

Letters and Politics: Gerald Odonis vs. Francis of Marchia

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ABSTRACT

Gerald Odonis and Francis of Marchia, both Franciscan masters of theology active in the early fourteenth century, played an important role in the controversies that split the Franciscan Order as a result of Pope John XXII's decisions concerning the theory of religious poverty. They fought on opposite fronts: Odonis was elected Minister General after the deposition of Michael of Cesena, whom Francis supported in the struggle against the pope. This paper reconstructs the different stages at which Francis became a target of Odonis' repressive actions against his dissident former confreres, from the first mention of Francis' name in the lists of rebels to the letter *Quid niteris*, where Odonis reproaches Francis for his purported violations of the Franciscan Rule. Odonis most probably intentionally avoided entering the slippery ground of the poverty controversy and preferred attacking Francis on ecclesio-political issues.

Keywords

Gerald Odonis, Francis of Marchia, John XXII, Michael of Cesena, apostolic poverty, papal power

The topic of this paper is Gerald Odonis' actions with respect to his former Minister General and to one of his contemporary Franciscan confreres, who bore the same prestigious title of master of theology, Francis of Marchia (also known under different names, such as Francesco d'Appignano and Francesco della Marca). Although it is rather unusual, a relationship between thinkers will not be discussed mainly on the basis of academic works whose dependence can be historically proven, or—alas—on the basis of vague similarities among their ideas. The issue at stake will be the interpretation of the historical event of the clash between these two figures. Nevertheless, the fact that the forum for these polemics was not the academic milieu we are accustomed to

does not mean that the episode lacks any interest from an ecclesio-political perspective.

Historians of philosophy follow different standards when it comes to determining whether a comparison between authors or their texts can be seen as pertinent. For a topic like mine, on the contrary, documentary evidence is a *conditio sine qua non*. I must begin, therefore, by admitting that we do not possess—at least to my knowledge—any proof of direct personal contacts between Francis of Marchia and Odonis, although they read the *Sentences* in their Order's Paris convent only a few years apart, which could also suggest, given the Franciscan regulations of that time, that both were on good terms with the Minister General of the Minorites, Michael of Cesena.¹ That Odonis read the *Sentences* some years later does not necessarily imply, as one might think, that he was younger. Considering what we know today about teaching careers in the mendicant orders, mostly thanks to the studies of William Courtenay, such an inference would be precarious.² Recent investigations suggest that Odonis was acquainted with some positions Francis had held in his *Commentary on the Sentences*.³ The possible connections that scholars have highlighted until now, however, are not directly relevant for the elucidation of Odonis' ecclesiological or political ideas. Some years ago I pointed to Francis' treatment of restitution in his commentary on book IV of the *Sentences*, which has been transmitted in different versions.⁴ After Scotus, some Franciscan authors writing in this context took the opportunity to discuss the origin of property and power.⁵ This is not the case for Odonis, who prefers dealing with one of his favourite topics, usury.⁶ The basis for a comparison between the two

¹ B. Roest, *A History of Franciscan Education (c. 1210-1517)* (Leiden, 2000), in particular 102, n. 344.

² See, e.g., W.J. Courtenay, 'The Instructional Programme of the Mendicant Convents at Paris in the Early Fourteenth Century', in *The Medieval Church: Universities, Heresy and the Religious Life. Essays in Honour of Gordon Leff*, ed. P. Biller and B. Robson (Woodbridge, 1999), 77-92.

³ C. Schabel, 'Francis of Marchia's *Virtus derelicta* and the Context of Its Development', *Vivarium* 44.1 (2006), 41-80, in particular 42-45 and 48-49; William Duba's paper in this volume.

⁴ R. Lambertini, *La povertà pensata. Evoluzione storica della definizione dell'identità minoritica da Bonaventura ad Ockham* (Modena, 2000), 189-226.

⁵ O. Langholm, *Economics in the Medieval Schools. Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition 1200-1350* (Leiden, 1992), in particular 404-418 on Scotus, 419-420 on John of Bassols, 421-426 on Francis of Meyronnes, and 533-535 on William of Rubio, who was a pupil of Francis of Marchia's and the *reportator* of a part of his commentary on the *Sentences*.

