

Innocent IV — *Ordinem vestrum*
(14 November 1245)

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Dilectis filiis Generali, & Provincialibus, ac Custodibus, ceterisque Fratribus Ordinis Fratrum Minorum Salutem, & Apostolicam Benedictionem.

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

Ordinem vestrum illo prosequentes affectu, quod ipsum inter alios laudabilibus continue proficere incrementis ferventer optemus, libenter ea, per quae opportuni vigoris recipiat fulcimentum, paterna sollicitudine procuramus. Hinc est, quod cum quaedam dubia, & obsura, quae in vestra Regula continentur, animos vestros cujusdam confusione implicitatis involvant, & nodosae intricationis difficultate impediunt intellectum; & felicitatis recordationis Gregorius Papa Praedecessor noster aliqua ex eis exposuerit, & declaraverit semiplene: Nos obscuritatem ab illis perfectae interpretationis declaratione omnino amovere volentes; & ambiguitatis scrupulum cura ipsa de vestris cordibus plenioris expositionis certitudine penitus amputare: dicimus, quod per eandem Regulam quoad observationem *Evangelii*, quam injungit, non nisi ad ea dumtaxat Evangelii consilia tenemini, quae in ipsa Regula praeceptorie, vel inhibitorie sunt expressa. Licet autem Ministris Provincialibus, tam eorum Vicariis, quam aliis providis Fratribus venientium ad Ordinum receptionem pro suis Provinciis de consilio Fratrum committere discretorum; non tamen expedit converti volentes indifferenter admitti, sed illos tantum, qui suffragantibus [sic] eis litteratura, & aliis laudabilibus circumstantiis, possint utiles esse Ordini, sibi per vitae meritum, & aliis proficere per exemplum.

Following your order with that affect that we fervently hope to continuously make it grow among others with praiseworthy growth, we gladly procure those things with paternal solicitude through which it receives the support of advantageous vitality. Hence it is that when certain doubtful and obscure things, which are contained in your *Rule*, entangle your souls in confusion, and impede the understanding by the difficulty of knotty complication; and our predecessor of blessed memory, Pope Gregory, explained and pronounced on some of them somewhat clearly. And, wishing to remove entirely the obscurity from them with a declaration of complete interpretation, and to cut away completely the scruple of ambiguity from your hearths with the care by means of the certitude of a fuller exposition, we say that by the same *Rule* you are only held (as far as the observation which it enjoins) to those counsels of the Gospel, which are expressed in the *Rule* preceptively or prohibitively. Now, although entrusting the reception of those coming to the order to the ministers provincial, their vicars, and other provident brothers on behalf of those provinces on the basis of the counsel of discrete brothers, it is still not expedient that those wishing to be converted to be admitted indifferently, but only those who can be useful to the order, to those supporting them in learning and other praiseworthy circumstances, and be a profit to themselves through the merit of their life, and an example unto others.

Sic vero Ministri /400b/ egressos ab Ordine, cum redierint, ad ipsum recipiant; & ejiciant in certis casibus secundum terminationem vestri Generalis Capituli jam receptos. Quamquam vero praedicta contineat Regula, quod *Clerici faciant Divinum Officium secundum ordinem Sanctae Romanae Ecclesiae, excepto Psalterio, ex quo habere poterunt Breviaria*:¹ cum tamen Divino intersunt Officio, cum aliis celebrantes, tunc eis illud sufficit; & ad dicendum Officium proprium non tenentur.

But let the ministers receive those who have departed from the order back to it once they have returned; and let them eject those already received in certain cases, according to the determination of your General Chapter. Now, although the aforesaid *Rule* states that ‘clerics should perform the divine office according to the order of the Holy Roman Church except for the psalter, for which reason they will be able to have breviaries’,¹ when they are celebrating the divine office with others, that will suffice for them, and they are not bound to recite their own office (in addition).

1. *Regula bullata* 3.1 (???). 2. *Regula bullata* 4.1 (230).

Et licet in eadem Regula sit prohibitum, ne Fratres *recipiant per se, vel per alios denarios, vel pecuniam ullo modo*:² possunt tamen, si rem sibi necessariam, aut utilem velint emere, vel solutionem facere pro jam empta, vel nuncium ejus, a quo res venditur, vel aliquem alium volentibus sibi eleemosynam facere; nisi eidem per se, vel per proprios nuncios solvere maluerint, praesentare: & taliter praesentatus a Fratribus non est eorum nuncius, licet praesentetur ab ipsis, sed illius potius, cujus auctoritate solutionem facit, seu recipientis eamdem: & ad ipsum (si soluto emptae rei pretio de hujusmodi eleemosyna remaneat aliquid apud eum) possunt etiam Fratres pro suis necessitatibus, vel commodis licite habere recursum.

