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THE EVOLUTION OF DOMINICAN STRUCTURES
OF GOVERNMENT
II: THE FIRST DOMINICAN PROVINCES¹

BY
SIMON TUGWELL OP

1. *Dominican provinces in general*

(a) *The evidence of Bernard Gui*

It has come to be an accepted truth of Dominican historiography that the order's first provinces were created in 1221.² As

¹ Jordan's *Libellus*, the Bologna canonization process ('ACB') and the legenda of Ferrandus are quoted in accordance with the paragraph numbers in MOPH XVI, but from my own provisional editions. Jordan's letters (cited as *Ep.* with the number of the letter) are quoted from MOPH XXIII. Gui's *Catalogus Magistrorum* is quoted from my own edition in MOPH XXVII. Texts from the *Vitas Fratrum*, including the *cronica ordinis*, are quoted from the edition I am preparing, though I give references to the edition by B.M.Reichert in MOPH I. Cecilia's *Miracula* is quoted in accordance with the numbering in the edition by A.Walz, AFP 37 (1967) 21-44, but from my own provisional edition. Altaner, *Jordan* = B.Altaner, *Die Briefe Jordans von Sachsen*, QF 20 (1925). Aron, *Lettres* = M.Aron, *Bienheureux Jourdain de Saxe, lettres à la B. Diane D'Andalò*, Lille/Bruges 1924. Bayonne, *Jourdain* = E.C.Bayonne, *Lettres du B.Jourdain de Saxe*, Paris/Lyons 1865. Castillo = Hernando de Castillo, *Historia de la Orden de Santo Domingo I*, Madrid 1584, cited by book and chapter from the Italian version published Venice 1589. Douais = C.Douais, ed., *Acta capitulorum provincialium*, Toulouse 1894. Malvenda = T.Malvenda, *Annales Sacri Ordinis Praedicatorum*, ed. D.Gravina, Naples 1627. Mamachi = T.Mamachi et al., *Annali Ordinis Praedicatorum volumen I*, Rome 1756. Mansilla I and II = D.Mansilla, *La Documentación pontificia hasta Inocencio III*, Rome 1955, and *La Documentación pontificia de Honorio III*, Rome 1965. Martène-Durand = E.Martène - U.Durand, *Veterum Scriptorum et Monumentorum ... Amplissima Collectio VI*, Paris 1724. Scheeben, *Beiträge* = H.C.Scheeben, *Beiträge zur Geschichte Jordans von Sachsen*, QF 35 (1938). Sousa = Luis de Sousa, *História de S.Domingos*, quoted by part, book and chapter, together with page references to the modern edition published Porto 1977. Thomas = A.H.Thomas, *De oudste constituties van de Dominicanen*, Louvain 1965; I cite the Primitive Constitutions ('PC') in accordance with his numbering of its chapters, but on the basis of my own study of the manuscripts. Vicaire, *Histoire* = M.H.Vicaire, *Histoire de saint Dominique*, ¹ 1st ed. Paris 1957, ² rev. ed. Paris 1982.

² E.g. P.Mandonnet, *Saint Dominique*, Gent 1921, 73; H.C.Scheeben, *Der hl. Dominikus*, Freiburg i.Br. 1927, 367-70; P.Mandonnet - M.H.Vicaire, *Saint Dominique*,

Thomas points out (203), it rests on the authority of Bernard Gui, who was himself uncertain of the date; nevertheless Thomas seems unwilling to question the prevailing dogma: he takes the *terminus a quo* for constitutional texts concerning provinces to be the 1221 chapter, 'waardoor de eerste provincies van de orde werden opgericht' (265).

Dependence on Gui is manifest in all the first writers to connect the division into provinces with the chapter of 1221. Borselli (*Cron. Mag. Gen.*, Bologna, Bibl Univ. 1999 f.8^r) says that the order was then divided into eight provinces, and proceeds to list only six, exactly as in the Bologna manuscript of Gui's edition of the general chapters (Bologna, Bibl. Univ. 1535 f.41^r). Taegio, in all his compilations, connects the division into provinces with Gui's highly improbable claim that there were already 60 convents in the order, and with Gui's list of the first provincials, including his admission that he did not know who the first provincial of Germany was.³ The chronicle attached to Alberto di Castello's *tabula privilegiorum* refers to the order's 60 convents,⁴ as does Antonius Senensis, though he exaggerates Gui's claim to 'ultra sexaginta conuentus' and misguidedly locates the 1221 chapter in Paris.⁵ Malvenda (332) cites Gui explicitly, from the Barcelona codex, adducing in support Jaime Domenech, James of Soest and Senensis. By the 'chronicle of James of Soest' he almost certainly means Alberto di Castello.⁶ As for

Paris 1938, I 67; A.Walz, *Compendium Historiae Ordinis Praedicatorum*, 2nd ed., Rome 1948, 10; M.Gelabert – J.M.Milagro, *Santo Domingo* (BAC), 2nd ed., Madrid 1966, 96; Vicaire, *Histoire*¹ II 301-302; V.D.Carro, *Domingo de Guzmán*, Madrid 1973, 512-513; W.A.Hinnebusch, *History of the Dominican Order* I, Staten Island 1966, 92; L.Galmés – V.T.Gómez, *Santo Domingo* (BAC), Madrid 1987, 49; M.Lohrum, *Dominikus*, Leipzig 1992, 93; B.M.Ashley, *The Dominicans*, Collegeville 1990, 11.

³ Gui, *Cat. Mag.* 19-20 (Taegio accepts without comment Gui's conjecture that Paul was the first provincial of Hungary); Taegio, *Chron. Amp.*, Bologna 1894 f.61^r, AGOP XIV 51 ff.23^v-24^r; id., *De Insig.*, AGOP XIV 54 f.40; id., *Chron. Brev.*, AGOP XIV 53 f.15^v.

⁴ Venice 1504 f.134^r. The chronicle is not in fact explicit that it was precisely at the 1221 chapter that the provinces were first erected, but it is implied: 'In eodem capitulo frater Iordanis ... factus est prouincialis Lombardie, fundatis iam per orbem circiter .lx. conuentibus, qui in octo prouincias erant distincti.'

⁵ *Chronicon Fratrum Ordinis Praedicatorum*, Paris 1585, 20-21. Senensis had seen the Bologna manuscript of Gui (*Bibliotheca Fratrum Ordinis Praedicatorum*, Paris 1585, 54); but he had also used Taegio and Alberto di Castello (*Chronicon* 345-346).

⁶ Cf. R.Creytens, AFP 30 (1960) 257: 'Il était d'usage chez tous les bibliographes dominicains des XVI^e et XVII^e siècles d'attribuer à Jacques de Soest et de citer sous son nom tout ce que Castello racontait sur l'histoire de l'Ordre aux XIII^e et XIV^e siècles.'

Domenech, Malvenda refers to a manuscript in the convent of Collioure also cited by Diago; his 'chronicle' was certainly dependent on Gui, even though we can no longer be sure of all its contents.⁷ Fontana explicitly cites the 'acta capituli' (i.e. Gui's edition) as his source for the 1221 division of the order, with its approximately 60 convents, into eight provinces.⁸ Échard quotes Gui as his authority (QE I 21), as do Cuypers⁹ and Badetti and Pollidori (Mamachi 638).

Where Gui's influence is absent or diluted, we get rather a different story, in which the existence of provinces appears to be taken for granted and not to need any explanation.

Thus Borselli, even though he quotes Gui on the division of the order in 1221, presumes provinces to be already in existence in 1220 (*Cron. Mag. Gen.*, Bologna, Bibl. Univ. 1999 f.7r):

In isto primo capitulo generali prefato quinque diffinitores tantum fuerunt quia tunc ordo tantum quinque prouintias habebat. Videlicet prouintiam Tholosanam, Francie, Romanam, Ytalicam et Yspanam.

Flaminius too acknowledges some sort of division of the order in 1221, but he clearly did not see it as the first appearance of provinces, since it is 'ex prouinciis omnibus' that the capitular fathers were convoked for the chapter. And the decision of the chapter itself is presented, not strictly as a division of the order, but as a division of the christian world into twelve territories corresponding to the twelve apostles:¹⁰

In ea Synodo statutum est, ut totus orbis Christianus in duodecim partes diuideretur ad numerum apostolorum, & unaquæque pars diceretur prouincia, quibus totidem præficerentur, quos Prouinciales appellari Priores placuit, quibus singulis monasteria omnia suæ prouinciæ subderentur.

Thus, as Flaminius saw it, the 1221 chapter did not create provinces as such; what it did do was fix their number at twelve, in such a way that between them they would cover the whole christian world, and determine what they and their superiors were to be called ('provinces', 'provincial priors').

⁷ Cf. T.Käppeli, AFP 14 (1944) 24. As Käppeli points out, Diago too quotes a passage from the 'chronicle of the general chapters' which does not appear in surviving manuscripts related to Domenech's compilation.

⁸ V.M.Fontana, *Monumenta Dominicana*, Rome 1675, 15.

⁹ *Acta Sanctorum Augusti I*, Antwerp 1733, 510.

¹⁰ J.A.Flaminius, *Vitae Patrum Ordinis Praedicatorum*, Bologna 1529, f.LV^r.