⁶ See Langholm, *Economics in the Medieval Schools* (cit. n. 5 above), 513-528; S. Piron, 'Perfection évangélique et moralité civile: Pierre de Jean Olivi et l'éthique économique franciscaine', in

commentaries is therefore extremely weak and not very promising. They both concur in accepting the medieval Aristotelian distinction between *ius yconomicum* and *ius politicum*,⁷ but this is common among authors who are acquainted with the main tenets of Aristotle's *Politica*. If the comparison is extended to other works, one can establish that Francis and Odonis agree in tracing back the origin of private property to positive law, denying that natural law can teach the division of property among human beings.⁸ In the decades after John Duns Scotus, many Franciscan theologians indeed accept this solution, which distinguishes them from a tradition that is closer to Aquinas' teaching on the subject.⁹

To the best of my knowledge, neither Francis nor Gerald took a public stance in the poverty debate that was opened by the pope in 1322: none of their works appears among the opinions requested—and not requested—that were sent to John XXII and have been handed down to us.¹⁰

Ideologia del credito fra Tre e Quattrocento. Dall'Astesano ad Angelo da Chivasso. Atti del convegno internazionale, Asti, 9-10 giugno 2000, ed. B. Molina and G. Scarzia (Asti, 2001), in particular 103-143. Chris Schabel provided me with his transcriptions from Odonis' commentary and with copies from microfilms of some manuscripts. Thus, I was able to read distinction 15, part II, of the commentary on book IV, dealing with restitution: "Prima quaestio est utrum restitutio semper sit facienda in re contra passi sive talionis... Secundo loco quaero utrum usura secundum se sit mala, dato quod non sit prohibita... Tertio quaero utrum restitutio generaliter sit de necessitate salutis." Cf. C. Schabel, 'The *Sentences* Commentary of Gerardus Odonis, OFM', *Bulletin de philosophie médiévale* 46 (2004), 115-161, in particular 157.

⁷ I had access to Schabel's transcription of Odonis' commentary on book III, distinction 37, qq. 1 and 2: "Utrum ius politicum sit aliud a iure dominativo et ab uxorio et a paterno... Utrum ius politicum sit convenienter divisum in naturale et legale" (cf. Schabel, 'The *Sentences* Commentary of Gerardus Odonis' [cit. n. 6 above], 153); I was thus able to compare the text with Francis' position (cf. Lambertini, *La povertà pensata* [cit. n. 4 above], especially 201-203).

⁸ This emerges from Langholm's account of the contents of the first *quaestio* of his *Tractatus de contractibus*; cf. Langholm, *Economics in the Medieval Schools* (cit. n. 5 above), 512-514. Only the edition in preparation by Sylvain Piron and Giovanni Ceccarelli, however, will provide us with a safe textual basis for a thorough comparison.

⁹ See R. Lambertini, 'Poverty and Power: Franciscans in Later Mediaeval Political Thought', in *Moral Philosophy on the Threshold of Modernity*, ed. J. Kaye and R. Saarinen (Dordrecht, 2004), 141-163.

¹⁰ L. Duval-Arnould, 'Les conseils remis à Jean XXII sur le problème de la pauvreté du Christ et des Apôtres (cod. Vat. lat. 3740)', in *Miscellanea Bibliothecae Apostolicae Vaticanae*, vol. 3 (Vatican City, 1989), 121-201. Important treatises written on this occasion were not included in this collection: for example, Francis of Mayronnes' *Tractatus* and Enrico del Carretto's *De statu dispensativo Christi*, the edition of which is being prepared by a team at the Universities of Macerata and Insubria (cf. A. Emili, R. Martorelli Vico, and R. Lambertini, 'Un progetto di

