

German translations of: FRANCIS OF ASSISI, *Rule and Testament*; NICHOLAS III, *Exiit qui seminat*; CLEMENT V, *Exivi de paradiso*; "De suffragiis defunctorum" from the Statutes of the Franciscan Order; and *Stationes ecclesiarum urbis Romae*

In German with Latin inserts, manuscript on parchment
Germany (Eastern Franconia), c. 1450, and c. 1500

239 folios on parchment (good quality, quires iii-viii (ff. 15-72) stiffer, but more finely-pumiced parchment), modern foliation in pencil, top, outer corner, complete (collation i⁶ ii⁸ iii⁹ [f. 23 an added singleton] iv-vii¹⁰ [ff. 36, 41, 46 and 50 are added singletons] viii⁹ [f. 66 an added singleton] ix⁶ x-xiv⁸ xv⁶ xvi-xxvi⁸ xxvii⁶ xxviii-xxix⁸ xxx⁵ [wants 1 after f. 239, cancelled with no loss of text]), written in four hands: (i) ff. 1-13v, frame-ruled (justification c.50 x c.35 mm.), written in a small semihybrida libraria on 14 lines; (ii) ff. 15-71, outer margins and lines ruled (justification 45-50 x 33-35 mm.), written in an accomplished and very regular textualis libraria, on 12 lines; (iii) ff. 71v-72, only f. 72 ruled (justification 55 x 35-40 mm.), written in a semitextualis libraria on 10 lines; (iv) ff. 73-239v, outer margins ruled and lines pricked (justification c.45 x c. 35 mm.), written in a tiny semihybrida currens in black, red, and blue inks on 14 lines, with very occasional three- or four-line initials in blue and red; rubrication throughout except ff. 71v-72, in good condition. Bound in Germany c. 1500 in wooden boards covered in brown leather, faint traces of geometric design on front and rear covers, sewn on three cords, paper pastedowns, the original front pastedown now missing, functional metal clasp, extended with leather strap in evident re-use from an earlier and narrower book. Dimensions 70-71 x 55 mm.

Foundational texts for a Franciscan friar are preserved in this minuscule book that likely belonged to a Franciscan holding senior office in an East Franconian convent. In it are brought together normative texts with importance for the vexed question of Franciscan poverty and the ownership of property. Its central text is a German translation of the Franciscan Rule known as the *Regula bullata* of 1223 of which three German translations are known from just six manuscripts. The translation in the present manuscript occurs in only one other manuscript. Other Franciscan texts and statutes follow, all rare and interesting in German translation.

PROVENANCE

1. Written in Germany in around the middle of the fifteenth century, with additions dating c. 1500, at a Franciscan house in East Franconia, the region that has Würzburg at its geographical centre, based on its dialect (East Franconian, *ostfränkisch*, dialect) and contents.

The manuscript is formed of three sections, of which the second, to judge by the hand, is the oldest (quires iii-viii, ff. 15-72), written likely not much later than the mid-fifteenth century. A potential date *ante quem* for this section of the manuscript is provided by the text added to ff. 71v-72r, which would originally have been the final blank leaves in the manuscript. The text added here confers indulgences for participation in the Bohemian wars instigated by Pope Paul II in 1468, and would not have made sense beyond the conclusion of those wars in 1478 (possibly even not beyond Paul II's death in 1471). This oldest section of the manuscript must have been in existence by this point.

Some decades later, to judge by the hand not much before 1500, the manuscript was rebound together with the first section (quires i-ii, ff. 1-14) and the third (quires ix-xxx, ff. 73-239). It is likely, given that the chapter of the Franciscan statutes in German translation at ff. 227-232 seems to have been taken from the Observant Franciscan statutes of 1451, that this extension and rebinding of the manuscript took place in an Observant convent. An absolute date *post quem* for the third section is provided by the text at ff. 232v-234v, which contains a conspectus of indulgences accorded to the Franciscan Order during the pontificate of Sixtus IV (d. 1484). A colophon at the end of that text reads *Geendet ist disz büchlin am oben vnser frowen als sy ist zu himel gefaren* ("This little book was completed on the eve of the Assumption of Our Lady"), i.e. 14 August, but does not offer a year.

2. On the remaining paper covering of the front board (the actual front pastedown has long since become detached), the shelfmark "S no. 16," in black ink, repeated on a fragmentary white paper label on the spine, and the note *Regula in Octauo der Minder-Brüder* ("Rule of the Lesser Brothers, in octavo"). The shelfmark may ultimately permit an identification of the convent in which this manuscript was housed, if the pertinent library catalogue survives. (The word *curarum* entered on the rear pastedown is probably no more than an early-modern pen-trial.)
3. In modern pencil, inside front cover, the number *8 a*, and in the lower margin of f. 1, the number *137/94/4*, are modern auction lot numbers.