Olmeda simply takes it for granted that provinces existed even before the 1220 chapter, to which 'convenerunt capita provinciarum ac quotquot vocatione sua digni et necessarii sunt habiti'; similarly at the 1221 chapter decisions were made 'diffinientibus electis provinciarum'.¹¹ Castillo is of the same mind: the 1220 chapter was attended by 'the provincials of Spain, France, Toulouse, Rome and Lombardy, because at the time there were no other provinces' (I i 51); in 1221 eight provincials were present (I i 55).

It is clear that there is an underlying problem, which Dominican historiography has not generally addressed as such: if general chapters are constituted by representatives of provinces, provinces must already exist if there is to be a general chapter; but, if provinces are established by general chapters, there can be no provinces unless there has already been a capitular decision. Even Malvenda (332), who cites Gui as his primary authority for the division of the order into eight provinces in 1221, says that people came to the chapter 'ex diuersis Prouinciis' and that the order was already 'per varias prouincias late sparsus'. Like Flaminius, he gives the impression that what the 1221 chapter did was essentially to fix the number and terminology of provinces.

It is also apparent that the sole authority for the order's supposed division into provinces in 1221 is Bernard Gui. And Gui was not just uncertain about this date, as Thomas admits; he abandoned it entirely.

Gui refers to the creation of provinces, or to the first appearance of provincials and provincial chapters, several times in his compilation:

- (1) *Acta capitulorum generalium* 1221 (MOPH III 2):
Anno domini M^oCC^oXXI^o celebratum fuit Bononie secundum capitulum generale a beato Dominico, in quo fundatis iam per orbem LX circiter conuentibus dicti conuentus per octo prouincias sunt distincti.
- (2) *Cat. Mag.* 19 (MOPH XXVII 102):
Anno domini M^oCC^oXXI^o fuit a beato Dominico secundum generale capitulum Bononie celebratum. In quo capitulo, uel in precedenti, quod magis estimo sed certitudinem plenariam non inueni, fundatis iam per orbem conuentibus circiter LX, dicti conuentus per octo prouincias sunt distincti.

¹¹ M. Canal Gómez, ed., *Fr. Sebastiani de Olmeda OP Chronica Ordinis Praedicatorum*, Rome 1936, 19 and 21.

- (3) *Catal. priorum provincialium*, Preamble (Martène–Durand VI 417):
Anno domini M^oCC^oXIX^o vel XX^o cepit ordo fratrum predicatorum habere priores prouinciales.
- (4) *Tabula capitulorum provincialium Provinciae*, Proemium (Douais 1):
Anno domini M^oCC^oXIX^o vel XX^o, quod magis estimo ex hiis que circa hoc legi, ceperunt primo capitula provincialia in ordine celebrari.
- (5) *Acta capitulorum provincialium Provinciae*, Proemium (Douais 7):
Ab exordio quo Predicatorum ordo cepit capitula provincialia celebrare, quod estimo fuisse factum anno Domini M^oCC^oXX^o
...

There can be no doubt that text (1) is the earliest. In his dedicatory letter, Gui indicates that the sources for what he says about Masters and provincials include the chapter-acts 'que prius in unum collegeram quantum potui reperire' (MOPH XXII 4), and this is borne out by an annotation in Bordeaux, Bibl. Mun. 780, which indicates that he had reached the chapters of 1269 by 1297,¹² whereas the preamble to the catalogue of provincials was originally written in 1304, as we learn from Agen, Bibl. Mun. 3 f.52^v, and Gui did not begin work on it until 1300 (Martène–Durand VI 418). 1304 is also the date of the first edition of *Cat. Mag.* (MOPH XXVII 27). Text (5) was apparently written in 1305 (Douais's apparatus ad loc.), so, judging from its content, (4) was probably written slightly earlier. It is clear, then, that Gui progressively lost faith in his earlier statement that the order was divided into provinces in 1221. At first he hesitated between 1221 and 1220, then between 1220 and 1219, though in each case he favoured 1220; text (5) suggests that he finally decided to plump for 1220.

It is plain that Gui had no direct evidence for any of the dates he suggests for the first creation of Dominican provinces or their institutions; they represent successive conjectures based on his general knowledge of the early history of the order.

Text (1) alone provides any real support for the doctrine that the first eight Dominican provinces were created in 1221, and, as Borselli shows, even it can be read as meaning merely that the num-

¹² L. Delisle, in *Notices et extraits des manuscrits de la Bibliothèque Nationale* XXVII, Paris 1879, 329.

ber of provinces was raised from five to eight. Texts (2)-(3) have long been known, but historians have conspired to suppress or to ignore their significance. Text (2) is actually quoted by Échard (QE I 21), Cuypers (*Acta Sanctorum Aug. I* 510) and Badetti and Polli-dori (Mamachi 637), but none of them seems willing to recognise Gui's uncertainty. Taegio took quite detailed notes on the Bologna manuscript of Gui's compilation; but when he came to *Cat. Mag.* 19, far from respecting Gui's hesitation, he paraphrased the text in such a way as to rule out even Borselli's interpretation (AGOP XIV 53 f.112^v):

Anno domini 1221 ab ipso beato Dominico secundum capitulum generale celebratum est Bononie. Fundatis iam per orbem circiter sexaginta conuentus (*sic*) dicti conuentus per octo prouincias sunt distincti, scilicet Hyspaniam, Prouinciam, Franciam, Lombardiam, Romanam, Theotoniam, Ungariam et Angliam, et hec est prima distinctio prouinciarum.

On f.118^v he begins his notes on Gui's catalogue of provincials, but he totally ignores the dates suggested for the inception of provincials.

We thus have the peculiar situation that even people who were aware that Gui did not know when provinces and provincials first came into being, from Taegio to the late Father Thomas, continue to assert with complete confidence, on no authority except that of Gui, that the first Dominican provinces were created in 1221.

It is not difficult to see how Gui arrived at his original hypothesis. He knew that the order had twelve provinces until 1296, when, at the desire of the pope but on the authority of the general chapter, the Roman province was divided in two (MOPH III 279). And he had received information from some aged friar that four provinces (Poland, Dacia, Greece and the Holy Land) were 'added' in 1228, which he evidently took to mean that they were newly founded in that year:

Anno domini M^oCC^oXXVIII^o in primo capitulo generalissimo ordinis, quod fuit Parisius celebratum, primis octo prouinciis per beatum Dominicum institutis fuerunt IIII superaddite, scilicet Polonia, Dacia, Grecia, Terra sancta, sicut notatum inueni, scilicet in notulis cuiusdam antiqui fratris qui fuit circa huiusmodi studiosus, et ab eius ore ipse audiui.¹³

¹³ Bordeaux 780 f.26^r (*scilicet ... audiui* being added in the margin); Martène-Durand VI 406.

On the assumption that, like the provinces 'added' in 1228 and the province of the Kingdom of Sicily, created in 1296, the original eight provinces were also 'instituted' at a general chapter, Gui could plausibly enough infer that this occurred in 1221. He already knew from Jordan (*Lib.* 88) that friars were first sent to England by the chapter of that year and that Jordan himself was appointed provincial of Lombardy; he also knew from the *relatio* on the Hungarian missions (AFP 68 [1998] 87, 94) that Paul of Hungary was sent to Hungary in the same year.

It is less clear why he subsequently changed his mind, but it would certainly have been reasonable to wonder why provinces like Provence, France, Spain and Lombardy should have had to wait until 1221 to be brought into existence. And in particular he must have wondered on whose authority new foundations were made in his own province in 1220 (cf. MOPH XXIV 247, 251), if there was no provincial or provincial chapter until 1221. This would be a good reason for saying that provincials and provincial chapters were more probably initiated in 1220 (texts 2-5), if not even in 1219 (texts 3-4). If Gui was also worried by the hen-and-egg problem, this would be a further reason for hesitating between 1219 (so that existing provinces could be represented in 1220) and 1220 (so that the first provinces could be erected by a chapter). Text (5) suggests that Gui concluded that a chapter had to come first to generate provinces, but he cannot have had any direct evidence for this, otherwise he could never have entertained the possibility that provincial institutions began in 1219.

(b) *The 'added' provinces*

Gui's account of what happened in 1228 has been widely accepted,¹⁴ but it is certainly wrong. Loenertz has shown that provinces existed in Poland and Dacia before 1228 (AFP 27 [1957])

¹⁴ That the province of Poland was founded in 1228 is asserted, for instance, by Walz, *Compendium* 148; *Conspectus Generalis Ordinis Fratrum Prædicatorum*, Rome 1992, 111; even by R.F.Madura, *Acta Capitulum Provincie Polonie Ordinis Prædicatorum*, Rome 1972, XII, notwithstanding his statement that the first provincial was appointed in 1225 (ibid.). For Dacia, cf. Walz, op. cit. 135; J.Gallén, *La province de Dacie*, Helsinki 1946, 12; Erik Gunnes, in *Klosteranlegg i Norge*, Oslo 1987, 60; Anne Buttimer, *The Wake of Erasmus*, Lund 1989, 26; Catharine Broomé, *Dominikus och Norden*, Stockholm 1989, 14. For Greece and the Holy Land, cf. Walz, op. cit. 163, 165; R.Loenertz, *La Société des Frères Pèlerinants*, Rome 1937, 9; W.J.Loedding, *Die schwarz-weiße Legion*, Cologne 1974, 25; C.Delacroix-Besnier, *Les Dominicains et la chrétienté grecque aux XIV^e et XV^e siècles*, Rome 1997, 5.