The first evidence we possess concerning Francis of Marchia's participation in the poverty controversy is dated to a period when the tensions between the pope and the Franciscan leadership were about to evolve into an overt rebellion: it is the much-discussed Avignon appeal, dated 13 April 1328. Here Francis appears as a witness to the solemn but secret appellation prepared by Bonagratia of Bergamo, signed by Michael of Cesena,¹¹ and published only after their escape from Avignon on 26 May of that year.¹² I limit myself to remarking that Francis' presence in the group of rebels does not seem to have been registered in the first reactions of the ecclesiastical authorities. When, on 6 June, John XXII writes *Dudum ad nostri apostolatium auditum*,¹³ he mentions only Michael of Cesena, Bonagratia and Ockham, referring vaguely to other accomplices. The same happens in Bertrand de la Tour's letter of 18 June;¹⁴ the Franciscan cardinal appointed by the pope¹⁵ to act as vicar general of the Order after Michael's deposition mentions only the three Franciscans that were also named by the pope.¹⁶ For his part, Francis publicly participates in the struggle

edizione del *Tractatus de statu dispensativo Christi* di Enrico del Carretto', *Picenum Seraphicum* 22-23 [2003-04], 347-352).

¹¹ See C. Dolcini, *Il pensiero politico di Michele da Cesena 1328-1338* (Faenza, 1977), now in idem, *Crisi di poteri e politologia in crisi. Da Sinibaldo Fieschi a Guglielmo d'Ockham* (Bologna, 1988), in particular 162-164.

¹² Nicolaus Minorita, *Chronica, Documentation on Pope John XXII, Michael of Cesena and The Poverty of Christ with Summaries in English. A Source Book*, ed. G. Gál and D. Flood (St. Bonaventure, N.Y., 1996), 189: "Acta, gesta et facta fuerunt praedicta coram religiosis et honestis viris, fratribus Ordinis Minorum, Francisco de Esculo, in sacra theologia doctore et lectore tunc in conventu Fratrum Minorum de Avenione...". More than twenty years ago George Knysh raised doubts about the authenticity of this document and claimed to have proved that it is a later forgery. Miethke, for his part, criticised Knysh's arguments, and Wittneben further substantiated Miethke's position: E.L. Wittneben, *Bonagratia von Bergamo. Franziskanerjurist und Wortführer seines Ordens im Streit mit Papst Johannes XXII*. (Leiden, 2003), 282-285. The meritorious edition by Gedeon Gál and David Flood, a milestone for our knowledge of the "Michaelist" rebellion against the pope, should be used with full awareness of Gál's editorial choices: see J. Miethke, 'Der erste vollständige Druck der sogenannten «Chronik des Nicolaus Minorita» (von 1330/1338). Bemerkungen zur Präsentation eines „Farbbuches“ des 14. Jahrhunderts', *Deutsches Archiv* 54 (1998), 623-642.

¹³ *Bullarium Franciscanum*, vol. 5, ed. K. Eubel (Rome, 1898), 346-469, no. 714.

¹⁴ B. Giordani, 'Novum documentum in controversiam Ordinis tempore Fr. Michaelis a Caesena anno 1328', *Archivum Franciscanum Historicum* 8 (1915), 672-675.

¹⁵ Cf. P. Nold, *Pope John XXII and his Franciscan Cardinal. Bertrand de la Tour and the Apostolic Poverty Controversy* (Oxford, 2003), although this book does not focus on his actions after Michael of Cesena's rebellion, but rather on his position in the preceding apostolic poverty controversy.

¹⁶ Giordani, 'Novum documentum' (cit. n. 14 above), 674: "...una cum pseudofratribus

for the first time in Pisa, where he is the first signer among those who adhere to Michael's so called "long appeal."¹⁷ The long appeal is dated 18 September 1328, but the shorter version published in December,¹⁸ which they thought would circulate easier, also informs the readers about Francis' stance.

By the end of 1328, therefore, Francis' adhesion to Michael of Cesena should have been notorious. The first time, however, that his name surfaces in official documents concerning this affair is in February 1329, when John XXII writes to Elias de Nabinaux,¹⁹ reporting that Bertrand de la Tour has informed him that Francis, "fautor Michaelis de Cesena," boasts that he is able to influence the French court and the Parisian milieu.²⁰

It is only with the election of Gerald Odonis as Minister General of the Friars Minor, at the General Chapter held in Paris in June 1329, that Francis becomes officially inserted in the list of the Michaelist rebels. Michael had tried to prevent this chapter, sending letters denouncing the illegitimacy of this convocation, since he claimed to be the only true Minister General of the Franciscans. The intervention of Bertrand de la Tour, vicar general of the Order, who had many provincial ministers deposed who could have supported Michael's cause, frustrated any attempt on part of the former minister.²¹