TEXT

I. ff. 1-13v, German calendar with Latin inserts; [ff. 14rv, blank];

Calendar of the feasts for the ecclesiastical year in the Franciscan Order, almost entirely in German, including the older German names for the months, with some intrusion of Latin terminology. Must date after 1450 (includes the feast and octave of Bernardino of Siena, canonized 1450), but the script suggests a date of composition closer towards 1500, or even into the sixteenth century.

II. ff. 15-72v:

ff. 15-45v, incipit, "HONorius ein bischoff und ein knecht der knechte gottes. enbütet den lieben súnen bruder francisco ...", [f. 16v], *In den namen des herren hebt an daz leben und regel der mynner brúder*, incipit, "DIs ist die regel und daz leben der mynner brueder. Sie sollent halten das heilige ewangelium unsers herren ihesu xpi ... in die ungunst unsers herren und siner heiligen aposteln petri vnd pauli. Geben zũ lateran an der kalenden decembris in dem achtsten iare unsers babstdũms";

Francis of Assisi, *Regula bullata*, contained within the bull *Solet annuere* of Pope Honorius III, issued 29 November 1223, in German translation. The Franciscan Rule is among the most significant normative texts in the Christian tradition, enshrining the way of life of a new type of religious order, its members not bound to enclosure but to be active in the world, and not subject to an abbot but equal as brethren: in Latin *fratres*, hence "friars." Three German translations are known from just five manuscripts; edited in parallel alongside the Latin original by Wolf, 1975, pp. 21-76; for the manuscripts see Wolf, 1975, pp. 7-20; Wolf, 1980, cols 842-43; and Tanneberger,

2011, pp. 213-21 (nos. 220-21) and 251-66 (nos. 247, 252 and 259). The present manuscript, thus the sixth in total, contains a translation hitherto identified in a single manuscript (Munich, Bayerische Staatsbibliothek, Cgm 111, ff. 185-223v), a rare example of chrysography (i.e. written entirely in gold), copied around 1500 in Swabian dialect.

ff. 45v-57v, incipit, "Hie noch uolgent funff puncten die in unser regel stent ... *Noch mag man drú stúcklin hin zu legen wie wol sie nit blosz gebotte sint*, incipit, "Das erste. das die minister bij gehorsamkeit von dem babste heischen sollent ... "; [f. 49], *Es sint auch in der regel xi oder xij puncten also babst clemens usz leget die nit eygentlichen gebotte sint. Aber sie glichen den gebotten. der úbertrettung one zwyffel auch dotsúnde ist*, incipit, "Der erste puncte das die professen nit me haben sollent ... "; [f. 53], incipit, "Den uorgenanten puncten die sich den gebotten glichen mag man noch dry puncten zu legen ... "; [f. 54], incipit, "Es sint auch ui. oder uij puncten in der regel ... ";

Commandments and Injunctions derived from the Franciscan Rule. The *Regula bullata* is quite short, and couched in scriptural language to evoke an ideal form of personal life in the literal pursuit of the *vita apostolica*, rather than to provide a series of rules. As the Franciscan Order grew, understanding how the Franciscan life was to be lived represented a significant problem for friars who were confronted with situations not envisaged by the Rule, or which it addressed only obliquely. The text here is a series of obligations extracted from the Rule, drawing extensively on the determinations of Pope Clement V (r. 1305-14), doubtless with reference to his bull *Exivi de paradiso* of 6 May 1312. The aim of the text is thus to interpret the Rule in terms of a series of binding commitments, whether explicitly labelled as such or not. Also found in the chrysographic manuscript Munich, Bayerische Staatsbibliothek, Cgm 111, ff. 213v-223r (discussed above), between the *Regula bullata* and the *Testament*.

ff. 57v-71, rubric, *Das testament vnsers vatters sancti francisci*, incipit, "DER herre hat mir bruder francisco also geben an zû heben ... Und ich bruder franciscus uwer cleyner und knecht als uil als ich uermag. So bestetige ich úch uon ynnen uon ussen die aller heilgest benedyung iemer ewiclichen. Amen. Und also hat das testament ein ende. Das uns got sinen ewigen segen sende";

Francis of Assisi, *Testament*, in German translation. Francis dictated this work shortly before his death in 1226. Its status was immediately controversial, because Francis stated that the *Testament* was to be kept and read alongside the Rule, but was not a second Rule and did not have the same authority. In the bull *Quo elongati* (September 28, 1230), Pope Gregory IX (r. 1227-41) determined that the *Testament* did not bind the Franciscan brethren, but the *Testament* remained a central text in the Franciscan tradition and was often copied alongside the Rule, as Francis had wished. Four translations are known of the *Testament* in German, but each is preserved in just a single manuscript, all dating from the late fifteenth or early sixteenth centuries (Ruh, 1980, col. 838, Tanneberger, 2014, pp. 251-66, nos. 247, 252, and 259). The German translation here is the same as that otherwise known only from the chrysographic manuscript Munich, Bayerische Staatsbibliothek, Cgm 111, ff. 223v-234v, edited in parallel with two of the three further German translations and the Latin original in Ruh, 1965, pp. 1-15.