32-38), and Vicaire declares Gui's dating to be 'évidemment erronée' (*Histoire*¹ II 316), a criticism with which Hinnebusch seems to concur (*History of the Dominican Order* I 173 with note 23). Thomas (278-280) argues that it is only in the case of the Holy Land that 1228 might be the correct date. Montagnes, in 1979, shifted the creation of the extra provinces to 1227; more recently he has dated all twelve of the original provinces to 1221.¹⁵

The point at issue, however, is not simply one of dating. The date may be correct, and Gui's mistake limited to his understanding of what happened in 1228. A crucial piece of evidence on this point is provided by Humbert's *cronica ordinis* (MOPH I 328), which says that, in the time of Jordan,

quatuor minores prouincie coequate sunt aliis octo in potestate quoad diffinitiones et electionem magistri, quod antea non habebant.

Reichert, ad loc., demurs, claiming that it was only in 1239 that an inchoation was made to this effect, which therefore only became law in 1241. It is true that Humbert echoes the language of the changes made then (MOPH III 11, 13-14, 18-19):

Quatuor provincie, scilicet Polonia, Dacia, Iherosolimitana, Grecia, aliis provinciis in omnibus adqueantur tam in duobus electoribus magistri ordinis quam in habenda potestate quam habent priores provinciales magistro ordinis mortuo vel amoto.

But these changes do not correspond precisely to the innovation which Humbert ascribes to the time of Jordan. The 'minor' provinces had already, at some stage, acquired the right to be represented at diffinitors' as well as at provincials' chapters (*coequate sunt aliis ... quoad diffinitiones*), which they did not have from the outset, as can be seen from PC II 5:

De electione diffinitoris capituli generalis

(a) Statuimus etiam ut per duos annos in dictarum octo prouinciarum capitulis aliquis de magis ydoneis a capitulo eligatur qui sit generalis capituli diffinitor. ...

(b) Statuimus quod quatuor prouincie, scilicet Ierosolimitana, Grecia, Polonia, Dacia, habeant singulis annis diffinitores in singulis capitulis generalibus.

¹⁵ B. Montagnes, *Architecture Dominicaine en Provence*, Paris 1979, 15; id., 'L'organisation territoriale des Frères Prêcheurs', in J.L. Eichenlaub, ed., *Dominicains et Dominicaines en Alsace XIII^e-XX^e siècle*, Colmar 1996, 9.

(c) Tertio autem anno priores prouinciales duodecim prouinciarum generale capitulum celebrabunt.

(b) is obviously a later insertion, as it disrupts the flow of the text; without it we have a coherent picture: in the eight provinces listed¹⁶ a diffinitor was to be elected in two years out of three to go to the general chapter; in the third year, however, *twelve* provinces were to be represented by their provincials. Evidently it was at first considered inappropriate to oblige the Holy Land, Greece, Poland and Dacia to hold annual provincial chapters or to be represented at diffinitors' general chapters, though they were to be represented at provincials' chapters. At a later date it was decreed that these four provinces should after all be present at *all* general chapters. This is one of the innovations to which Humbert alludes, and there is no reason why it should not be dated to 1228 (as is, indeed, suggested by Thomas).

Since the insertion of (b) into II 5 presupposes that the provinces in question were also required to hold annual provincial chapters, it implies that they should also have been added to the list in II 1. In this sense they are *superaddite prouincie*, and they are so described in PC II 10 *de electione magistri ordinis*:

Predicti ergo priores prouinciales predictarum octo prouinciarum singuli cum duobus fratribus in capitulo prouinciali electis in quos ceteri ad electionem magistri faciendam compromittant et quatuor priores prouinciales de superadditis prouinciis, scilicet Ierosolomitana, Grecia, Polonia, Dacia, singuli cum singulis ad hoc idem electis, ad capitulum ueniant generale.

Once again, it is clear that the reference to the *superaddite prouincie* was not part of the original text. This allows us to recognise the other innovation to which Humbert alludes: in 1239-1241 the 'minor' provinces acquired the right to send *two* electors; at some previous date they were given the right to send the provincial and *one* elector.

That they did not always have this right is confirmed by PC II 13, according to which, in the event of the Master's death, the Paris convent is required to inform the members of the provinces of Spain, Provence, England and Germany, and Bologna is to inform

¹⁶ *Dictarum* in (a) refers back to PC II 1, which lists the eight provinces which are to celebrate annual provincial chapters.

those of Hungary and Rome 'et aliis quibus poterit'. This text can only have been drafted at a time when there were other provinces in existence, but it did not matter whether or not they knew of the Master's death, presumably because they were not expected to participate in the election of the new Master.

PC II 10, then, as found in the Rodez manuscript, reflects a stage at which the four 'added' provinces had received the right to send one elector with the provincial, but not yet two. Nor was PC II 9 rewritten at this stage to give their provincials a share in authority during the interregnum. It was with regard to these two points that they were finally given equality with the other provinces in 1239-1241. The need to revise PC II 13 too was apparently overlooked; the four extra provinces were not included in the provisions for informing the order of the Master's death until 1240-1242 (MOPH III 13, 19, 21).¹⁷

Thus Humbert's statement in the *cronica* seems to be vindicated, and, in the light of it, we can see what lies behind Gui's misunderstanding. The four extra provinces were 'added', not, as Gui supposed, in the sense that they were created, but in the sense that they were added to the list in the constitutions. And the constitutions were not concerned to legislate about the *existence* of provinces, but about their rights and duties. By being 'added' to the constitutions, the four provinces acquired certain rights and duties which they had not had before.

That this happened in 1228 is suggested, not only by the information which Gui received, but by the preamble to the primitive constitutions:

Anno ab incarnatione domini MCCXXVIII conuenerunt Parisius in domo sancti Iacobi XII priores prouinciales una cum Iordano magistro ordinis nostri, singuli cum duobus diffinitoribus sibi a prouincialibus capitulis deputatis.¹⁸

¹⁷ The chronicle of the Polish provincials contains the rather confused statement, under the year 1238, that the provincial chapter did not succeed in electing a provincial and referred the matter to the Master, 'sed cum nuntii ad generale capitulum Bononiam uenissent et mortem magistri comperissent, difinitores dederunt eis Henricum ...'. This must mean that the Polish province had not been informed of Jordan's death, so sent someone to the general chapter that should have been held in Bologna in 1237, only to discover that it had been cancelled; it was therefore not until 1238 that the chapter supplied it with a new provincial (for the text and interpretation, see Loenertz, AFP 21 [1951] 18-19).

¹⁸ This is the text as found in the Rodez manuscript. Thomas emended *XII* to *octo*, for no very clear reason, since he himself did not accept the conventional belief that the four 'minor' provinces were only created in 1228 (Thomas 278-280). In Raymond's constitutions *XII* is omitted.

The preamble was not necessarily composed in 1228. The Rodez text appears to contain essentially the constitutions as arranged by the 1236 Most General Chapter: of the numerous decrees of that chapter recorded by Bernard Gui before the explicit admonitions (MOPH III 6-8), it is not clear how many were actually meant to be incorporated into the constitutions; but only one of them features among the *extravagantes* in Rodez, while all the rest are either fully incorporated into the text (two of them being inserted in the margin) or omitted entirely. It is therefore not unlikely that the preamble was composed in 1236, so it may not be entirely accurate.¹⁹ Nevertheless, it is unlikely to be wrong about the number of provinces represented or seriously incorrect about the manner in which they were represented.

The preamble gives the impression that the whole show was up and running even before 1228, but a Most General Chapter was an unprecedented occasion, for which no rules existed;²⁰ there is no reason why all the provinces, whatever their constitutional status, should not have been told to send two diffinitors as well as their provincials. But it would have been odd thereafter to deny any of them the right to be represented at all general chapters.

Finally, there is evidence suggesting that it was precisely in 1228 that the Polish province was first granted full representation. The original text of the chronicle of the Polish provincials contains the statement that the second provincial, Ceslaus, was absolved by the master at the general chapter of '1208' (*sic*), to which a note was added (from a better source) specifying that the chapter was held at Paris, that Hyacinth, Gerard (the first provincial) and Martin of Sandomierz (the fifth provincial) were all present at it, and that 'in eo etiam capitulo diffinitor Polonie primo ad diffinicionem capituli generalis est admissus' (ed. Loenertz, AFP 21 [1951] 7). Since the election of the next provincial is said to have been undertaken in 1238, Loenertz must be right to supply *tricesimo* in the date which the manuscript gives as '1208'; however, this cannot be the date to

¹⁹ Its claim that all the diffinitors were elected by provincial chapters is called into question by Trevet's statement that the English province did not hold its first provincial chapter until 1230, under which year he reports: 'Fratres Prædicatores cœperunt in Anglia capitula provincialia tenere; quorum primum est Oxoniæ celebratum' (ed. T.Hog, London 1845, 217).

