a little earlier in the presence of all.' Vital kept quiet. Then the Pope said: 'Speak as you did the other day when you made all these people heretics.' Vital meekly responded: 'Holy Father, this is not the time now.' And the Pope said: 'Certainly you say that, however, We wish to hear your arguments.' And Vital said: 'Holy Father, there is no need now, but nevertheless, if you force me, I will speak.' All the cardinals were exceptionally distressed by the Pope's fury and by the words with which he had insulted Vital. Then Lord Gaetano removed the biretta from his head and said: 'Holy Father, we all beg you that Lord Vital not speak more because there is now neither the time nor the need (*non n'è tempo e non n'è bisogno ora*).' Lord Napoleon said likewise, and then all the cardinals together. Then the Pope said: 'As it pleases all of my brothers, We will let it be.' Then all the masters also knelt down begging that he would let it be for the moment. That being done, John asked all the prelates to leave the consistory and he remained with the cardinals. The whole court, both the cardinals and the prelates, commended Vital, together with the other three aforementioned [Franciscans], for wisdom, patience, and steadfastness.

This long passage precedes the introduction to the bull *Quia nonnumquam* in the Italian translation of the *Chronicle*. Contained nowhere in the Latin version of the *Chronicle*, this account—which is generally held to be the testimony of an eyewitness—must have been interpolated, possibly by the translator himself. Some scholars have identified this consistory on 6 March with the one mentioned by Michael of Cesena.³⁴ Certainly, similarities between the two exist. The four Franciscan prelates whom Michael of Cesena mentions as defending the Franciscan position are likewise present in the Italian account. In both narratives John XXII is hostile to the Franciscans and singles out Cardinal Vital du Four for reproach.

But on this last point of apparent similarity, differences emerge on closer inspection. Michael's account has the Pope accusing Vital du Four of heresy, whereas the Italian interpolation has him accused of 'fatuities and inanities'. While both accounts have the Pope berating Vital du Four, only in Michael's version does the Franciscan cardinal admit his error and

³⁴ Davis, 'Ubertino da Casale', 6, n. 20; *Chronica*, 310, n. 139.

recant. The Italian version especially commends Vital, along with the other Franciscans, for his resolution; in Michael's version, Vital is specifically excluded from the commendation of the Franciscan speakers. The Italian version of a consistory is also much more detailed, in that it describes an actual, if somewhat unfocused, debate between the Franciscans and Pope John XXII. Other participants are mentioned: the Bishop of Padua,³⁵ 'Gregory the Hermit',³⁶ the Archbishop of Alborea,³⁷ and six unnamed fence-sitting prelates who speak with one voice.

The Italian account implies the occurrence of a discussion previous to the consistory of 6 March that it describes.³⁸ The Pope said to Cardinal Vital du Four that he had spoken 'the other day', and to Bishop Enrico del Carretto and Archbishop Arnaud Royard that they had spoken 'earlier'. Could it then be the case that Michael and the Italian account refer to separate consistories, with this earlier meeting being the one Michael had mentioned? It would seem not, since Michael mentions the presence of Jeroni de Caffa at that consistory, whereas the Italian account suggests that Jeroni had not spoken before.

Not only are Michael's account and the Italian interpolation too dissimilar to be taken to refer to the same event—neither can they be reconciled into a sequence. Both accounts convey a sense of finality and do not seem to allow for further discussion at the curia. If the consistory in which Vital du Four had admitted his error preceded that of the Italian interpolation, it would have made little sense for the Pope to ask the Franciscan cardinal to speak in defence

³⁵ Ildebrandino Conti (†1352) was appointed Bishop of Padua by John in 1319, but remained at the curia until 1332. See B. Kohl, 'Conti (de Comite, de Comitibus), Ildebrandino', in *Dizionario biografico degli Italiani*, 28 (1983), 438–40. It is interesting to note that on 20 November 1323, eight days after the promulgation of *Cum inter nonnullos*, John XXII sent a copy of the bull to the Bishop of Padua. The letter which accompanied the bull is edited in L. Duval-Arnauld, 'La Constitution "Cum inter nonnullos" de Jean XXII sur la pauvreté du Christ et des Apôtres: Rédaction préparatoire et rédaction définitive', *AFH* 77 (1984), 406–20 (at 413).