ff. 71v-72v, incipit, "Dominus noster ihesus xs. te absoluat et ego auctoritate ipsius ... et mihi commissa absoluo te a vinculis excommunicationis suspensionis et interdicti ...", [f. 72v, text], "Item. quinquaginta c. pater noster cum totidem Aue maria et ii. c. Credo in deum fratres layci

dicant qui optant consequi beneficium prefate gratie. Dominus sanctissimus paulus papa littera contra bohemos."

Formula of absolution from excommunication and all ecclesiastical censure, and concession of plenary indulgence, in Latin, added to the manuscript by a later hand. The text is followed by a note explaining that (Franciscan) lay brethren who wish to participate in the same indulgence must undertake 5000 recitations of the Lord's Prayer and the Hail Mary, and 200 recitations of the Creed. The final note indicates that these privileges are derived from a bull issued by Pope Paul II (r. 1464-71) in his conflict with the Bohemian king George of Poděbrady that erupted in 1468 into open warfare (see e.g. the texts of Paul II's bulls of 20 April 1468 issuing excommunications upon his Bohemian opponents and conferring indulgences upon adherents to the papal cause in *Scriptores rerum Silesiacum*, vol. 9, pp. 265-70, no. 392). The inclusion of this text only makes sense in the context of the Bohemian wars in the years 1468-78, which provides an important date *ante quem* for this section of the manuscript. It may indicate that the manuscript was used by a friar involved in anti-Hussite crusade preaching.

III. ff. 73-168v, rubric, *Hie hebt an die erclerung des babsts her Nycolay des dritten uber die regel der mynner bruder. Ex vi^{ms} decretalium de verborum significacione*, incipit, "Nicolaus bischoff eyn knecht der knechten gottes zu ewiger des dyngs gedechtnysz ... inlaufft oder infelt in den vngunst des almechtigen gotts vnd seligen apostelen petri vnd pauli siner zwolffboten Geben zu Súriacij xvij kalendas in dem herbstmon vnser bebstlichen wirdikeit im andern ior Anno etc. m.cc.lxxij.";

Pope Nicholas III (r. 1277-79), bull *Exiit qui seminat*, issued 14 August 1279, in German translation. This bull codified and formalized the arrangement by which the Franciscan order would remain *de jure* in its avowed state of absolute poverty, both individually and communally, by reserving ownership of all goods held by the Franciscans to the papacy itself. At least two German translations of *Exiit* are known from five manuscripts: see Wolf, 1972, pp. 242-46. The translation preserved in our manuscript is that known from four others, all from the later fifteenth and early sixteenth centuries, edited from Munich, Bayerische Staatsbibliothek, Cgm 86, ff. 11v-47v, in Wolf, 1972 (his manuscript 'A'), pp. 247-305.

ff. 169-226v, rubric, *Hye hebt an die erclerung des bobst her clemens des fünften uber die regel der mynnder bruder Ex clementinis de verborum significacione*, incipit, "Clemens byschoff ein knecht der knecht gottes zu ewiger gedechtnysz dyser ding ... sol wyssen das er in falt in den vngünst des almechtigen gotts vnd der seligen apostelen Petri vnd pauli Datum vienne xi kalendas des meyen vnser Bebstlichensz ampts in dem sibenden ior noch crist geburt. m.ccc.xij.";

Pope Clement V (r. 1305-14), bull *Exivi de paradiso*, issued 6 May 1312, in German translation. With the Council of Vienne in session, Clement V took up again the issue of Franciscan poverty in an ultimately unsuccessful attempt to resolve the tension between more and less strict interpretations of the Franciscan Rule. Clement V sought to take a stricter and more inflexible approach to the question of the legitimate use of property by Franciscans bound to absolute poverty. *Exivi de paradiso* came to stand alongside *Exiit* as a second standard point of reference in understanding of the question of Franciscan property, and all five hitherto known manuscripts containing *Exiit* in German translation transmit it as a pair alongside *Exivi* (Wolf, 1972, pp. 245-46, and Tanneberger, 2014, pp. 217-18). There is no edition of the German translation; for the Latin original, see *Decrees*, 1990, vol. 1, pp. 392-401.