The Parisian chapter became the opportunity for a public, almost theatrical condemnation of Michael of Cesena, together with other enemies of the pope, according to the instructions of John XXII himself, who ordered the public

Bonagratia de Pergamo per eundem dominum nostrum etiam arrestato et Guillelmo Ocham Anglico pro suis erroneis opinionibus ad Romanam curiam vocato, complicibus suis, clam fugit de curia..."; the implicit subject of these sentences is, obviously, Michael of Cesena. Francis is not mentioned at all.

¹⁷ *Appellatio maior*, most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 227-424, for Francis in particular 423: "Cui appellationi et provocationi incontinenti adhaeserunt et eam approbaverunt religiosi viri frater Franciscus de Esculo, doctor in sacra pagina..."

¹⁸ *Appellatio minor*, most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 429-456, in particular 455.

¹⁹ For a recent contribution on Elias, see C. Schabel, 'Archbishop Elias and the *Synodicum Nicosiense*', *Annuaire Historiae Conciliorum* 32 (2000), 61-81.

²⁰ *Chartularium Universitatis Parisiensis*, ed. H. Denifle and E. Chatelain, 4 vols. (Paris, 1889-97), 2: 320: "percepto nuper quod Franciscus de Esculo... fautor Michaelis de Cesena, olim prelibati Ordinis generalis ministri, ad civitatem Parisiensem et partes alias Francie pro disseminandis pessimis erroribus, et quantum posset cordibus fidelium religiosorum et aliorum, ac presertim carissimorum in Christo filiorum nostrorum... regis et... regine Francie illustrium aliorumque principum et magnatum a devotione ecclesie subvertendis se jactaverit accessurum..."

²¹ David Flood has summarized these events in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 469-478.

burning of all the originals of the writings produced by his enemies. As targets of this sort of Parisian *auto da fé* the pope names together Marsilius of Padua, John of Jandun, Louis of Bavaria, Nicholas V, the so-called antipope, and Michael of Cesena, although the transcripts of the condemnation processes against him were not yet available and would be sent to Paris later.²² We also possess a contemporary report that describes the ceremony during which a great fire was lighted in a huge pan, where the originals of the documents that had been nailed to church doors in Paris against the pope were burnt to the great satisfaction—according to the author of this contemporary report—of all clergy and lay people who were convened there.²³ Francis' name does not appear either in the instructions written by the pope or in the report of the events, but rather in a document signed by Odonis himself during the same chapter, the letter *Evangelica veritas*, where we find the notorious invective “Frater Franciscus de Aesculo, sacrae theologiae doctor indoctus,” which sounds particularly insulting from the mouth of a colleague who would have been aware of Francis' intellectual profile. One looks in vain, however, for *accusationes* against Francis other than that he committed apostasy, rebelling against the pope.²⁴

One has to wait until the following chapter, held in Perpignan in 1331, to learn more about the errors that Francis of Marchia purportedly professed. In the meantime, the group around Michael of Cesena had responded with the *Allegationes religiosorum virorum*, among whose authors Francis also is

²² *Chartularium Universitatis Parisiensis* (cit. n. 20 above), 2: 326-327: “...ante Parisiensem ecclesiam in platea publice (publicatis tamen prius tribus processibus quos tibi mittimus) comburantur, ad que procedi modo qui sequitur volumus. Primo quidem processus contra illos pessimos hereticos Johannem et Marcilium de Padua dudum factus, non obstante si forsan alias publicatus extiterit, ut de ipso recensior memoria habeatur; secundo processus adversus Ludovicum de Bavaria, et subsequenter alius contra Petrum de Corbaria, noviter habiti immediate unus post alium publicentur. Qua publicatione premissa predictarum litterarum immediate combustio subsequatur... Processum autem contra perfidum Michaellem olim dicti Ordinis Minorum ministrum tibi breviter intendimus dante Domino destinare.”