³⁶ Gregorio da Lucca OESA was made Bishop of Sorra in Sardinia on 7 June 1322 and was transferred to Belluno-Feltre in the Veneto a year later (6 June 1323). But he seems to have remained in Avignon, as he was on the commission that censured William of Ockham in 1326. For him, see P. Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle*, 2 vols., *Études de Philosophie Médiévale*, 17–18 (Paris, 1933–4), ii., no. 407). Gregorio is not listed in A. Zumkeller, *Manuskripte von Werken der Autoren des Augustiner-Eremitenordens in mittel-europäischen Bibliotheken* (Würzburg, 1966).

³⁷ Gui Cattaneo OP was most probably a native of Cyprus who went on to study at Orvieto. He was appointed to the See of Oristano and Tyr in Sardinia by Clement V in 1312. He died at Avignon in 1339. See Duval-Arnauld, 'Les Conseils', 164–5; T. Kaeppli, *Scriptores Ordinis Fratrum Praedicatorum*, 4 vols. (Rome, 1970–94), no. 1399; O. Schena, 'Una presenza sarda al convento di Avignone del 1322 sulla povertà evangelica', *Clio*, 15 (1979), 139–57.

³⁸ This point was made by Duval-Arnauld, 'Élaboration', 391, n. 8.

of a position he had repudiated. Similarly, it would be strange for Vital to speak, and for the narrator of the second version to commend him for steadfastness, if he had already admitted his error. Therefore, these two accounts cannot be reconciled into a coherent narrative of what actually happened at the curia in the spring of 1322. All that they do is suggest that several consistories were held at that time on the subject of apostolic poverty.³⁹

The last piece of evidence contained within the *Chronicle of Nicholas the Minorite* to reveal something additional about the events of 1322 comes not from a Michaelist source, but from the Pope himself. It is John's bull *Quia nonnumquam*. In this bull John formally lifts *Exiit qui seminat's* ban on discussion of its contents and of the Franciscan Rule, just as he had temporarily done in the Italian account of the 6 March consistory. John XXII states that these penalties were suspended 'in the presence of Our brothers, the many archbishops, bishops, and prelates, not to mention the many doctors of both laws and masters of theology'.⁴⁰ A consistory may have been held on the day the bull was promulgated (26 March 1322).⁴¹ Certainly, neither 'Nicholas the Minorite' nor Michael of Cesena refers to such a meeting. 'Nicholas' introduces *Quia nonnumquam* by explaining that John's motive was to allow any prelate or master of theology to contradict *Exiit* if he wished (just as the Pope himself intended to do). He does not say that anyone actually did this or that there was a formal opportunity to do so. This seems another instance of the compiler's neglect to mention consistories whose existence can be discerned from documents in his *Chronicle*.

At this point one can only speculate about the reasons for the omission. Presumably these events were not thought worthy of mention: they might distract readers from the heroic role played by Michael of Cesena and Bonagrazia da Bergamo in resisting the Pope. Certainly, the opposition to John at the curia so far encountered seems somewhat feeble and fleeting compared to the actions of the future Michaelists, who are presented in the *Chronicle* as resisting John from the beginning.

³⁹ Duval-Arnould realizes this problem and suggests that Michael's description of a consistory is confused; nevertheless, he thinks that the evidence indicates the existence of three separate 1322 consistories on the matter of apostolic poverty (ibid., *passim*).

⁴⁰ 'in fratrum nosterum ac multorum archiepiscoporum episcoporum et aliorum prelatorum necnon multorum professorum utriusque iuris et multorum sacre theologie magistrorum presentia, dum consistorium teneremus . . .' (*Extravagantes*, 220).