²⁰ PC II 22, 'de capitulo generalissimo', was not added until 1236 (MOPH III 7-8).

which the additions refer, since the 1238 chapter was held in Bologna, not Paris, and the list of the province's representatives includes Gerard (who, according to the same chronicle, was absolved as provincial in 1232), but not Ceslaus. This suggests that, with reference to the added material, '1208' must be emended to '1228'. By a slightly different route, Loenertz reached the same conclusion that it was in 1228 that a Polish diffinitor was first admitted to participation in a general chapter (AFP 27 [1957] 32-34).

All told, we have ample evidence to justify the assertion that, for some period before 1228, the order had twelve provinces, whose provincials were expected to be present at triennial provincials' chapters, but only eight provinces were expected to hold annual provincial chapters, and these provinces alone were to be represented at diffinitors' chapters and to send electors with their provincials to take part in the election of a Master. In 1228, all twelve provinces were given the right to be present at all general chapters (with the implication that they were now expected to hold annual provincial chapters), and the four provinces which had previously not had the right to send electors to participate in the election of a Master were given the right to do so thereafter, though they were at first restricted to the provincial and one elector.

It might be objected against this that it was rather premature in 1228 to refer to the Dominican province of Jerusalem, since Jerusalem was still in Muslim hands. But we shall see reason to believe that the Dominicans were already established in Acre, and Acre had for some time been the seat of government of both the patriarchate and the kingdom of Jerusalem; we shall return to the question of nomenclature later, but for the moment this is surely sufficient to justify the Dominicans in regarding themselves as having a *prouincia Ierosolimitana* on the strength of their house in Acre.

(c) *What is a province?*

PC II 1, 'de capitulo provinciali', implicitly lays down a minimum condition for the celebration of a provincial chapter, in that it is difficult to see how a province which did not have more than one convent could meet the definition of such a chapter: 'Capitulum prouinciale appellamus priores conuentuales cum singulis a capitulo suo electis et predicatoribus generales'. As we shall see, this definition was not part of the original text; nevertheless, constitution 12 of Lateran IV, whose influence we shall have occasion to notice, makes it clear that chapters, whether general or regional, are meetings of religious superiors, and it would be difficult to formu-

late any definition of a provincial chapter that did not presuppose the existence of several convents. A provincial chapter, then, implies a territory with at least two houses. The eight provinces listed in PC II 1 were presumably those which, at the time of drafting, were capable of holding such chapters. But, as we have seen, PC II 13, which names the same eight provinces, clearly acknowledges the *existence* of other provinces, and on this point the constitutions offer no criteria. PC II 23 at least insinuates an official definition of a *conventus* (a minimum of twelve friars, complete with a prior and a *doctor*), but, until 1932, the Dominican constitutions never contained a corresponding definition of a province.

A modern example provides an excellent illustration both of the old system at work and of the forgetfulness of historians.

When it was proposed, in 1803, that a new province should be established in the United States, where there were at the time precisely four friars, who had not yet even acquired a house, the Vicar General, Pio Giuseppe Gaddi, expressed himself delighted: 'Nulla può proporsi di più conforme allo Istituto e scopo dell'Ordine mio, quanto il fissarne i Religiosi, ove è grande il bisogno di Santa Predicazione ed istruzione Cattolica. Molte in diversi tempi stabilironsi Province Domenicane nel modo proposto dal Padre Domenico Fenwick' (letter to the Secretary of Propaganda Fide, 5 Dec. 1804; ASOP 4 [1899] 105). In 1805 there is no suggestion that the province would need to be dispensed from any regulations, either in the letter of Propaganda granting Bishop Carroll of Baltimore the faculty to erect the new province, or in the Vicar General's letter appointing Fenwick superior; but Gaddi clearly considered that the effective birth of the province would coincide with the establishment of its first 'convent or house', so, in the interim, he referred to the province as 'erigenda' and 'nascens', and refrained from giving Fenwick the title of 'provincial'.²¹ In 1807 there were still only four friars, but they now had a house; at Fenwick's urging, Gaddi appointed Thomas Wilson superior, and he shows no hesitation in nominating him 'prior provincial' (ASOP 4 [1899] 438).

R.M.Coffey, *The American Dominicans*, New York 1970, 28, is moved by quite anachronistic concerns in presenting the establishment of a province in these circumstances as contravening 'all the laws of the Church and the order'; similarly V.F.O'Daniel, *The Right*

²¹ Both letters are published in V.R.Hughes, *The Right Rev. Richard Luke Concanen OP*, Fribourg/Paderborn/Paris 1926, 154-157.

Rev. Edward Dominic Fenwick OP, Washington 1920, 99-100, is wrong to say that recourse was had to the Holy See because of the irregularity involved in founding a province without three formal convents — no such requirement existed at the time. Recourse was had to the Holy See simply because it was believed that, by analogy with dioceses, the erection, suppression and alteration of religious provinces was reserved to the Holy See.²²

Apart from the involvement of the Holy See, the situation in 1805 was much the same as in the early years of the order: creating a new province means moving into a new territory and settling there. The only difference between Gaddi's attitude and that of St Dominic is that in 1221 Dominic probably regarded Gilbert and Paul as fully-fledged superiors of England and Hungary even before they found somewhere to live, whereas Gaddi treated the homeless Fenwick as merely a provincial *in fieri*.²³

Gui's fundamental mistake was to assume that it took a specific, formal act to bring the first Dominican provinces into being. But Dominicans did not, at first, *create* provinces, they entered them; the 'provinces' were already there.²⁴ The original use of the

²² Cf. A.Gauthier, *Dizionario degli Istituti di Perfezione* VII, Rome 1983, 1061. This belief became law in the 1917 codex (can. 494), together with the definition of a province as comprising several houses (can. 488). The Dominican general chapter of 1925 (*Acta* 112), in its revision of the constitutions, proposed the inclusion of these two canons as const. 390 and 391, with an additional rule, in const. 392, that the Holy See should only be petitioned for the founding of a new province if it contained at least three formal houses and 30 *vocales*; thus was the first step taken towards the order's first formal definition of the conditions required for the existence of a province (const. 280 and 282 in the 1932 constitutions).

²³ When a convent is 'sent' according to the terms of PC II 23 it already has a prior; he does not only become prior when the community has settled down somewhere. Similarly Matthew was abbot even before he and his party set off for Paris.

²⁴ There is an identical problem in Franciscan historiography. It is generally assumed that Franciscan provinces were created at a general chapter in 1217, but this has left no explicit traces in any early sources (cf. K.Eßer, *Anfänge und Ursprüngliche Zielsetzungen des Ordens der Minderbrüder*, Leiden 1966, 65; J.Moorman, *A History of the Franciscan Order*, Oxford 1968, 31), and there are signs of provincials existing before the supposed creation of provinces (cf. L. di Fonzo, *Miscellanea Franciscana* 72 [1972] 456 n. 68). The terminology of Franciscan sources is like that of the Dominicans: cf. *Anonymus Perusinus* 37a, 'Constituebant fratres per singulas provincias qui populo praedicarent, et qui fratres in sua provincia collocarent', and 44a, 'Expletis autem annis XI ab inceptio religionis et multiplicato fratrum numero, electi fuerunt ministri et missi cum aliquantibus fratribus quasi per universas mundi provincias ... in quibusdam provinciis recipiebantur ... a quibusdam vero expellebantur' (ed. di Fonzo, art. cit. 456, 461-462). According to the life of Bl.

word can be felt, for instance, in the anecdote in the *Vitas Fratrum* about two brethren going to Bologna for the general chapter of 1221 (MOPH I 194-195):

Antequam predicatorum essent in prouinciis pluribus, in quibus nunc per gratiam dei sunt et fructum faciunt qui non perit, contigit duos uenire Bononiam ad capitulum generale. Quibus occurrit quidam ut cursor succinctus ad iter et adiungens se dictis fratribus quesiuisset quo irent. Qui responderunt quod Bononiam ad capitulum generale. Quesiuisset iterum quid debebat fieri in capitulo illo. Responderunt quod fratres debebant ibi ordinari qui predicarent per diuersas prouincias mundi.

It is clear that *prouincie* here has an entirely general sense, which the word had already acquired in early christian latin; it simply means 'lands' or 'regions'.²⁵

Dominican provinces came into being as the order moved into new territories, and, in so far as the question arose at all, the most primitive 'provincial' structure consisted in the link between a founding priory and its offshoots. Thus Limoges was founded from Paris and therefore belonged to the province of France, while Lyons was founded from Toulouse and so belonged to the province of Provence; the situation was rationalised at the general chapter of 1224 which swapped them round and attached Limoges to Provence, and Lyons to France.²⁶ No doubt some chapter similarly decided that Florence, though it was founded from Bologna, should belong to the Roman province. But provinces themselves were not originally brought into being by any decree other than the decision to expand into countries or regions where the order did not yet exist.