²³ A report of the Parisian events can be read in *Acta Aragonensia*, ed. H. Finke, 3 vols. (Berlin, 1908-22), 1: 446-448 (no. 298), in particular 447: “... et post sermonem suum in presentia dicti generalis et omnium aliorum, qui representant totum ordinem, dixit, quod ipse nomine ipsius generalis et tocius ordinis approbat omnes processus contra illos duos pessimos Marsilium et Johannem et contra illum Bauarum et contra illum Petrum de Coruaria et illum Michaellem...” As one can see, the friar in charge of the sermon, Henry of Semons, does not mention Francis at all.

²⁴ Most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 932-933, at 932: “... et aliqui suae religionis complices, puta fratres Bonagratia de Pergamo et Guillelmus Ockham anglicus et frater Franciscus de Aesculo, sacrae theologiae doctor indoctus.”

mentioned in the *intitulatio*.²⁵ There they reconstructed the events and argued that Michael's deposition was formally invalid, because it broke the rules regarding elections observed in the Order and because the entire procedure was initiated by a heretic, who *ipso facto* was juridically unable to establish anything. Secondly, Michael addressed a letter to the friars summoned in 1331 to the General Chapter in Perpignan, in which he justified his decision and listed once again the heretical errors professed by John XXII: Francis adhered to this letter.²⁶

From Perpignan, reacting to criticism by the Michaelists, Odonis again issued the condemnation of Francis and Michael. This time, however, he added a short list of their errors. Surprisingly enough, the poverty issue is not given much space (although one might think that it is implicit in the reproach that these Franciscans reject papal constitutions as heretical); other errors focus rather unexpectedly on the right of election of the pope. In sum, they are two: first, the emperor can depose the pope; second, the Roman clergy and populace possess the same right to depose the pope. The third charge is but a corollary: the Franciscans are accused of claiming that what had happened in Rome in 1328, that is the deposition of John XXII, was fully legitimate.²⁷

As a representation of what Francis thought, these accusations are, to put it charitably, highly inaccurate.²⁸ If one goes through the documents signed by Francis in the preceding years, it becomes clear that he, Michael of Cesena and especially Bonagratia of Bergamo were defending their position in a way that did not imply the ecclesio-political claims that Odonis was attributing to them. The emperor's right to depose the pope had obviously been claimed and

²⁵ Most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 524-552, at 524: "Allegationes religiosorum virorum, fratrum Henrici de Thalheim, Francisci de Appomano, dicti de Aesculo," where "Appomano" is most probably a reading mistake for "Apponiano" (today Appignano del Tronto).

²⁶ Most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 918-928, in particular 928: "Ex parte fratris Michaelis, generalis ministri dicti Ordinis, licet inviti, de voluntate et adsensu fratrum Henrici de Thalheim, Francisci de Aesculo et Guillelmi de Ockham . . ."

²⁷ Most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 931-937; list of errors on 934-935: "Primus est quod Imperator potest papam deponere et depositum declarare. Secundus est quod clerus et populus urbis potest papam deponere et depositum declarare. Tertius est quod illud, alias inauditum facinus, quod adversus sanctissimum patrem et dominum, dominum Iohannem Papam XXII in urbe praedicta per aliquos perditionis et diffidentiae filios de facto attentatum existit, de iure ac legitime gestum fuit. Quartus est quod constitutiones per Romanum Pontificem, canonice intrantem, editae de consilio sacri et fidelis collegii minorum cardinalium sunt haereticae. Quintus est quod oboedire illi cui universalis Ecclesia oboedit, est animam damnare et se haereticum confiteri."

²⁸ On the problem of the accuracy of such lists of errors, see S. Simonetta, "Realtà e propaganda: la condanna di Marsilio nel 1327", *Pensiero Politico Medievale* 5 (2007), 119-130.