Si vero pro aliis Fratrum necessitatibus, aut commodis nominetur aliquis, vel praesentetur ab eis, potest ille commissam sibi eleemosynam, sicut Dominus conservare, vel apud spiritualem, vel familiarem amicum Fratrum nominatum, vel non nominatum ab ipsis deponere, per eum loco, & tempore pro ipsorum necessitatibus, vel commodis, sicut Fratres expedire viderint,³ dispensandam, seu etiam ad personam, vel loca alia transerendam: Ad quos etiam Fratres pro hujusmodi necessitatibus, seu commodis sana con/401a/scientia recurrere poterunt, maxime si negligentes fuerint, vel necessitates, aut incommoda ignoraverint eorumdem. Et taliter nominati, vel praesentati a Fratribus, non sunt eorum nuncii, seu depositarii, sed illorum, a quibus eis pecunia, vel denarii committuntur: nec Fratres *per se, vel per interpositas Personas denarios, vel pecuniam recipiunt* nominando, aut praesentando sic aliquos, seu ad hujusmodi nominatos, vel praesentatos taliter recurrendo; cum non sit intentionis eorum, ut de ipsorum auctoritate hujusmodi denarii, vel pecunia conserventur, aut ab eis nomine depositi exigantur: licet nunciis, vel depositariis ipsis committantur pro necessitate, vel commodo eorumdem.

Et cum in dicta Regula subjungatur, quod *pro necessitatibus infirmorum, & aliis Fratribus induendis, per amicos spirituales Ministri tantum, & Custodes sollicitam curam gerant*:⁴ debent alii Fratres curam hujusmodi, quae praefatis Ministris, & Custodibus ex Regula praecipue incumbit, cum sibi ab illis commissa fuerit, gerere diligenter. Dicimus insuper, quod cum in ipsa contineatur expresse, quod *Fratres nichil sibi approprient, nec domum, nec locum, nec aliquam rem*:⁵ nec in communi, neque in special debent proprietatem habere; sed locorum, & domorum, ac utensilium, & librorum, & eorum mobilium, quae licet habere, Ordo habeat usum: Et Fratres,

And although it is prohibited in the same *Rule* for the brothers ‘to receive coins or money through themselves or others in any way’,² they nevertheless can, if they wish to buy something necessary or useful to them or to make payment for something already bought, present the nuncio of the seller or other people wishing to give them alms make payment (unless they wish to make payment through themselves or through their own nuncios). And a person who was presented by the brothers in this way is not their nuncio, even though he is presented by them, but rather of the person on whose authority he makes payment, on the authority of who received it. And, if anything from such alms should remain with him after the price has been paid for the purchased item, the brothers can also licitly have recourse to that same person for their necessities or conveniences.

In truth, if someone were to be named by them, or even presented, for other necessities or conveniences of the brothers, he can conserve the alms entrusted to them in the same way a lord can do; or he can deposit it with a spiritual or familiar friend of the brothers, one either nominated or not nominated by them; through his agency, the alms are to be dispensed in their time and place for the brothers’ needs or conveniences, or even transferred to other people or places, just as the brothers shall deem expedient. The brothers will be able to return to these people for such necessities or conveniences with a sound conscience, especially if they prove to be negligent or unaware of their necessities or troubles. In addition, those nominated or presented in this way by the brothers are not their nuncios or depositaries, but of those people from whom the money or coins are entrusted; nor do the brothers ‘receive through themselves or through interposed persons coins or money’ by nominating or presenting others in this way, or by returning in this manner to such nominated or presented individuals: for it is not their intention that coins or money be conserved on their own authority, or that deposits be demanded from them in their own name, even though they are entrusted to the nuncios or depositaries themselves for their necessity or convenience.

