

Gregory IX — *Quo elongati* (28 September 1230)

Text from: Herbert Grundmann (1961). 'Die Bulle « Quo elongati » Papst Gregors IX'. in: *Archivum franciscanum historicum* 54, 3–25.

[Bishop Gregory, servant of the servants of God to his beloved sons,] the ministers provincial and general, the custodians, and the other brothers of the Order of Lesser [Brothers], health and apostolic benediction.

[Gregorius episcopus servus servorum Dei dilectis filiis] Generali et Provincialibus Ministris ac Custodibus ceterisque fratribus Ordinis Minorum [salutem et apostolicam benedictionem].

The more highly you have flown into the retreat of contemplation, as if taken up on the wings of a dove, withdrawn from the world, the more clearly you foresee the many darts of sin; the more, also, the eye of your heart examines the many things through which you notice the progress of salvation is hindered. Whence, the spirit sometimes manifests in your consciences what are hidden to others; but with the splendor of spiritual intelligence covered by the fog of human weakness, a scruple of doubt is introduced from time to time, and almost intractable difficulties are piled up.

Surely, with the nuncios recently established in our presence—whom you sent, provincial sons of the minister, who were gathered in the General chapter, while you, son, personally appeared as General Minister—it was explained to us that some doubtful, obscure, and difficult to understand things are contained in your Rule. But Francis, the blessed confessor of holy memory, not wishing his Rule to be explained through the interpretations of any brother, commanded near the end of his life (whose command is called his *Testament*) that the words of his Rule not be glossed; and that we use his words, that it should not be said 'that they should be understood in this or that way'.¹ He added that the brothers should not seek letters from the Apostolic See in any way, and he incorporated certain other things which could not be observed without much difficulty. On account of this, unsure whether you are bound to observe the aforesaid *Testament*, you have petitioned that we remove such a doubt from your and your brothers' consciences. And since we know his intention from the long familiarity that the same confessor had with us, and since we were present with him (while we were still established in a lesser office) in the founding of the aforesaid *Rule*, and by obtaining his confirmation /21/ through the Apostolic See; similarly, you asked that the doubtful and obscure points of the abovesaid *Rule* be explained, as well as a response be provided in connection to certain difficulties.

Clearly, although we believe the aforesaid confessor of Christ had a pious in-

Quo elongati a seculo ut columbe pennis assumptis in secessum contemplationis super vos ipsos altius evolastis, eo conspectius peccatorum iacula previdetis et plura, per que conspiciatis salutis impediri profectum, cordis vestri oculus perscrutatur. Unde que tecta sunt aliis, in conscientiiis vestris quandoque spiritus manifestat, sed splendore intelligentie spiritalis caligine humane infirmitatis obducto scrupulus interdum dubitationis inducitur et difficultates quasi inextricabiles ingeruntur.

Sane constitutis nuper in presentia nostra nuntiis, quos vos filii Provinciales ministri misistis, qui eratis in Generali Capitulo congregati, et te filii Generalis Minister personaliter comparente fuit nobis expositum, quod in Regula vestra quedam dubia et obscura et quedam intellectu difficilia continentur. Sed sancte memoire beatus confessor Christi Franciscus nolens regulam suam per alicuius fratris interpretationes exponi, mandavit circa ultimum vite sue, cuius mandatum ipsius dicitur testamentum, ut verba ipsius regule non glosentur, et ut verbis utamur eiusdem, quod sic vel sic intelligi debeant, non dicatur;¹ adiciens quod fratres nullo modo aliquas litteras ab apostolica sede petant, et alia quedam interserens, que non possent sine multa difficultate servari. Propter quod hesitantes, an teneamini ad observantiam testamenti predicti, dubietatem huiusmodi de conscientiiis vestris et fratrum vestrorum per nos amoveri petistis. Et cum ex longa familiaritate, quam idem Confessor nobiscum habuit, plenius noverimus intentionem ipsius et in condendo predictam Regulam et obtinendo confirmationem /21/ ipsius per sedem apostolicam sibi astiterimus, dum adhuc essemus in minori officio constituti, declarari similiter postulastis dubia et obsura regule supradicte necnon super quibusdam difficilibus responderi.