Giles #3, 'Procedente tempore completus est septenarius numerus fratrum, quos beatus Franciscus direxit ad diuersas prouincias' (ed. W.W.Seton, Manchester 1928, 57-58); if Francis only had seven friars at the time, there could hardly be any question of Franciscan provinces. Jacques de Vitry uses similar language about Franciscans ('quos per diuersas mundi prouincias causa predicationis et salutis animarum ipse [sc. their 'summus prior'] transmittit') and Praemonstratensians ('non solum uicinas regiones sed remotas per uniuersum fere mundum prouincias accendebant'); see J.F.Hinnebusch, ed., *The Historia Occidentalis of Jacques de Vitry*, Fribourg 1972, 159 and 134.

²⁵ There is a striking use of *provincia* to mean 'land' in Deut. 19.3, 'In tres aequaliter partes totam terrae tuae provinciam divides'; *provincia* corresponds to ארץ in Hebrew, γῆ in Greek.

²⁶ *Memorialia pro conventu Lemovicensi*, ed. C.Douais, *Les Frères Prêcheurs de Limoges*, Toulouse 1892, 25.

To understand how provinces, in this general sense, evolved into Dominican provinces, we need to consider, without preconceptions, the actual expansion of the order and the development of provincial institutions within each territory; and we must then, in a later article, try to interpret the evidence of the order's earliest surviving constitutions.

2. *The first twelve provinces and their superiors*

(a) *When did the order first have provincials?*

Bernard Gui progressively moved away from his original suggestion that the first provincials were appointed in 1221, finally opting, it seems, for 1220, at least as the year in which the order first began to celebrate provincial chapters, though this does not necessarily exclude his earlier suggestion that provincials may go back to 1219. Gerald de Frachet suggests an even earlier date.²⁷

In the two manuscripts of his universal chronicle which also contain the *cronica ordinis* (BAV Reg. lat. 598, and Angers, Bibl. Mun. 668 [605]), there is a paragraph on the provincials of Provence which Gerald apparently added when the bulk of the *cronica ordinis* was transferred to the *Vitas Fratrum* in 1258, and which he kept up until the mid 1260s:

Ab anno domini M^oCC^oXVII^o usque ad M^m.CC^m.L.VIII^m fuerunt priores prouinciales fratrum in Prouincia: frater Bertrandus, positus a beato Dominico, dictus de la Gariga; secundus fuit frater Raimundus Vasco, positus a capitulo generali; tertius fuit frater Guillelmus de Sissac, Vasco; quartus fuit frater Raimundus de Miromonte, post episcopus Tholosanus; quintus frater Romeus Cathalanus; sextus frater Poncius de Lespana, de dyocesi Burdegalensi; septimus frater Stephanus Aruernus; octauus frater Geraldus de Frachet; nonus fuit frater Poncius de sancto Egidio; decimus frater P. de Valle citra (*sic*).²⁸

Gerald must be mistaken about the date of Bertrand's appointment, since Bertrand was sent to Paris in 1217 (Jordan, *Lib.* 51);

²⁷ Ferrandus apparently omits provincials in his account of the fixing of superiors' titles (Ferr. 32), which, as we have seen, refers to terminological decisions taken at the general chapter of 1220 (AFP 69 [1999] 43-48).

²⁸ This should be *Petrus de Valletica*, provincial from 1263-1266 according to Gui (Martène-Durand VI 424). This text was reproduced by Reichert (MOPH I 338) from Mamachi, App. 312, where it was printed from Reg. 598.

but he was not necessarily wrong to believe that, in principle, provincials came into existence in the order at the time of the brethren's first dispersal into new territories.

(b) Spain

Matthew, as we have seen (AFP 69 [1999] 5-13), was elected to be superior of the brethren going to Paris. We must presume that the brethren sent to Spain also had a superior; and he would have found himself in exactly the same position as Fenwick in 1803: he had three subjects and no house. Nor is there any evidence that any particular destination had been selected in advance — the peninsula had no equivalent to Paris. The superior of the Spanish party was thus simply superior of the brethren going to the peninsula, not superior of any particular place within his territory.²⁹

According to Bernard Gui (*Cat. Mag.* 19) the first provincial of Spain was 'Suggerus', and this is confirmed by a document whose original was once in the Dominican house in Toledo, which we know thanks to Castillo's transcription of it (Castillo I ii 1). The document is dated 18 Jan. 1222, and in it King Fernando of Castile announces to all his subjects that the Dominicans are under his protection and declares that 'Domnum Suerium Priorem Ordinis Predicatorum in Hispania diligimus & charum habemus'.

Gui did not connect the first provincial of Spain with the 'frater Guomecius' who, as he knew from *Lib.* 49, was one of the four friars sent to Spain in 1217 (MOPH XXII 153). So far as I have been able to ascertain, the connection was first made by Luis Cacegas in the material he compiled on Portuguese Dominican history at the turn of the 16th-17th centuries, which was subsequently edited for publication by Luis de Sousa. Cacegas's manuscripts were used by Malvenda, who accordingly named the first provincial of Spain 'Gomesius Suerius' (Malvenda 510), though elsewhere he calls him 'Suerius Gomezius'.³⁰ Cacegas was evidently able to supply a pre-

²⁹ Unfortunately the most recent work on the early Spanish Dominicans offers no help on the subject. F. García-Serrano, *Preachers of the City. The expansion of the Dominican Order in Castile (1217-1348)*, New Orleans 1997, is of limited scholarly value, owing to the author's uncritical use of already discredited sources and his unawareness of more authentic material.

³⁰ Even in Sousa's edition, it looks as if Cacegas did not at first connect 'Gomes' with 'Sueiro'. Malvenda knew from Cacegas that 'Suerius Gomezius' was Portuguese (Malvenda 173), but, according to Sousa I i 8-9 (ed. cit. I 50-52), all the four friars

cise date of death for him (27 April), and his source for this must be the obit book of S. Vicente, Lisbon (quoted in Sousa I i 9, ed. cit. I 53), which records that, on that day, 'Obiit Suerius Gometii quondam prior predicatorum' (BL add. 15444 f.20^v);³¹ this must also be the source for his identification of the provincial with the 'frei Gomes' who was sent to the peninsula in 1217. Confirmation is provided by a document which neither Cacegas nor Sousa knew (edited below in Appendix I), which refers to 'S.Gomez prior de ordine predicatorum'. Although historians were understandably slow to realise it, we may take it as certain that 'Suggerus' and 'Guomecius' are one and the same person and that the first provincial was one of the first group of Dominicans to go to the peninsula.

Various chivalresque fables are on offer to explain how Sueiro came to be associated with Dominic,³² but there is not the slightest reason to believe any of them. Sousa maintains that he was of noble birth, since he appears as 'Dom' in certain documents; but the context shows that he was so designated simply because of his ecclesiastical status. We must resign ourselves to ignorance about his

sent to Spain in 1217 were Spanish, and one of them was called 'frei Gomes'; it was in the winter of 1217 that 'frei Gomes entrou por terras de Portugal'. Presumably Cacegas's original manuscript only showed somewhere that 'Gomes' and 'Sueiro' were the same person, allowing Malvenda to combine the two names either way. In Sousa's edition, the first appearance of 'Gomes' leads into a disquisition on his name and nationality, which makes it clear that his full name was Sueiro Gomes; to explain why he was sometimes called 'frei Gomes', Sousa produces a thoroughly unconvincing 'proof' that 'foreigners' commonly referred to people by their patronymics or surnames (I i 9-10 [ed. cit. I 52-56]). Sousa claimed Sueiro as Portuguese, and A. do Rosário has added further arguments to support him (*Primórdios dominicanos em Portugal*, Braga 1965, 8-11). The evidence is not decisive, but there is no harm in allowing the Portuguese claim; so, like Sousa and P. do Rosário, we shall call him 'Sueiro'.

³¹ Edited (not quite accurately), together with Sousa's quotation from this same manuscript and a similar obit from S. Vicente de Fora, in A. do Rosário, op. cit. 47. For the benefit of those unfamiliar with ecclesiastical calendars, it is perhaps worth explaining the 'D. VI' printed at the beginning of the obit: in such calendars, letters from A to G are attached to each day, so that, once it is known which letter corresponds to Sunday in any given year (the 'dominical letter'), it is possible to work out the day of the week on which any date in that year falls. The dates themselves are given in the Roman way, by counting back from the kalends, nones or ides of each month, and, apart from the actual kalends, nones or ides, only the number is written. Sueiro died on the 6th day back from the kalends of May, and D is this date's letter; hence 'D. VI'.

³² Cf. A. do Rosário, op. cit. 11-13.

background and about the circumstances of his entry into the order. We may surmise, however, that he was an Iberian cleric who somehow became involved in the mission in the Midi, perhaps even before it was institutionalised as a religious order. There is nothing that merits the title of 'evidence', but there is the suspicion of a hint in *Lib.* 49 that Sueiro was one of Dominic's companions in the old *predicatio*. Even if, as was sometimes done in some regions in this period, both his names were latinised in the nominative ('Suerius Gometius'),³³ his personal name was Sueiro, not Gomez; Jordan's 'Guomicius' is presumably a German attempt to cope with 'Gomez' or 'Gometius', and it is surely incorrect on its own. It is, of course, possible that Jordan misreported the information he received from John of Navarre or whoever his informant was; but it is also possible, however undemonstrable, that Jordan's informant was himself mistaken about Sueiro's name. There is no evidence that the members of the old *predicatio* abandoned their posts and took up residence either in Peter Seilhan's house or in Saint-Romain; they would therefore not have been well known to Dominic's new recruits, such as John of Navarre. It is thus *conceivable* that Jordan calls Sueiro 'Guomicius' because he received his information from someone who was insufficiently familiar with the older generation of Dominic's associates to get the name right.³⁴

³³ MOPH XXV provides evidence of this practice both in the Midi and in Castile (#62 and 94).