⁴¹ Duval-Arnould seems to think that *Quia nonnumquam's* reference to a consistory (cited in the previous footnote) indicates that one was held on the day of the bull's promulgation. He also suggests this day as a plausible solution to the variant datings of Ubertino da Casale's opinion in narrative sources: see Duval-Arnould, 'Note complémentaire: Ubertain de Casale et le consistoire du 26 Mars 1322', in 'Élaboration', 407–9.

The answer to the question must be sought in Michael of Cesena's writings, since, as has been shown, 'Nicholas' generally took his historical cues from him. Michael discussed John's bull *Quia nonnumquam* in his *Appellatio in Forma Maiori* of 1328, quoting from it several times. For Michael, what was significant about the bull was that it revealed John's intention: by suspending all prohibitions and penalties associated with *Exiit*, John made clear his intention to revoke what it had determined.⁴² Several paragraphs after his narration of a consistory confrontation, Michael quotes a passage from the bull. Below is Michael's quotation, juxtaposed with the official text.

Nos autem attendentes quod argumentis et collationibus latens veritas aperitur, viam veritatis aperire volentes ac periculis quae ex predictis possent litteratae personae, praecipue scholasticae, incurrere, salubriter obviare, praesertim cum de novo suborta sint aliqua dubia circa quae posset periclitari veritas et erroribus via pandi nisi liceret conferre super contentis in constitutione huiusmodi et etiam disputare, prohibitiones et poenas praedictas, tam latas quam comminatas et earum effectum, auctoritate apostolica duximus usque ad Sedis Apostolicae beneplacitum suspendendas. (Michael of Cesena, 'Appellatio in Forma Maiori', *Chronica*, 312)

Nos autem attendentes quod argumentis frequenter et collationibus latens ueritas aperiatur, **quodque sub eadem littera sepe latet multiplex intellectus, necnon esse difficile uolentibus constitutionem predictam perfecte legere ac intelligere penas adiectas in constitutione huiusmodi deuitare**, uiam ueritatis aperire uolentes ac periculis que ex predictis possent litterate persone praecipue scholastice incurrere salubriter obuiare, praesertim cum de nouo suborta sint aliqua dubia circa que posset periclitari ueritas et erroribus uia pandi, nisi liceret conferre super contentis in constitutione huiusmodi et etiam disputare, prohibitiones et penas praedictas, tam latas quam comminatas, et earum effectus in **fratrum nostrorum ac multorum archiepiscoporum episcoporum et aliorum prelatorum, necnon multorum professorum utriusque iuris et multorum sacre theologie magistrorum praesentia, dum consistorium teneremus**, auctoritate apostolica duximus usque ad Sedis Apostolice beneplacitum suspendendas. (John XXII, *Quia nonnumquam*, *Extrauagantes*, 219–20)

As is immediately apparent from the juxtaposition, Michael has omitted two sections from *Quia nonnumquam* in his citation.⁴³ The first is John's

⁴² 'Nec praefato domino Ioanni sufficit uerbis exterioribus demonstrare animi sui conceptum et motum, sed etiam scripto omnibus dedit intelligere quod contra determinationem in saepe dicta decretali *Exiit qui seminat* positam et insertam intendebat et uolebat questionem per ipsum propositam definire . . . satis per uerba sua dans intelligere omnibus quod suae erat intentionis dictam determinationem in praedicta decretali *Exiit qui seminat* revocare' (*Chronica*, 311–12).

⁴³ Neither of these omissions, shown in bold type, are noticed by the editors of the *Chronica*.

remark that some people have found it difficult to understand *Exiit* because of the ban on discussion; the second is his mention of the presence of many archbishops, bishops, and masters of theology in consistory. This, then, appears to be a precedent and parallel in the writings of Michael of Cesena for the *Chronicle's* seemingly innocent omissions and neglect of the 1322 consistories.