Sane quamvis predictum Christi Confessorem piam intentionem in prefato man-

1. Cf. *Testamentum* 38.

tention in the aforesaid command, and although you desire to conform yourselves in every way to his just vows and holy desires, nevertheless we, considering the danger of souls and the difficulties which you could incur on this account, we say that you are not bound to that mandate ((thereby) removing doubt from your hearts) because he was unable to oblige without the consent of his brothers, and especially the ministers (all of whom it touches), nor did he oblige his successor in any way, since ‘an equal does not have authority over an equal’.²

For these things, just as we understood through the aforesaid nuncios, it is doubted by some of your brothers that you are not bound to both the counsels and the precepts of the gospels: first, because it is held at the start of your *Rule*, ‘this is the *Rule* and life of the Friars Minor, namely to observe the holy Gospel of our Lord, Jesus Christ, by living in obedience, without anything of one’s own, and in chastity’;³ second, because these words are contained at the end of that *Rule*, ‘let us observe the poverty and humility, and the holy Gospel of our lord, Jesus Christ, which we firmly promised’.⁴ Hence, they desire to know whether they are bound to counsels of the Gospel other than those which are preceptively or prohibitively expressed, especially since they did not intent to oblige themselves to the other ones, and all of them could hardly, or never, be observed literally. Now, we respond briefly that you are not bound by the *Rule* to counsels of the Gospel other than to those to which you have obliged yourself in it [sc. the *Rule*]. To the remainder, however, you are bound just as other Christians are, and to a degree more from the good and the fair to the degree you have offered yourself as a complete holocaust through a contempt of all mundane things.

Likewise, since it is prohibited in the same *Rule* ‘that the friars to receive coin or money in any way, through themselves or through others’;⁵ and since they themselves desire to observe this for all time, they ask to be made more certain whether they dare present to some God-fearing men other faithful men through whom they might help with their needs without offense to the *Rule*; and whether they dare return to the same faithful men for their necessities with a secure conscience when they know that they have received coins and money (which coins and money, however, they do not intend to make to be conserved by their own authority, nor to demand from them in the name of deposit). Regarding this, we believe it should be said that, if the brothers wish to buy a thing necessary for themselves or make payment for one already bought, they can present either the nuncio of the one from whom the thing is being bought or someone else to the people wishing to make

dato habuisse credamus et vos iustis votis eius et desiderii sanctis affectetis omnimode conformari, Nos tamen attendentes animarum periculum et difficultates, quas propter hoc possetis incurrere, dubietatem de vestris cordibus amovendo ad mandatum illud vos dicimus non teneri, quod sine consensu fratrum et maxime ministrorum, quos universos tangebatur, obligare nequivit nec successorem suum quomodolibet obligavit, cum non habeat imperium par in parem.²

Ad hec sicut per predictos nuntios intelleximus, dubitatur ab aliquibus fratrum vestrorum, ne tam ad consilia quam ad precepta evangelii teneantur, tum quia in regule vestre habetur principio: *Regula et vita Minorum fratrum hec est, scilicet domini nostri Jesu Christi sanctum evangelium observare vivendo in obedientia, sine proprio et in castitate*,³ tum quia in fine ipsius Regulae continentur hec verba: *Paupertatem et humilitatem et sanctum evangelium domini nostri Jesu Christi, quod firmiter promissimus, observemus*.⁴ Unde scire desiderant, an ad alia evangelii teneantur consilia quam ad ea, que in ipsa regula preceptorie vel inhibitorie sunt expressa, presertim cum ipsi ad alia non se obligare intenderint et vix vel numquam omnia possint ad litteram observari. Nos autem breviter respondemus vos ad alia consilia evangelii non teneri per regulam nisi ad ea, ad que vos obligastis in ipsa. Ad cetera vero tenemini sicut reliqui christiani, et eo magis de bono et equo, quo vos obtulistis holocaustum domino medullatum per contemptum omnium mundanorum.