³⁴ The only other apparent instance of Sueiro being called 'Gometius' is the perplexing dedication of Raymund of Penyafort's *Summa de casibus* quoted by Sousa (I i 28 [ed. cit. I 138]): 'Reverendo et Beatissimo Patri in Christo Fratri Gometio Priori Fratrum Ordinis Prædicatorum in Hispania Frater Raymundus de Pennia fort'. So far as I know, not a whiff of support for this alleged dedication has been found in any manuscript of the work or in any earlier writer on Raymund. If I am correct in supposing that no one before Cacegas had connected 'Suerius prior fratrum predicatum in Hispania' with 'Gometius', the alleged dedication must either be very old or very modern; since there does not appear to be any evidence to corroborate its antiquity, it is tempting to infer that Sousa misunderstood some remark which Cacegas had made about the work being dedicated to 'frei Gomes'. In the prologue, Raymund certainly implies that he was writing under obedience (MOPH VI ii 9), and the old *vita* says that he composed the *Summa* at the command of 'frater Suggestus primus prior provincialis in Hispania' (J.Rius Serra, ed., *San Raimundo de Penyafort, Diplomatario*, Barcelona 1954, 273); this would in a sense justify the assumption that the work was actually dedicated to the provincial. If the dedication is authentic, or at least ancient, there must be some doubt whether 'fratri Gometio' is not a misinterpretation of 'S.Gometio'.

By June 1223 Sueiro was in Portugal, where he was chief arbitrator of the settlement which the new king, Sancho, made of the long-running dispute with the archbishop of Braga which he had inherited from his father, Afonso II. He is generally referred to simply as 'domnus S. prior predicatorum', but he is once given the fuller title of 'domnus S. prior fratrum predicatorum in Hispania' (ed. A. do Rosário, op. cit. 38-41). In the same month he was also a witness to Sancho's settlement of another of his father's disputes, that with his sisters; he appears as 'S. prior fratrum predicatorum in Hispania' (*Epitome* #280).³⁵

Similar titles appear in two documents, already mentioned in AFP 69 (1999) 28, which are currently dated to 1218-1220.³⁶ The first is known from Sousa I i 16 (ed. cit. I 83):

Petrus Collimbriensis Ecclesiae Minister humilis, licet indignus: vniuersis Christi fidelibus per Collimbriensem Episcopatum comorantibus, ad quoscunque istae literae peruenerint, & illis qui eas legere audierint salutem & benedictionem. Vniuersitati vestrae notificetur, quod nos concessimus & concedimus Domno Suerio de Ordine Praedicatorum Priori, & omnibus suis Fratribus licentiam praedicandi per totum Collimbriensem Episcopatum. Et adhuc concedimus ei licentiam & potestatem compellendi & corrigendi omnes excessus, quatenus Dei gratia vos omnes per eorum praedicationem melius & facilius ad fidem Catholicam vos valeant perducere. Et etiam addimus, quod ipsi vobis concedant absolutionem peccatorum vestrorum quadraginta dierum: de illis dicimus, qui ad praedicationem eorum venerint, & eos benigne audierint, & eorum praedicationem exaudierint.

³⁵ The first part of BOP was revised by V.Ligiez and P.Mothon and published (with imperfectly continuous numbering) in ASOP: #1-28, 29-60, 61-110, 111-144, 145-176, 178-243, 247-259, 260-302 appeared in ASOP 3 (1897-1898) 184-188, 246-251, 307-315, 368-380, 436-444, 485-508, 566-572, 614-635; #303-348, 349-416, 417-428, 429-457, 458-516 appeared in ASOP 4 (1899-1900) 48-63, 108-128, 250-256, 373-384, 494-512. A revised and more complete version was then published separately as *Epitome Bullarii Ordinis Praedicatorum* (dated Rome 1898, though this is when the first fascicle appeared); unfortunately the numbering of the documents was slightly altered in the process. I refer to the separate publication, as *Epitome* with the number of the document in question. The differences between the two editions are these: *Epit.* #173 is not in ASOP, #174-175 = ASOP #173-174, #176 is the same in both, *Epit.* #177 = ASOP #175. *Epit.* #210, 217 and 231 are not in ASOP, so *Epit.* #211-216 = ASOP #210-215, *Epit.* #218-230 = ASOP #216-228, and *Epit.* #232-246 = ASOP #229-243. *Epit.* #416 = ASOP #417 and vice versa. ASOP #516 is not in *Epit.*

³⁶ Both texts are to be found in A. do Rosário, op. cit. 33-35, but I have taken the first from Sousa, and the second is edited in Appendix I.

The second document is an angry letter from Afonso II to the civil authorities in Santarém, forbidding them to publish 'illos decretos laicales quos S.Gomez prior de ordine predicatorum cum fratribus eiusdem ordinis posuit'; these mysterious decrees evidently concerned the financial and corporal punishment of wrongdoers. The king declares that such decrees have never existed before and cites papal 'protections' granted to his father and to himself.³⁷ Nevertheless he appears to endorse some of Sueiro's decrees:

Mando tamen quod si aliquis ad furtum uendiderit aliquam rem que sit contra ista decreta peccabit mihi D. morabitanos et accipiam uindictam de illo et de suo habere qualem uidero pro directo et perdet illud quod uendiderit et morabitanos quos ei pro inde dederit. Similiter quicumque comparauerit aliquam rem que sit contra ista decreta peccet michi D. morabitanos ...

Sousa, who did not know the second document, dated the first between 1218 and early 1220 on the grounds that Sueiro is called 'prior' (showing that he already had a 'convent and subjects'), that the first convent, Santarém, was only founded in 1218, and that Sueiro was elected provincial in 1220 (I i 16 [ed. cit. I 83]).³⁸

A. do Rosário (*Primórdios dominicanos* 14-19) dates the same document to 1218 and infers from it that the Dominicans founded their first house in Santarém in that year, if not in the winter of 1217. He takes the bishop's letter as indicating that Sueiro and his brethren were to be engaged in a campaign against heresy, including coercive measures as well as preaching; and he interprets the 'decrees' to which the king objected so strongly as anti-heretical statutes, the buying and selling, which the king too proposes to penalise, referring to the underground³⁹ market in things like heretical writings and vernacular bibles. The king's action against Sueiro (which he dates to 1219-1220) he presents as the monarch's 'primeiro acto de hostilidade dirigido a sujeitar eficazmente o alto

³⁷ Innocent III took Afonso under his protection on 16 April 1212 (PL 216:562-563).

³⁸ Sousa reconciles the statement of 'todos os escritores' that provincials were formally chosen at the 1221 chapter (including Sueiro as provincial of Spain) with Castillo's statement that there were already provincials at the 1220 chapter (and with Sueiro's presence in that capacity) by explaining that provincials, in the sense of heads of provinces, existed in 1220, but they were only given the title of 'provincial' in 1221 (I i 17-18 [ed. cit. I 91, 95]).

³⁹ *Ad furtum* must be taken in the sense of Spanish *a hurto*.

clero' and connects it with other evidence for dissension between him and the bishop of Coimbra in 1218.

Portuguese historians are divided on the issue of whether or not there were heretics in Portugal at this time, and Caiero concludes that our two documents do not settle the matter.⁴⁰ It may be doubted whether they are even relevant to the issue.

In the bishop's letter, it is true, 'quatenus ... ad fidem Catholicam vos valeant perducere' might suggest that it was the Dominicans' mission to convert people who were not Catholics; but *vos* must refer to the addressees of the letter, and they are precisely 'universi Christi fideles per Collimbriensem episcopatum commorantes'. And why should unbelievers or heretics be tempted by the offer of forty days' indulgence? It is surely bad Catholics whom the bishop envisages, whom he hopes to bring to a better understanding and practice of the Catholic faith by the preaching and disciplinary action of the friars.

In the king's letter there is nothing to require the hypothesis that the *ad furtum* buying and selling which he mentions concerns specifically the dissemination of heretical material. Thirteenth-century Santarém was characterised, according to a recent historian of the city, by the progressive rise of the merchant class.⁴¹ Evidently some kinds of merchandise were circulating of which both Sueiro and the king disapproved,⁴² but the king thought the matter fell within the jurisdiction of the civil authority, i.e. his own, not that of the church. That is presumably the point of *laicales*: the king recognised ecclesiastical law, but no ecclesiastic had any business trying to introduce new *secular* laws. Beyond this we cannot safely proceed on the evidence so far available.⁴³ We do not know what kind of merchandise was at stake, nor have we any clue as to how Sueiro and his brethren were in a position even to attempt the promulgation of new laws concerning it.

⁴⁰ F. da Gama Caeiro, 'Os primórdios dos frades pregadores em Portugal. Enquadramento histórico-cultural', *Arquivo Histórico Dominicano Português* 3/1 (1984) 173.