And, since it is subjoined in the *Rule* that ‘the Ministers and Custodians alone should bear the special care for the necessities for the infirm and the clothing of the brothers’, the other brothers should diligently bear such care as what is especially incumbent upon the Ministers and Custodians from the *Rule* when it is entrusted to them by those individuals. In addition, since it is expressly contained in the *Rule* itself, that ‘the brothers should appropriate nothing for themselves, neither house nor place, nor anything else’, we say that they must have ownership neither in common nor individually, but that the Order may have the use of places, houses,

3. Cf. *Regula bullata* 4.2 (230–31): Tamen pro necessitatibus infirmorum et aliis fratribus induendis per amicos spirituales ministri tantum et custodes sollicitam curam gerant secundum *loca et tempora* et frigidas regiones, sicut necessitati viderint expedire. 4. *Regula bullata* 4.2 (230). 5. *Regula bullata* 6.1 (231).

secundum quod Generalis, vel Provinciales Ministri dispensandum duxerint, eis utantur. Nec vendi debent loca, domus, vel mobilia hujusmodi, seu extra Ordinem commutari, aut alienari quoquo modo, a quibuscumque personis ad usum Fratrum donata, vendita, permutata, seu quocumque justo modo vel translata, sunt, vel fuerint, nisi Apostolica Sedes, vel Ecclesiae Romanae Cardinalis, qui pro tempore fuerit Ordinis Gubernator, Generali, seu Provincialibus Ministris auctoritatem super hoc /401b/ praebuerit, vel assensum: cum tam immobilium, quam mobilium hujusmodi jus, proprietas, & dominium (illis solis exceptis, in quibus expresse donatores, seu translatores sibi proprietatem, & dominium reservasse constiterit) nullo medio ad Ecclesiam ipsam spectent; cui domus, & loca praedicta cum Ecclesiis, ceterisque suis pertinentiis (quae omnia in jus, & proprietatem Beati Petri suscipimus) omnino tam in spiritualibus, quam temporalibus immediate subesse noscuntur.

De vilibus autem mobilibus, vel parum valentibus liceat Fratribus pietatis, seu devotionis intuitu, vel pro alia honesta, & rationabili causa (obtentia prius super hoc Superiorum suorum licentia) extra Ordinem aliis elargiri.

Illud quoque Regulae praedictae Capitulum, ubi dicit: *Ut si qui Fratrum, instigante humani generis inimico, mortaliter peccaverint, pro illis peccatis, de quibus ordinatum fuerit inter Fratres, ut recurratur ad solos Ministros Provinciales; teneantur ipsi Fratres ad eos recurrere, quam citius poterunt sine mora:*⁶ ad manifesta tantum, & publica pertinet. Possunt tamen iidem Ministri pro Fratrum laboribus, & periculosis discursibus evitandis, si expedire viderint, Custodibus, & aliis discretis Fratribus Presbyteris super iis committere vices suas. Volumus autem, ut ipsi Ministri constituent, vel constitui faciant tot per Provincias, quot ad hoc necessarios noverint, de maturioribus, & discretioribus Fratribus Sacerdotibus, qui super hujusmodi peccatis, cum occulta, vel privata fuerint, audiant Poenitentes, nisi Ministris, aut Custodibus suis ad loca eorum declinantibus maluerint confiteri.

Ad haec pro eo, quod in Regula dicitur: *ut decedente Generali Ministro, a Provincialibus Ministris, & Custodibus in Capitulo Pentecostes fiat electio successoris:*⁷ dicimus, quod singularum Provinciarum Custodes unum ex se constituent, quem cum /402a/ suo Provinciali Ministro pro ipsis ad Capitulum dirigant, voces suas committentes eidem. Et cum juxta Regulae praefatae tenorem, nulli *Fratrum liceat Populo praedicare, nisi a Ministro Generali fuerit examinatus, & approbatus, & sibi officium praedicationis ab ipso concessum:*⁸ Potest idem Minister vices suas Ministris Provincialibus, & eorum Vicariis committere in hac parte: ita tamen, ut ipsi Provinciales, vel iidem Vicarii

and utensils—both books and those movable things which it is allowed to have. And the brothers many use them according to what the Ministers General or Provincial will have decided should be done. Nor must places, houses, or other such movables be sold, exchanged outside the Order, or alienated in any way, no matter from whom they were (or will be) given, sold, exchanged, or transferred in some just manner for the use of the brothers—unless the Apostolic See, the Cardinal of the Roman Church who is at that time in charge of the Order, or the Ministers General or Provincial should give authority or approval to this: for the right, ownership, and lordship of both immovables and movables looks directly to the Church itself (with the exception of those things for which it is known the donors or transferors had reserved ownership and lordship for themselves); the houses, and aforesaid places with the churches and the things pertaining to them (all of which we receive in the right and ownership of Blessed peter) are known to be completely and immediately subject to the Church, both in spirituals and temporals.