The central apologetic purpose of the writings of Michael of Cesena and his followers was to convince the world that John XXII was a heretic. The Pope's heresy on apostolic poverty was meant to justify the Michaelist rebellion and to fortify the calls made by their protector Ludwig of Bavaria for a General Council of the Church to judge John.⁴⁴ The Michaelists attempted to prove John's heresy in a theoretical manner through the invocation of theological authorities supporting their position and through demonstrative arguments based on these authorities. But their theoretical polemic also supplied a character-portrait of John: the Pope was a tyrant and heretic who refused correction and attempted to impose his heretical views on the whole Church. The *Compendium Errorum Johannis XXII* attributed to William of Ockham applies this characterization to the events at Avignon in 1322 in stating: 'nor was anyone's correction of use, since he [John] terrified his correctors and cautioners to the point where even cardinals, bishops, and masters in theology, who sometimes firmly resisted him and rebuked him on his profane and detestable errors, were so fearful of his fury that they ceased their soul-saving corrections lest they incur temporal damnation.'⁴⁵ The *Chronicle of Nicholas the Minorite* draws out even more fully the historical consequences of the Michaelist character-portrait in ascribing intentions to the Pope that explain his acts and words.

Events at the curia, other than the actions of John XXII himself, are

⁴⁴ H.-J. Becker, *Die Appellation vom Papst an ein allgemeines Konzil. Historische Entwicklung und kanonistische Diskussion im späten Mittelalter und in der frühen Neuzeit*, *Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht*, 17 (Cologne–Vienna, 1988); also B. Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*, *Cambridge Studies in Medieval Life and Thought*, NS 4 (Cambridge, 1955), 47–68, 212–18.

⁴⁵ 'Nec profuit correptio cuiuscumque, quinimmo correptores suos et admonitores in tantum terruit quod etiam cardinales episcopi et in theologica facultate magistrati, qui aliquando fortissime sibi restiterant et ipsum reprehenderant de suis erroribus profanis et detestandis, timentes ipsius furiam, a suis correptionibus salutiferis, ne dampna temporalia incurrerent, pavidi cessaverunt' (Ockham, *Opera Politica*, iv. 36); though vague, this passage probably refers to the events of early 1322 since it precedes an account of Bonagrazia da Bergamo's protest in January 1323 against *Ad Conditorem*.

largely superfluous to the Minorite's scheme. It is not merely the case that consistories are neglected as an irrelevancy that would distract from the drama being played out by the main characters of the *Chronicle*. There is a theoretical consideration as well—one that 'Nicholas' has inherited from Michael of Cesena. As the cardinals held some role in Church decision-making in providing the Pope with counsel, they could be seen as being partially responsible for decisions.⁴⁶ In order to avoid giving this impression for John's 'heretical' bulls on poverty, consistories (where such counsel would have been offered) are treated ambivalently in Michaelist writings; for the most part they are ignored, but they are occasionally alluded to as failed attempts to correct John (as in the case of the *Compendium Errorum* above).⁴⁷

The present chapter has sought to subject the *Chronicle of Nicholas the Minorite*, the source deemed most important for the controversy on apostolic poverty in 1322–3, to a closer inspection than it has hitherto been thought to deserve. All modern accounts rely on it for their basic narrative: even if documents are cited from sources or editions other than the *Chronicle*, their interpretation nonetheless tends to be influenced by the context it provides. Perhaps because scholars generally do not consider the *Chronicle* in its entirety, no one has seriously questioned either the veracity of its account or its interpretation of texts.⁴⁸ But closer consideration reveals this work, compiled many years after the beginning of the story it tells, to be heavily dependent on the writings of Michael of Cesena; it reflects his polemical preoccupations. The *Chronicle* provides less a detailed

⁴⁶ For the constitutional role of cardinals and the function of consistories, see Tierney, *Foundations of Conciliar Theory*, 70.