⁴¹ M.A.V. da R.Beirante, *Arquivo Histórico Dominicano Português* 3/1 (1984) 200.

⁴² The terms of the king's letter show that it was specifically the sale or purchase of certain kinds of *object* that Sueiro's statutes tried to outlaw, not any more general kind of commercial malpractice.

⁴³ 'Diversas conjecturas se têm feito sobre a matéria das leis de Soeiro Gomes; nenhuma, porém, nos oferece garantia de probabilidade' (F. de Almeida, *História da Igreja em Portugal* I, Porto 1967, 139).

It is also difficult to see how the king's letter can have anything to do with that of the bishop. Since the former is specifically addressed to the authorities in Santarém, it must have been there that Sueiro was trying to issue his 'decrees'; but Santarém was in the diocese of Lisbon, which was not even in the same ecclesiastical province as Coimbra.⁴⁴ So, whatever powers were granted to Sueiro and his brethren by the bishop of Coimbra, they cannot explain whatever it was that the Dominicans were getting up to in Santarém.

Finally, it must be said that, contrary to the assertion that is often made,⁴⁵ the convent in Santarém cannot have been founded in 1218. In the *ordo conventuum* of the province it follows Palencia and Barcelona (AD 5 [1984] 7). On this basis Cristianopulo argues that 1220 is the earliest possible date of foundation, on the assumption that Barcelona was founded towards the end of 1219 (ASOP 1 [1893] 518); but this is still too early. MOPH XXV #121 (issued on 13 April 1220) seems to have been solicited in view of the foundation in Palencia, which cannot have been made, therefore, until after the 1220 general chapter. MOPH XXV #140 (issued on 18 Jan. 1221) may well have been used in the foundation of Barcelona, but Mansilla II #382 shows that as late as December 1221 it was still necessary for the pope to commend the Dominicans to the bishop of Barcelona, which implies that, even if they had already arrived there, they were not yet properly established. On the other hand, Cristianopulo's *terminus ante quem* is solid: on 29 March 1222 Honorius (obviously not Gregory, as stated in ASOP 1) instructed the priors of the Dominicans, the Franciscans and the Knights of Santiago in the diocese of Lisbon to deal with the complaint that people were being forced to give bequests to local churches (*Epitome* #106). It is probable, then, that both Barcelona and Santarém were founded towards the end of 1221 or early in 1222.

Nevertheless, there are other and better reasons for believing that the letters of both the king and the bishop of Coimbra can be dated quite early.

⁴⁴ Under the settlement brokered by Innocent III in 1199, Coimbra was subject to Braga, whereas Lisbon was subject to Compostela, regardless of Portuguese objections (Mansilla I #204-207).

⁴⁵ It is still being made in *Conspectus Generalis Ordinis Fratrum Praedicatorum*, Rome 1992, 134.

During the last years of his reign, Afonso II was in a state of feud with his bishops, but two main phases can be discerned. Towards the end of 1218 the previously amicable relations between bishop Soeiro II of Lisbon and the king deteriorated sharply, and the bishop complained to the pope about royal interference in church affairs. By the spring of 1220, things seem to have returned to normal, and the king's ecclesiastical difficulties thereafter centred rather on the archbishop of Braga and the bishop of Porto.⁴⁶ If the king's anger against the Dominican Sueiro was related to any more general quarrel with the ecclesiastical hierarchy, then, since the place concerned is in the diocese of Lisbon, his letter should probably be dated to c.1219. Such a date is also suggested by his confident appeal to the papal protection bestowed on him and his predecessors; on 22 Dec. 1220 Honorius confirmed the king's excommunication by the archbishop of Braga, having already, on 21 Dec., revoked the *commendam* of the churches in his kingdom which Afonso had been granted by Innocent III (Mansilla II #342-343).

The bishop of Coimbra's letter announces that he has licensed prior Sueiro and his brethren 'de ordine predicatorum' to preach throughout his diocese. This implies both a *terminus post quem* and a *terminus ante quem*.

The term 'ordo predicatorum' was first applied to Dominic's preachers in the bull of commendation, *Si personas religiosas*, originally issued on 11 Feb. 1218 (MOPH XXV #86). It is known that the Spanish province had at least one copy of this bull, issued on 13 Feb., which ended up in Salamanca (MOPH XXV #87);⁴⁷ we may presume that Dominic brought it with him when he visited Spain in 1218-1219, and it is quite likely that he had more than one copy made for the purpose. We may take it, then, that the bishop of Coimbra's letter does not antedate Dominic's visit to Spain.

In the revised version of *Si personas religiosas* (MOPH XXV #91 etc.), of which Dominic had copies made in Nov. 1219, including one addressed to the prelates of Spain (MOPH XXV #102), and in *Cum qui recipit* (MOPH XXV #144 etc.), and in the bull later favoured by Gregory IX, *Quoniam abundavit* (MOPH XXV #140,

⁴⁶ Cf. Almeida, *op. cit.* I 172-176; M.J.Violante Branco, 'Reis, bispos e cabidos: a diocese de Lisboa durante o primeiro século da sua restauração', *Lusitania Sacra* 2a ser. 10 (1998), esp. 70-78; Mansilla II #192, 341-349, 357, 370, 406-408.

⁴⁷ Although the original is said to have disappeared, there is a facsimile of it in J.L.Espinel, *San Esteban de Salamanca. Historia y guía*, Salamanca 1978, 14.

Epitome #144 etc.), it is explicit that the Dominicans are 'ad officium predicationis deputati', and Gregory IX added that they are also authorised to hear confessions; that is to say, they needed no further faculties from any bishop. And the brethren were well aware of this: in the section on preaching in the constitutions, there is a text which almost certainly goes back to 1220, in which their relationship with the bishops is spelled out (PC II 32):

Cum fratres nostri dyocesim alicuius episcopi ad predicandum intrauerint, primo si poterunt episcopum illum uisitabunt ut secundum consilium eius in populo fructum faciant quem facere intendunt.

They are to seek the bishop's advice if possible, but there is no suggestion that they need his permission to preach in his diocese.

The Dominican convent in Coimbra is said to have been founded in 1227, though this is probably too early a date.⁴⁸ By then, it is almost inconceivable that the bishop could have licensed the preachers in his own name;⁴⁹ nor is there anything in what he says to imply that a Dominican convent in the diocese was even envisaged.

⁴⁸ 1227 is the date given by Sousa I iii 1 (ed. cit. I 283), and it is retained by A. do Rosário, *Primórdios dominicanos* 19. But in the *ordo conventuum* of the Spanish province (AD 5 [1984] 7-8) Coimbra is placed 13th, after Pamplona (said to have been founded in 1230; cf. M.M de los Hoyos, *Registro Historial de nuestra Provincia I*, Madrid 1966, 268) and Toledo, and before Majorca and Porto (for which Sousa cites solid evidence that the convent was founded in 1238: I iii 9-10, esp. ed. cit. I 308-309). The earliest document attesting the existence of a convent in Coimbra appears to be a deed of 1242, in which Queen Teresa describes how she and her sister acquired land to make the foundation and confirms the gift of it (A. do Rosário, op. cit. 44-45).

⁴⁹ As late as 1234 the bishop of Passau is reported to have issued a letter very similar to that of the bishop of Coimbra, giving the brethren in Vienna licence to preach and hear confessions throughout the diocese and offering an indulgence of 100 days to anyone attending their preaching or going to confession to them. But it seems that in 1228 the pope had had to intervene with a previous bishop of Passau who was not allowing the Dominicans to preach; Gregory insisted that he must give them *liberam licentiam praedicandi*, and that he was to do so in the pope's name (*auctoritate apostolica*), not his own. See the regests of the relevant documents (whose originals are apparently lost) in *Specimina regestorum atque notarum historicarum ex fontibus ... conventus Viennensis*, Vienna 1898, 2. A similar situation probably lies behind the agreement reached on 16 Feb. 1231 between the Dominicans and the bishop and clergy of Würzburg, in which the bishop 'licenses' the Dominicans to preach, but on the authority of the pope: 'Auctoritate domini pape super hoc accedente, domini Herbipolensis episcopi licentia speciali et consensu in ciuitate Herbipolensi et diocesi predicabunt qui per priorem domus Herbipolensis ad predicationis officium fuerint ydonei iudicati' (*Monumenta episcopatus Wirziburgensis*, Monumenta Boica XLV, München 1899, 66). This highlights the complete lack of any reference to papal authority in the Coimbra document.

The only bull of commendation in which it is not clear that the Order of Preachers already has its mandate to preach is the original version of *Si personas religiosas*. If this was the bull with which the Dominicans presented themselves to the bishop of Coimbra, it is perfectly natural that he should take it upon himself to license them as preachers in his diocese. And the whole scenario suggested by his letter fits a time before the general chapter of 1220.