Item cum in eadem regula sit inhibitum, ne fratres *recipiant per se vel per alios denarium vel pecuniam ullo modo*,⁵ et ipsi hoc in perpe/22/tuum observare desiderant, certiorari requirunt, si aliquibus timentibus deum fideles aliquos, per quos ipsi subveniant necessitatibus eorumdem, sine offensione regule audeant presentare ac ad fideles eosdem pro necessitatibus ipsis segura recurrere conscientia, cum denarios aut pecuniam eos noverint accepisse, quos tamen denarios vel pecuniam auctoritate propria non intendunt facere conservari nec nomine depositi exigere ab eisdem. Super quo duximus respondendum, quod si rem sibi necessariam velint fratres emere vel solutionem facere pro iam empta, possunt vel nuntium eius, a quo res emitur, vel aliquem alium volentibus sibi elymosinam facere, nisi iidem per se vel per proprios nuntios solvere maluerint, presentare; qui taliter presentatus a fratribus non est eorum nuntius, licet presentetur ab ipsis, sed illius potius, cuius

2. X 1.6.20. 3. *Regula bullata* 1.1 (322). Parenthetical references are to Carolus Paolazzi, ed. (2009). *Francisci assisiensis scripta*. Spicilegium bonaventurianum 36. Grottaferrata: Editiones Collegii s. Bonaventurae ad Claras aquas. Note that I have been more careful in distinguishing between Paolazzi’s text of the *Regula bullata* and how Grundmann marked Gregory’s quotation of the *Regula*. 4. *Regula bullata* 12.3 (338). 5. *Regula bullata* 4.1 (328).

alms for them (unless those same people should prefer to pay through themselves or their own nuncios). This nuncio, having been presented by the brothers in this way is not their nuncio even though he may be presented by them, but rather of the one at whose mandate he is making payment, or of the one receiving it. The same nuncio ought to pay immediately so that none of the money remains in his power. But if he should be presented for other imminent necessities, he can deposit the alms entrusted to him like a lord with a spiritual or familiar friend, through whom it is to be dispensed just as he sees it expedient for their needs in [that] time and place. To him, also, the brothers will be able to have recourse for such necessities, especially if he proves negligent, or unaware of their necessities.

Moreover, since it is expressly contained in the *Rule* that ‘the brothers may not appropriate anything for themselves, neither a house, nor a place, nor any other thing’,⁶ and they fear that the poverty of the order may be contaminated by the process of time, especially since some already say that the ownership of movable goods pertains to the whole order in common, it was humbly asked of us that we deign to make provision for the danger of souls and the purity of the whole order on this matter. And so we say that they must not have ownership in common or individually, but the order may have the use of utensils, books, and those movable things which it is allowed to have: let them use these things according to what the Ministers General or Provincial think should be arranged, with the lordship of the places and homes preserved for those to whom it is known to pertain. Nor ought the movable things be sold outside the Order, exchanged or alienated in any way unless the Cardinal of the Roman Church, who is the governor of the Order gives his authority or assent on this matter to the Ministers General or Provincial.

But because it is contained in a certain chapter of the same *Rule* that ‘if some of the brothers should sin at the instigation of the enemy’ of the human race ‘let the brothers be bound to have recourse without delay to them [sc. their ministers] as quickly as they can for those sins about which it was ordained that they take recourse to their Provincial Ministers alone’,⁷ some piously doubt whether this should be understood only of public sins, or about public and private one equally. We therefore respond that the aforesaid chapter pertains only to manifest public ones, wishing that the Minister General establish or make it be established as many as through the provinces as their Ministers will see to be expedient from their more mature and discrete priests who may hear penitents on private matters, unless the brothers should prefer to confess to their own Ministers or Custodians happening to visit to their places.

Moreover, since, with the *Rule* prohibiting, ‘none of the brothers’ is allowed ‘to preach to the people unless he will have been examined and approved by the

mandato solutionem facit, seu recipientis eandem. Idem tamen nuntius solvere statim debet, ita quod de pecunia nichil remaneat penes eum. Si vero pro aliis imminentibus necessitatibus presentetur, elemosinam sibi commissam potest sicut et dominus apud spiritualem vel familiarem amicum fratrum deponere, per ipsum loco et tempore pro ipsorum necessitatibus sicut expedire viderit dispensandam. Ad quem etiam fratres pro huiusmodi necessitatibus poterunt habere recursum, maxime si negligens fuerit vel necessitates ignoraverit eorumdem.

