

John XXII — *Quia nonnunquam*

(26 March 1322)

Translated from: Jacqueline Tarrant, ed. (1983). *Extravagantes Iohannis XXII*. Monumenta iuris canonici, Series B: Corpus collectionum 6. Rome: Biblioteca apostolica vaticana, 217–221.

⟨ RUBRICA ⟩ Declaratur quod possit disputari de constitutione et super constitutione alia edita per Nicolaum papam iii. que incipit ‘Exiit’, non obstantibus penis per dominum Nicolaum apposis in eadem constitutione.

⟨ RUBRIC ⟩ It is declared that it can be disputed concerning and over the other constitution published by Pope Nicholas III, which begins ‘Exiit’, not withstanding the penalties appended by lord Nicholas in that same constitution.

Quia nonnunquam quod coniectura profuturum credit subsequens experientia nocuum ostendi, non debet reprehensibile iudicari, si ca-/218/ nonum conditor canones a se uel suis predecessibus editos uel aliqua in eisdem contenta canonibus reuocare modificare uel suspendere studeat, si ea obesse potius uiderit quam prodesse.

Because not infrequently subsequent experience shows that what conjecture believed to be beneficial proves to be harmful, it must not be judged reprehensible if /218/ the creator of canons should strive to revoke, modify, or suspend canons published by himself or his predecessors, or [do the same to] certain parts contained in those canons¹—should he see that they do harm rather than benefit.

Sane dudum felicitatis recordationis Nicolaus papa iii. predecessor noster quandam constitutionem declaratiuam, que incipit ‘Exiit’, super regula dilectorum filiorum fratrum ordini minorum, quam beatus Franciscus almus confessor instituit, promulgauit, sub certis penis artius interdicens, ne concordantie contrarietates seu aduersae uel diuersae opiniones ab ipsius constitutionis lectoribus seu expositoribus aliquatenus inducantur, nec super ipsa constitutione glose fiant ab aliquo, nisi forsitan per quos uerbus uel sensus ipsius seu constructio uel ipsa constitutio quasi gramaticaliter ad litteram eponatur, nec intellectus ipsius per legentem distorqueatur /219/ ad aliud quam constitutionis eiusdem littera ipsa sonat. Glosantes autem in scriptis constitutionem eandem aliter quam superius est expressum, facientes quoque commentum scripturas seu libros ac ex certa scientia et deliberatione determinantes in scholis, seu predicantes contra contenta in constitutione

To be sure, a little while ago our predecessor, Pope Nicholas III of blessed memory, promulgated a certain explanatory constitution that begins ‘Exiit’ on the *Rule* of the beloved sons of the Order of the Lesser Brothers, which blessed Francis, the propitious confessor, instituted; he, forbidding firmly under sure penalties, [1] so that the opposites of harmony or adverse and diverse opinions are not induced² to a certain extent by the the readers and expositors of that constitution; [2] nor that any glosses be made on that constitution by anyone except perhaps those through which³ a word, or its sense or [grammatical] construction, or the constitution itself is, as it were, explained literally in a grammatical way; [3] nor that its understanding be distorted by the reader /219/ to something different than what the very words of that same constitution signify. However, those who gloss that constitution in their writings differently than it is expressed above, making,

1. The words *uel aliqua in eisdem contenta* are often missing in quotations of this passage in Michaelist writings; cf., e.g., the edition of the bull published in the *Chronicle* of ‘Nicholas the Minorite’ (Gál and Flood 1996, 64–65), or Michael of Cesena’s reference to it in his *Appellatio in forma maiori* (Gál and Flood 1996, 312). 2. Adopting the variant reading ‘inducantur’ for ‘inducatur’. 3. Adopting the variant reading ‘quas’ for ‘quos’.

predicta, uel aliqua seu aliquod predictorum, non obstantibus aliquibus priuilegiis seu indulgentiis aut litteris apostolicis quibuscumque personis dignitatibus ordinibus aut locis religiosis uel secularibus generaliter uel singulariter sub quacumque forma uel expressione uerborum concessis, que noluit aliquibus in predictis quomodolibet suffragari, ipso facto excommunicationis sententie uoluit suiacere.

Nos autem attendentes quod argumentis frequenter et collationibus latens ueritas aperiat, 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 ueritati aperire uolentes, ac periculis que ex predictis possent litterate persone precipue scolastice incurrere salubriter obuiare, presertim /220/ 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 predictas, 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 presentia, dum consistorium teneremus, auctoritate apostolica duximus usque ad sedis apostolice beneplacitum suspendendas. Per suspensionem autem huiusmodi nequaquam licentiam cuiquam intendimus impertiri, quod contra fratrum regulam predictorum dogmatizare scibere seu determinare, predicare seu prae loqui liceat publice uel occulte, quinimmo hoc omnibus et singulis auctoritate apostolica districtius inhibemus.

Ne autem imposterum premissorum prohibitionum et penarum suspensio in dubium reuocari ualeat ne alicui propter defectum proba- /221/ tionis impingi quod uelut transgressor prohibitionum ipsarum in penam seu penas inciderit antedictas, nos, uolentes super hoc de oportuno remedio prouidere, cartas seu membranas suspensionem continentes eandem appendi seu affigi in maioris ecclesie Auinionensis ostiis seu superliminaribus faciemus, que suspensionem predictam suo quasi sonoro preconio et patulo

also, a commentary, writings, or books, and determining in the schools on the basis of certain knowledge and deliberation, or preaching against the contents of the said constitution, or [doing] one or the other of the aforesaid, notwithstanding other privileges or indulgences or apostolic letters for certain persons, dignities, orders or places (religious or secular), generally or individually, granted under a certain form or expression of words, which he did not wish support in certain of the aforesaid in any way, by that very fact he wished to submit [them] to the sentence of excommunication.

But we—attending that a hidden truth may be opened often by arguments and conferences, and that a multiform understanding often lies hidden under the same words, and indeed that it is difficult to avoid the added penalties in a constitution of this kind for those who wish to perfectly read and understand the aforesaid constitution—wishing to open a way to truth, and to sidestep salubriously the dangers that can occur from the aforesaid to educated (particularly scholastic) persons, especially since some doubts have recently arisen concerning which truth can be endangered, and a way be opened to error unless it be licit to confer, and even debate, on the contents of a constitution of this sort—we consider, by apostolic authority, the prohibitions, aforesaid penalties, both reported and threatened, and their effects, to be suspended at the pleasure of the Apostolic See as long as we hold a consistory in the presence of our brothers and many archbishops, bishops, and other prelates, as well as many professors of both laws and the masters of sacred theology. By a suspension of this sort, however, we by no means intend to grant a licence to anyone that it be licit to dogmatize, write, or determine, preach, or speak wickedly against the *Rule* of the aforesaid brothers, publicly or secretly. On the contrary, we prohibit this even more strictly by apostolic authority to each and every one.

But in order that the suspension of the mentioned prohibitions and penalties not be able to be called back into doubt in the future, in order that, due to a defect of proof, it not be able to be claimed of someone that he has fallen into the penalty or the aforesaid penalties like a transgressor of those prohibitions, we, wishing to provide for this from an advantageous remedy, shall ensure that letters and parchments containing the same suspension are nailed or affixed on the doors or lintels of the greater church of Avignon,

iudicio publicabunt.

Datum Auinione vii. kalendas aprilis anno sexto.

which publicize the aforesaid suspension with an, as it were, sonorous proclamation and an open opinion.

Dated in Avignon 26 March 1322.

Works Cited

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