implemented by Louis of Bavaria in Rome, in the heyday of Marsilius of Padua's influence on the politics of the imperial court. At that time Michael and his group were still in Avignon. When they joined the emperor in Pisa, they did their best to change the ecclesio-political orientation of imperial propaganda. The most telling evidence of this shift is the otherwise senseless second issue of the imperial sentence concerning the deposition of the pope, which was published on 12 December 1328 in Pisa, with the same date of the deposition sentence issued in Rome on 18 April, as if it were meant to replace it.²⁹ Carlo Pincin and Carlo Dolcini have emphasized that this is not a slightly modified version of the former document, but represents a completely new stance.³⁰ To put it bluntly, according to the Pisan version of the sentence, the emperor does not depose the pope, but acknowledges that the Holy See is occupied by a heretic, who by definition is not pope. As one can easily see, such a position rests on an ecclesio-political tradition that shares little with the views Marsilius had managed to have inserted in the first version of the document. This radical change is also witnessed by the circumstance that the anti-pope Peter of Corvara was practically abandoned in Pisa when the German army began its retreat northwards: he was the fruit of an action that was incompatible with the Michaelist position, which in the meantime had gained influence with the emperor. As a matter of fact, the author of the so-called Chronicle of Nicholas the Minorite also displays no understanding toward Peter of Corvara, who is referred to as *cuculus*.³¹

Obviously, my paper does not aim at a posthumous and useless defence of Francis of Marchia's memory against the false accusations of a colleague and fellow Franciscan. It is noteworthy, though, that Francis' ecclesio-political stance did not have much in common with Marsilius' positions and depended on the claim of the heresy of the pope: this was at the same time the strength and the weakness of the Michaelist position. By 1331 Gerald Odonis must have been well aware of the documents produced and diffused by the group gathered around his former Minister General. One of the letters countersigned by Francis, the *Litterae plurium magistrorum*, is expressly addressed to all the

²⁹ Most recent edition in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 457-468; see also *Constitutiones et acta publica imperatorum et regum*, VI, pars 1, ed. J. Schwalm, *Monumenta Germaniae Historica* (Hannover, 1914-27), 437.

³⁰ Dolcini, *Crisi di poteri* (cit. n. 11 above), 346-349, where one can find all references to the preceding bibliography. Dolcini's study had appeared earlier, as an independent monograph: *Marsilio e Ockham. Il diploma imperiale Gloriosus Deus, La memoria politica Quoniam scriptura, il Defensor Minor* (Bologna, 1981).

³¹ Nicolaus Minorita, *Chronica* (cit. n. 12 above), 201: "...fratrem Petrum de Corbaria, Ordinis Fratrum Minorum, in summum pontificem, id est in summum cuculum, elegerunt."

friars who were to meet in Perpignan, and this is explicitly referred to in Odonis' response, *Quid niteris*.³² One could hardly think that he was not adequately informed about Francis' position. It seems that Gerald Odonis opted for a very lucid although unfair strategy: instead of getting involved in the debate on Franciscan poverty,³³ in which the pope had intervened with his highly controversial *Quia vir reprobus*, he chose to emphasise what seemed to be unacceptable for the ecclesio-political tradition of an Order that had been constantly under papal protection and had supported papal preeminence inside and outside the Church. After all, while his accusations were not accurate, they were not totally unlikely. Michael and Francis had joined an emperor who had declared deposed a pope and even nominated a new one, and they were at the time living in Munich under his protection. By doing this, Odonis was also following in the footsteps of John XXII, who, in 1329, as mentioned above, had ordered a public condemnation of Marsilius, Jandun, Louis, Peter of Corvara and, adding him as last in the list, Michael of Cesena. Odonis must have realized that it was much easier to attack Michael and Francis on this ecclesio-political ground than on the complicated issue of the theory of poverty, in which they were defending the tradition of the Order at least since *Exiit qui seminat*. From this point of view, one can hardly share Mencherini's surprise that the constitutions issued at Perpignan do not mention problems connected to the debate on poverty and focus more on both spiritual and practical problems of regular observance.³⁴ As Desbonnets showed many years ago, Odonis was referring to Francis of Assisi's *Testament*, trying a new approach that could divert attention from the ongoing theoretical debate.³⁵ It is simply consistent with this strategy that in the letter *Quid niteris*, which from Perpignan responds to the *Litterae plurimum magistrorum*, he focuses on

³² The letter can be read in Nicolaus Minorita, *Chronica* (cit. n. 12 above), 961-974; but the most reliable text is still A. Heyse, 'Duo documenta de polemica inter Gerardum Odonem et Michaellem de Caesena, Perpiniani, 1331—Monachii 1332', *Archivum Franciscanum Historicum* 9 (1916), 134-183, Odonis' text on 140-153.