Preterea cum in ipsa Regula contineatur expresse, quod *fratres nichil sibi approprient, nec domum nec locum nec rem aliquam*,⁶ ac ipsi processu temporis contaminari timeant ordinis paupertatem, presertim cum iam dixerint aliqui proprietatem mobilium pertinere ad totum ordinem in communi, nobis fuit humiliter supplicatum, ut in hoc animarum dignemur providere periculis et totius ordinis puritati. Dicimus itaque, quod nec in communi nec in speciali debent proprietatem habere, sed utensilium et librorum et eorum mobilium, que licet habere, ordo usum habeat et fratres, secundum quod generalis minister vel Provinciales disponendum duxerint, hiis utantur, salvo locorum et /23/ domorum dominio illis, ad quos noscitur pertinere. Nec vendi debent mobilia vel extra ordinem commutari aut alienari quoquomodo, nisi Ecclesie Romane Cardinalis, qui fuerit ordinis gubernator, Generali seu Provincialibus ministris auctoritatem super hoc prebuerit vel assensum.

Quia vero in quodam eiusdem regule Capitulo continetur, ut *si qui fratrum instigante humani generis inimico mortaliter peccaverint, pro illis peccatis, de quibus ordinatum fuerit, [...] ut recurratur ad solos ministros provinciales, teneantur fratres ad eos recurrere quamcivitus poterunt sine mora*,⁷ ipsi pie dubitant, utrum hoc de peccatis publicis tantum intelligi debeat an de publicis pariter et privatis. Respondemus igitur predictum Capitulum ad manifesta tantum et publica pertinere, volentes ut Generalis minister constituat vel constitui faciat tot per Provincias, quot earum Ministri viderint expedire, de maturioribus et discretioribus sacerdotibus, qui super privatis audiant penitentes, nisi fratres Ministris aut Custodibus suis ad loca eorum declinantibus maluerint confiteri.

Ceterum cum prohibente regula *nulli fratrum liceat populo [...] predicare nisi a Ministro generali [...] fuerit examinatus et approbatus et sibi officium predicationis*

6. *Regula bullata* 6.1 (328). 7. *Regula bullata* 7.1 (330). 8. *Regula bullata* 9.2 (332–34).

Minister General, and the office of preaching will have been granted to him by the selfsame Minister',⁸ you seek to be made certain whether the Minister General, for the sake or avoiding the labours and dangerous running about of the brothers, might be able to entrust the said examination, approbation, and commission of the office to some discrete men for the general examining of others, who were established in the provinces, or the particular examining of certain others. To this we give the following response: that the Minister General can entrust these things to no absent person, but those who are believed to need examination, let them be sent to him or let them gather with the Provincial Ministers for this purpose in a general chapter meeting. But if some do not need to be examined because they were instructed in a faculty of theology for the office of preaching, if the maturity of age and other things (which are required in such matters), are all found in the same people, then they can preach to the people in the same way in which it was said, except for those whom the Minister General opposes.

Now, on the point that the brothers doubt, whether the vicars of the Provincial Ministers, whom they substitute for, when they come to a general chapter meeting, can receive those coming to the Order, or reject those already received: we say that they cannot because this is not even permitted to the ministers themselves, unless a special licence be granted to them on this matter. Just as the Minister General can grant the abovesaid licence to them, so can he deny it. And since according to the same *Rule* the reception of brothers may not be entrusted to anyone other than the Provincial Ministers, much less do the Provincial Ministers (to whom it was entrusted, and to no others) have the power to entrust this to others.

In addition, for those of you who doubt, because it is said in the *Rule* that 'an election of a successor should occur in the chapter of Pentecost by the Provincial Ministers and Custodians, with' the Minister General's 'approval',⁹ whether it is necessary to convene the entirety of all the Custodians for the general chapter, or, so that all things are done with greater tranquility, it can suffice that (only) some from the individual provinces (who may speak for others) be present. We respond in such a fashion: that Custodians of individual provinces establish one of their own whom they direct on their own behalf to the chapter with their own Provincial Minister, entrusting him with their voice. We also thought this sort of statute is to be approved since you established this yourselves.