⁴⁷ The Michaelists never go so far as to accuse John of not consulting his cardinals, even though such a claim would have constituted a powerful canonical challenge to the validity of his bulls on poverty. Ironically, John himself, in the Italian account of a consistory cited above, made this objection against Nicholas III's *Exiit qui seminat*. Pierre de la Palud, OP makes the same objection against Pope Nicholas in a later anti-Michaelist tract on poverty: see J. Dunbabin, *A Hound of God: Pierre de la Palud and the Fourteenth-Century Church* (Oxford, 1991), 160; Horst, *Evangelische Armut und päpstliches Lehramt*, 137.

⁴⁸ Concerning the *Chronicle's* opening scene of a conflict between a Dominican Inquisitor and a Franciscan lector, Burr (*The Spiritual Franciscans*, 263) states that 'it seems almost too good to be true, and many historians have concluded it is not. They have suggested (without any real evidence) that the story is apocryphal . . .' Burr does not give any indications who these 'many historians' are. Certainly, none of the scholarly accounts cited in this book make any such suggestion. It is worth adding that the episode receives independent corroboration from Angelo Clarenò: 'Post hec, questio orta est, ut dicitur, Narbone inter predicatores et minores an Christus et apostoli habuerint in communi . . .', *Historia Septem Tribulationum Ordinis Minorum*, 8, ed. O. Rossini, *Fonti per la storia dell'Italia medievale, Rerum italicarum scriptores*, 2 (Rome, 1999), 303.

account of what happened in 1322–3 than an account informed by what was relevant to the Michaelists from 1328 onwards. The source is nothing more than 'a tendentious collection of *documents pour servir*'.⁴⁹

Nevertheless, the *Chronicle's* usefulness as a historical source lies precisely in its unoriginality, in reproducing documents in their original form. From these sources an attempt has been made to fill in the chronological lacunae of the *Chronicle* with further historical details. These sources indicate that consistories on apostolic poverty were held in Avignon during the spring of 1322; they also suggest that several Franciscans had replied to Pope John on the question of apostolic poverty before the Order made its 'official response' at Perugia in June, which is the first Franciscan reaction in the sequence of the *Chronicle*. In the course of this endeavour, certain ambiguities have emerged about its account of the origins of the poverty controversy; these ambiguities, in turn, seem to have some relation to the polemical imperatives of Michaelist literature in general. Thus a note of caution must be sounded about exploiting uncritically this body of sources, as modern scholarship has tended to do. The *Chronicle* certainly cannot stand alone as an account of the debate on apostolic poverty leading up to John's bull *Cum inter nonnullos*.

From the viewpoint of assessing Bertrand de la Tour's historical significance, the *Chronicle* and Michaelist literature contribute very little: he is not explicitly mentioned at the earliest stages of the controversy. He first appears only in 1328 when he replaces Michael as Minister General of the Franciscan Order. Unlike the other Franciscan prelates resident in Avignon, Bertrand is not attested by any source as being present, let alone speaking, at a consistory.⁵⁰ It is for this reason that most historical treatments of the poverty debate which rely heavily on a Michaelist reading of the sources conclude that Bertrand de la Tour's role in the apostolic poverty controversy was of little importance.

However, the *Chronicle of Nicholas the Minorite* does provide a general framework for the controversy in which Bertrand might be considered. As a Franciscan, he should have subscribed to the official position of his Order set out by the Chapter General of Perugia in its letter: the bull *Exiit qui seminavit* had determined that Christ and the apostles had nothing either individually or in common by way of *proprietas*, of *dominium*, or of any

⁴⁹ The phrase is Offler's, see *Guillelmi de Ockham Opera Politica*, i (2nd edn. 1974), 10.

⁵⁰ Douie states that Bertrand was at the consistory of 6 March, but cites no evidence: see *The Nature and Effect*, 154; So does Baudry, *Guillaume d'Occam*, 196–7; Miethke, *Ockhams Weg*, 366, and Damiana, *Guilielmo d'Ockham*, i. 315.

property right at all, and this definitive papal determination must always be held by the Church. Thus, it would seem that Bertrand as a Franciscan opposed John XXII on apostolic poverty. Chapters that follow will investigate other sources for this controversy and will question whether this framework explains the Franciscan cardinal's position in 1322–3.