³³ He seems to have been frustrated in his attempt to change radically the definition of Franciscan poverty in order to adjust it more easily to papal bulls. Cf. D. Nimmo, *Reform and Division in the Medieval Franciscan Order. From Saint Francis to the foundation of the Franciscan Order* (Rome, 1987), 206-210.

³⁴ S. Mencherini, 'Constitutiones generales O.F.M. a Capitulo Perpiniani anno 1331 celebrato editae', *Archivum Franciscanum Historicum* 2 (1909), 269-292, 412-430, 575-599, in particular 273-274.

³⁵ T. Desbonnets, 'Les Constitutions Générales de Perpignan (1331)', in *I francescani nel Trecento*, Atti del XIV convegno internazionale: Assisi, 16-17-18 ottobre 1986 (Perugia, 1988), 69-99, esp. 81-83.

the fact that they shared the company of heretics such as John of Jandun and Marsilius of Padua and that Michael was repeating the error once made by Brother Elias, who, having been deposed by the General Chapter, did not accept it and found support and protection with an excommunicated emperor, Frederick II.³⁶ Moreover, he insists on the fact that Francis had broken the Franciscan vow of poverty, since, close to Como, he was robbed by bandits of money that he was carrying on his person, against the Rule.³⁷

David Flood wrote once that Odonis' letter "is a good demonstration of the victorious party writing history";³⁸ one could remark that Odonis' actions after his election are a good example of a winning strategy in isolating a dissident group that might have strong arguments on its side, but is politically in a weaker position. When Odonis was appointed Patriarch of Antioch, Francis was on trial in Avignon; from the fragmentary evidence we possess, he was still accused of claiming that the emperor could depose the pope.³⁹ Although Francis might in the end have been able to clear himself of this charge, since his notarized recantation makes no reference to this ecclesio-political position,⁴⁰ the ghost of the accusation levelled by Odonis had haunted him for almost the rest of his life.

³⁶ Heyse, 'Duo documenta de polemica' (cit. n. 32 above), 134-183, the text of Odonis' letter on 140-153.

³⁷ Geraldus Odonis, *Quid niteris*, ed. Heyse, 'Duo documenta de polemica' (cit. n. 32 above), 151: "Unde Franciscus de Esculo, tuae iniquitatis complex, pergens de Cumis versus Monachum, inventus est super se immediate portare lxxxiii florenos"; recent discoveries confirm Francis' presence in Como; see A. Cadili, 'Marsilio da Padova amministratore della Chiesa ambrosiana', *Pensiero Politico Medievale* 3-4 (2005-06), 193-225, in particular 221-222.

³⁸ Nicolaus Minorita, *Chronica* (cit. n. 12 above), 875.

³⁹ E.L. Wittneben and R. Lambertini, 'Un teologo francescano alle strette. Osservazioni sul testimone manoscritto del processo a Francesco d'Ascoli', *Picenum Seraphicum* 18 n.s. (1999), 97-122. Nazzareno Mariani, the editor of many of Francis' works, published fragments from the proceedings of the trial against Francis in Francisci de Marchia sive de Esculo OFM, *Sententia et compilatio super libros Physicorum Aristotelis*, ed. N. Mariani (Grottaferrata [Rome], 1998), 85-95, copying them admittedly from Etienne Baluze's *Miscellanea* (S. Baluzii *Miscellanea*, novo ordine digesta... studio J. D. Mansi, vol. 2 [Lucca, 1761], 281a-284a); unfortunately, in this way he also reproduced some errors and even an omission, namely the lines where Francis claims to have disagreed with Peter of Corvara from the start (text in Wittneben and Lambertini, 'Un teologo francescano alle strette', 119: "respondet Frater Franciscus... quod facta Petri de Corvaria sibi numquam placuerunt sed ea summe abhorruit et detestatus fuit").

⁴⁰ Cf. E.L. Wittneben and R. Lambertini, 'Un teologo francescano alle strette. II. A proposito della tradizione manoscritta della confessio di Francesco d'Ascoli', *Picenum Seraphicum* 19 n.s. (2000), 135-149, text on 147-149.