Finally, because it is contained in the abovesaid *Rule* that the brothers are not 'to enter the monasteries of nuns beyond those for whom a special licence will have been granted by the Apostolic See',¹⁰ although the brothers have believed this thus far about the monasteries of poor cloistered nuns, since the Apostolic See has special care for them, and such an understanding is believed to have been declared

ab ipso concessum,⁸ certificari petistis, utrum pro laboribus fratrum et periculosus discursibus evitandis Generalis minister dictam examinationem, approbationem et commissionem officii predicationis discretis aliquibus committere valeat pro examinandis generaliter illis, qui in Provinciis sunt statuti, vel specialiter pro quibusdam. Ad quod damus tale responsum: quod hec Generalis minister nulli potest absenti committere, sed qui examinatione indigere creduntur, mittantur ad ipsum vel cum ministris provincialibus conveniant propter hoc in Capitulo generali. Si qui vero examinari non egent pro eo, quod in theologica facultate et predicationis officio sunt instructi, si etatis maturitas et alia, que requiruntur in talibus, conveniant in eisdem, possunt nisi quibus minister generalis contradixerit, eo modo quo dictum est populo predicare. /24/

Super eo autem, quod dubitant fratres, an vicarii Provincialium ministrorum, quos ipsi sibi substituunt, cum ad Capitulum veniunt generale, possint ad ordinem recipere venientes vel eicere iam receptos, dicimus quod non possunt, quia nec hoc ministris ipsis permittitur, nisi eis specialis super hoc licentia concedatur; quibus etiam Generalis minister sicut concedere sic negare potest licentiam supradictam. Et cum iuxta eandem regulam aliis quam ministris Provincialibus fratrum receptio committi non valeat, multo minus potestatem habent Provinciales ministri hoc aliis committendi, quibus id et non aliis est commissum.

Insuper dubitantibus vobis, an pro eo, quod in Regula dicitur, ut *decente generali ministro a provincialibus ministris et custodibus in Capitulo Pentecostes fiat electio successoris*,⁹ omnium custodum multitudinem oporteat ad generale Capitulum convenire an, ut omnia cum maiori tranquillitate tractentur, sufficere possit, ut aliqui de singulis provinciis, qui vocem habeant aliorum, intersint, taliter respondemus, ut singularum Provinciarum custodes unum ex se constituent, quem cum suo provinciali ministro pro ipsis ad Capitulum dirigant, voces suas committentes eidem; quod etiam cum statueritis per vos ipsos statutum huiusmodi duximus approbandum.

Denique quia continetur in regula supradicta, quod fratres *non ingrediantur monasteria monialium preter illos, quibus a sede apostolica concessa fuerit licentia specialis*,¹⁰ quamquam hoc de monasteriis pauperum monialium inclusarum fratres hactenus intelligendum esse crediderint, cum earum sedes apostolica curam habeat specialem et intellectus huiusmodi per constitutionem quandam tempore date Re-

9. *Regula bullata* 8.2 (332). 10. *Regula bullata* 11.2 (336).

by the Provincial Ministers in a general chapter through a certain constitution in the time of the given *Rule* while blessed Francis was still alive, nevertheless you have asked to be made certain whether this ought to be understood generally about all (since the *Rule* makes no exceptions), or only about the monasteries of the aforesaid nuns. We respond that it is certainly prohibited generally about the monasteries of every sort of nun; and we wish that the cloister, homes, and interior workspaces be understood in the name of 'monastery'; because where even secular men come together in other places, the brothers can approach for the sake of preaching or seeking alms, to whom it will have been granted by their superiors for their maturity or suitability, excepting always the monasteries of the aforesaid cloistered (nuns), to which the faculty of approaching is given to none without a special licence of the Apostolic See.

Given at Anagni [four days before the Kalends of October in the fourth year of our pontificate].

gule vivente adhuc beato Francisco per provinciales ministros fuisse credatur in Generali Capitulo declaratus, certificari nichilominus postulastis, an hoc de omnibus generaliter, cum Regula nullum excipiat, an de solis monasteriis intelligi debeat monialium predictarum. Nos utique generaliter id esse prohibitum de quarumlibet cenobiis monialium respondemus; et nomine monasterii volumus claustrum, domos et officinas in/25/teriores intelligi, pro eo quod ad alia loca, ubi etiam homines seculares conveniunt, possunt fratres illi causa predicationis vel elemosine petende accedere, quibus id a superioribus suis pro sua fuerit maturitate vel idoneitate concessum, exceptis semper predictarum monasteriis inclusarum, ad que nulli datur accedendi facultas sine licentia sedis apostolice speciali.

Datum Anagnie [IV. kal. Octobris pontificatus nostri anno quarto].