Regarding cheap movables, however, or things of little value, the brothers are allowed to give them to others outside the order out of piety or devotion or for some other honourable and reasonable cause (having obtained their superiors' licence for this beforehand).

There is also that chapter of the aforesaid *Rule* where it says: 'If any of the brothers should sin mortally at the instigation of the enemy of humankind, they are bound to return as quickly as they can to their ministers for those sins for which it was decreed among the brothers that they return to the ministers provincial alone';⁶ it pertains only to manifest and public sins. Yet, those same ministers can, if it seems expedient to them, entrust their offices to custodians, and other discreet brother priests in such matters in order to avoid [undue] labour and hazardous running about. We also wish that the ministers establish, or make be established throughout as many provinces as they know are needed [confessors?] from the more mature and discreet brother priests to hear penitents on their sins when they are secret or private—unless they should prefer to confess to the ministers or custodians passing through their region.

Since it is said in the *Rule*, 'that when the minister general dies there should be an election of a successor by the provincial ministers and custodians at the Pentecost chapter',⁷ we say that the custodians of each province should establish one of their brothers whom they direct to the chapter with their provincial minister, entrusting their vote to him. And although according to the tenor of the aforesaid *Rule* none 'of the brothers is allowed to preach to the people unless he has been examined and approved by the minister general, and the office of preaching has been granted by him',⁸ the same minister can entrust their offices to provincial ministers and their

6. *Regula bullata* 7.1 (???)

in ipsorum Provincialium absentia una cum Diffinitoribus in Provincialibus Capitulis Fratres suarum Provinciarum, qui examinatione indigere credunt, examinent, approbent, eisque hujusmodi officium, prout secundum Deum viderint expedire, concedant. Si qui vero examinari non egent pro eo, quod in Theologica facultate, & praedicationis officio sunt instructi, si aetatis maturitas, & alia, quae requiruntur in talibus, conveniant in eisdem; possunt de Generalis, vel suorum Provincialium Ministrorum licentia, seu mandato Populo praedicare. Per id autem, quod in eadem Regula continetur, quod *Fratres non ingrediantur Monasteria Monacharum praeter illos, quibus a Sede Apostolica concessa fuerit licentia specialis*:⁹ dicimus ingressum in Monasteria tantummodo Monialium inclusarum Ordinis Sancti Damiani prohibitum fore ipsis; ad quae nemini licet ingredi, nisi ei a Sede Apostolica facultas super hoc specialiter tribuatur. Et nomine Monasterii Clastrum, domos, & officinas interiores volumus comprehendere. Ad aliarum vero Coenobia Monialium possunt, sicut & alii Religiosi, Fratres illi ad praedicandum, vel /**402b**/ petendum eleemosynam, aut pro alis honestis, & rationabilibus causis accedere, ac intrare, quibus id a Superioribus suis pro sua fuerit maturitate, vel idoneitate concessum.

Nulli ergo omnino hominum liceat hanc paginam nostrae declarationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem omnipotentis Dei, ac beatorum Petri & Pauli Apostolorum ejus se noverit incursum.

Datum Luguni xviii. Kal. Decembris Pontificatus Nostri Anno Tertio.

vicars in this case; yet, they can do this in such a way that the provincial ministers themselves (or their vicars in the absence of their provincial ministers) together with the definitors in the provincial chapters examine the brothers of their provinces, who they believe needs examination, approve and grant to them such offices as shall seem expedient according to God. If some do not need to be examined because they were instructed in a theological faculty and in the office of teaching, if the maturity of age and other things which are required in such matters be found in them, they can preach to their entrusted populace at the licence of the minister general or ministers provincial. Now, for that which is contained in the same *Rule*, that 'the brothers should not enter the monastery of nuns beyond those for which a special licence was granted by the Apostolic See',⁹ we say that entrance into a cloistered monastery or only nuns of the Order of Saint Damian is forbidden them; no one is allowed to enter these monasteries unless a faculty for this is granted him specifically by the Apostolic See. And by the name of monastery, we mean to include the cloister, the house, and interior workshops. But they can approach and enter the monasteries of other nuns to preach to them, to seek alms or for other honourable and reasonable reasons, just as other religious and friars can: those for whom it was granted by their superiors because of their maturity or suitability.

Absolutely no one, then, is allowed to break this page of our declaration, or to contradict it with daring audacity. If someone should presume to attempt this, let him know that he shall incur the anger of God Omnipotent, and of his blessed apostles, Peter and Paul.

Dated in Lyons, November 14th [1245], in the third year of our pontificate.