ff. 227-232r, rubric, *Das .ix. Capittel der generalen statuten. von dem gebett der gestorbenen brüder etc.*, incipit, "Wir setzen vnd ordyren das für ein iglichen brüder der do stürbt yn vnserm orden von einem priester / es sy den sach das er gehynder werd durch kranckheit oder durch weg all wöch ze sprechen ein mesz / oder ein zugeeigten collect der dotten...";

Statutes of the Franciscan Order, chapter *De suffragiis defunctorum*, in German translation. The text here is translated, insofar as the published editions permit an evaluation to be made, from the Latin text of the 1451 statutes for the ultramontane Observant Franciscans, in which the chapter on the mortuary rituals for deceased brethren is indeed the ninth, as it is given here (Bihl, 1945, pp. 157-59). In the earlier versions (the "Constitutions of Narbonne" of 1262, and their subsequent revisions of 1279, 1292, and 1354) the same chapter is the twelfth in sequence (Bihl, 1941, pp. 314-19, statutory revisions of 1260, 1279, and 1292, and Bihl, 1942, pp. 219-21, statutory revision of 1354).

ff. 232v-234v, rubric, *Item es ist zu wissen der heilig bopst Sixtus der iiii. hat geben allen mynnern brudern die do gerüet vnd gebicht hant ir sund ablosz aller sünden die in iren kirchen an den hernach geschriben tagen sprechent sind. v. pater noster vnd .v. aue maria*, incipit, "Item an dem ersten suntag noch sant (Anthonien des einsitdel. an den tag marcelli des bopst vnd martir. Thome von meyland prediger ordens...";

Conspectus of indulgences granted to friars of the Franciscan Order by Pope Sixtus IV (r. 1471-84). The inclusion of this text provides a firm date *post quem* for the composition of this third section of the manuscript.

ff. 235r-239v, incipit, "An dem ersten süntag des aduentz / ist stacio zu sant maria maior An dem andern zu dem heiligen crütz / An dem dritten zu sant peter Am mitwochen in der fronfasten zu sant maria maior / Am frytag in der fronvasten zu den xii apostolen...";

Stationes ecclesiarum urbis Romae, in German translation. The Latin text of the *Stationes* is a product of the eighth century, and lists the "station churches" of the city of Rome: the designated daily "central" church for the Christian community in Rome, at which a pilgrim could expect to receive a higher indulgence than elsewhere. The *Stationes* was variously translated into German in the later Middle Ages, and this manuscript contains an example of a German translation of the second Latin redaction. In this redaction the text is organized according to the ecclesiastical calendar and lists the "station churches" for Advent, Lent, and Easter: see Miedema, 2001, pp. 2-3. The number of German-language manuscripts and prints is very large: see the conspectus in Miedema, 2001, pp. 49-93 and 116-23, and the editions in Miedema, 2003, pp. 203-22.

The texts in this manuscript are important. The central, and oldest, section of this manuscript (ff. 15-71) contain a German translation of three essential Franciscan texts (the *Regula bullata*, Injunctions extracted from this Rule, and Francis's *Testament*), previously known only in a single late manuscript, Munich, BSB, Cgm 111, a rare example of chrysography (i.e. written entirely in gold), copied around 1500 in Swabian dialect, bound in metal and sealed with seven seals, and housed by 1556 at the latest in the library of the Count Palatine Ottheinrich (1502-1559): see *KdiH*, vol. 1/4, pp. 246-47 (no. 6.2.5). Its Franciscan normative texts are appended to a German translation of the Apocalypse, and it may always have been intended for a princely patron. Our manuscript preserves the text in a better state, and to judge from the hand is much earlier,

perhaps mid-fifteenth century. It provides evidence that this translation of the Franciscan Rule was first produced for use in a Franciscan milieu, and was not itself commissioned specifically for the later chrysographic manuscript. The texts in the later sections of our manuscripts are equally interesting to scholars. All of these texts, which were added in the later fifteenth century – papal Bulls related to the question of Franciscan poverty, Franciscan statutes, and indulgences – are in German translation, and with one exception, are unedited.

In this manuscript are assembled the foundational texts that a Franciscan friar would need to understand the precepts by which he was to govern his convent, with particular concern for the critical issue of voluntary poverty and the ownership of property. It is a tiny pocketbook for ready consultation by one who had to exercise conventual government, and quite unlike a handbook for the library shelves. That such a manuscript, produced for a male convent in which literacy in Latin might be expected, consists instead entirely of texts in German translation, is an important indicator of the rise of German as an intellectual and administrative language in the later fifteenth and earlier sixteenth centuries.

LITERATURE

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ONLINE RESOURCES

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<http://www.franciscan-archive.org/bullarium/exivi-e.html>

Francis of Assisi, *Testament*, in modern English translation
<https://sourcebooks.fordham.edu/source/stfran-test.html>

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