Of the party sent to Spain in 1217, at least the other Dominic had known the old *predicatio* (cf. *Lib.* 31), probably Miguel too, also believed to have been a canon of Osma (cf. AFP 65 [1995] 78), and possibly Sueiro as well, and there is no evidence that they had been absorbed into the new community in Toulouse either before or after it was transformed into a house of canons regular. When they set off for the peninsula, it was still being assumed that the order would develop on the basis of one or more central abbeys, with various outposts (AFP 69 [1999] 21-28).⁵⁰ If Dominic, having succeeded in founding a convent in Segovia (*Lib.* 59), told Sueiro and some others to seek new pastures in Portugal, it is quite conceivable that in these circumstances they all considered it more important to establish *predicationes* than to create formal convents; they already had a convent, a potential motherhouse for the peninsula, in Segovia.⁵¹

If it was with these ideas, and with a copy of the original version of *Si personas religiosas*, that the brethren arrived in Portugal, the bishop of Coimbra's letter is exactly the kind of response we

⁵⁰ Nor is it at all certain that Dominic had abandoned this model when he visited Spain. Even if he explicitly told Peter Seilhan that he was to found an autonomous convent in Limoges (and this is not particularly suggested by MOPH XXII 11), it is quite possible that Limoges was intended to provide a new motherhouse for the Midi, far removed from the political and military hazards besetting Toulouse.

⁵¹ It is interesting that in *Lib.* 54 Jordan talks about the first friars sent to Orléans in 1218, 'futuri postmodum uberioris germinis principium', with no suggestion that they attempted or were meant to attempt the foundation of a convent; in the outcome, no convent was founded there until 1221 at the earliest (AFP 65 [1995] 138-140). It was probably on the same basis that the brethren were first welcomed at Amiens; on 31 Dec. 1220 the pope thanked the bishop and chapter for their kindness to the brethren and asked them to give the order a church (MOPH XXV #133), but by then the order as a whole had taken the formal decision that its primary unit was to be the autonomous convent, with the right to elect its own prior. This new development seems not to have appealed to the clergy of Amiens; no convent was founded there until 1243 (Jean de Rechac, *Vie du glorieux patriarche S. Dominique*, Paris 1647, 916-917). In France, as in the Iberian peninsula, the brethren at first evidently deemed it more important to establish outposts for their work than to found convents.

should expect a favourable bishop to make. But after the general chapter of 1220, the brethren would not be asking for permission to preach; if they requested anything beyond advice, it would be a church where they could establish a convent. And they would probably have been armed with a bull to prove their right to be accepted as preachers.⁵²

We may take it as very likely, then, that both the king's letter and that of the bishop of Coimbra should be dated between 1218 and 1220, though there is no way of knowing whether the Dominicans went to Santarém or to Coimbra first.

So Sueiro was 'prior of the Order of Preachers' in Portugal before there was any convent there of which he could be prior and well before the general chapter of 1221. If he was a conventual prior, he must have been prior of Segovia,⁵³ and it is difficult to see what he was doing in the diocese of Coimbra in that capacity or why he was issuing laws in Santarém. It is easier to suppose that he was 'prior of the Order of Preachers' in Portugal before 1221 in exactly the same sense in which he was 'prior of the Order of Preachers' there in 1223, and 'prior of the Order of Preachers in Spain' in 1222.

There is no direct proof that Sueiro was superior of the party sent to the peninsula in 1217, but it is a reasonable supposition that he was; in any case, someone must have been in charge. In the Iberian peninsula, then, the office of provincial de facto preceded the existence of any conventual priors. There was at first simply

⁵² Since MOPH XXV #87, a copy of the earlier version of *Si religiosas personas*, ended up in Salamanca, it was perhaps re-used when the Dominicans first went there; it is not known when the convent was founded, but it must have been before the death of bishop Gonzalo in 1226, if it is true that it was he who gave them their first site (cf. J. Cuervo, ed., *Historiadores del convento de San Esteban de Salamanca*, I, Salamanca 1914, 6-7); such a date fits Salamanca's place in the *ordo conventuum* (AD 5 [1984] 7), before Burgos and Compostela — the convent in Compostela is first attested in 1228 (Hoyos, *Registro Historial* I 121). According to Castillo (I i 43) and BOP I 30, Gregory IX offered an indulgence in 1229 to anyone who contributed to the rebuilding of the Salamanca house, which had been destroyed when the river flooded, but in *Epitome*, where this bull should come between #221 and 222, the date is summarily corrected to 1237. By the mid 1220s the order, under the very public protection of the king, was probably well enough established in Castile not to have to prove its right to preach.

⁵³ By tradition, the first prior of Segovia was Corbalán (Mamachi 486; Carro, *Domingo de Guzmán* 461), though there does not seem to be any early evidence to prove this.

the 'prior of the preachers'. When convents were founded with their own priors (the other Dominic in Madrid; Corbalán, perhaps, in Segovia; someone else, no doubt, in Palencia and, in due course, in Santarém), Sueiro continued to be, simply and without restriction, 'prior of the preachers'. The persistence of variants on the primitive title, 'prior predicatorum' suggests that his rôle remained essentially constant throughout his time of office. In the settlement between King Sancho and the archbishop of Braga, he is only once given the fuller title 'prior fratrum predicatorum in Hispania'; in the list of those present, both at the beginning and at the end of the document, he is simply 'donus S. prior predicatorum', this evidently being regarded as equivalent to 'donus P. abbas Alcobacie' and 'donus P. magister Templi in Portugalia' and so on. And the obit books of San Vicente de Fora and San Vicente (Lisbon) similarly just call him 'quondam prior predicatorum'. He did not *become* provincial in 1221, then, or as the result of any legislative innovation made by a general chapter; he was 'prior of the preachers in Spain' from their first arrival in the peninsula until Giles of Portugal was elected to succeed him as provincial.⁵⁴

I do not know when newer terminology first began to be used, but Lucas of Tuy, seemingly in the late 1220's, calls Sueiro both 'prior' and 'prior provincial' (see Appendix II), and, when the bishop of Porto asked the provincial chapter of 1237 for a Dominican foundation in his city, his letter was addressed 'Priori Prouinciali et Diffinitoribus totique Capitulo fratrum Prædicatorum Burgis celebrando' (Sousa I iii 9 [ed. cit. I 305]).

(c) France

The origins of the French province are significantly different from those of the Spanish province. In 1217 Dominic knew exactly where he wanted his brethren to go: Paris. And, as we

⁵⁴ Giles of Portugal is generally believed to have been his immediate successor (Sousa I ii 18 [ed. cit. I 192-193]). According to Sousa I i 28 (ed. cit. I 138), 'doze annos continuos achamos que gouernou dom Frei Sueiro esta Prouincia que havemos de chamar Espanha', and this seems to be his primary datum, since it is on the basis of it that he calculates that Sueiro died in 1233 (ibid., I 141), and that Giles became provincial in the same year (ibid., I 193). There does not appear to be any more evidence than this for the assertion in SOPMÆ I 15 that Giles became provincial in 1233/1234. There is no clue as to where Sousa 'found' his information, nor can we check on its reliability; but there must be considerable doubt about the date of Sueiro's death and Giles's accession to the provincialate.

have seen, it is implicit in Matthew's title of 'abbot' that Paris was to become a motherhouse with outlying *prioratus*. Maybe even Toulouse was reduced to a *prioratus* of Paris; that this was at least the view held in Paris is suggested by Jordan's belief that all three of the churches given to the brethren in the diocese of Toulouse were to be *prioratus* (*Lib.* 43). It was from Paris that Dominic was expecting the order to spread, as is shown by MOPH XXV #88 and by the fact that he dispatched Peter Seilhan there in 1218 in view of a foundation in Limoges (cf. AFP 65 [1995] 123-124). In so far as the model of a central abbey with *prioratus* was operative, the abbot of Paris would eo ipso be envisaged as potentially the superior of a whole network of Dominican houses or missions.

Matthew could certainly be outranked either by Dominic himself or by his vicar; nevertheless there is no reason to doubt that he was, in principle, a major superior in his own right, and it must have been on his authority that the brethren first went to Orléans in 1218 (*Lib.* 54), and it was probably he who initiated the Dominican mission in Amiens (MOPH XXV #133).⁵⁵

Matthew was remembered in the order, not only as its first and last abbot, but also as the 'first prior of Paris'.⁵⁶ This was the oral tradition which reached Bernard Gui. But Gui also found a note to the effect that Matthew was the first provincial of France (MOPH XXII 150-151):

Hic, ut audiui dici, fuit primus prior Parisiensis, et reperi notatum quod fuit primus prior provincialis Francie.

⁵⁵ Jordan does not mention this mission, so it should probably be dated to a time when he was not working on the *Libellus*. It looks as if he kept writing until Reginald's arrival in Paris in 1219, but everything that is said about Reginald's activities thereafter, including his reception of Jordan's own profession, was written later, and by this time the focus is on Jordan himself (cf. AFP 68 [1998] 24-30), which is presumably why there is no mention of the foundation of Limoges. This suggests that the brethren first went to Amiens in late 1219 at the earliest, so they could have been sent there by Reginald; but it is doubtful whether Reginald was in Paris long enough to think of new foundations, so it is most likely that the Amiens mission was launched by Matthew early in 1220.

⁵⁶ Cf. Stephen of Bourbon, ed. A.Lecoy de la Marche, *Anecdotes historiques ...* #8: 'exemplum quod audiui a fratre Matheo primo Fratrum Predicatorum Parisius priore'; and Matthew's tomb seems to have referred to him as having been 'prior hic pridem primus' (M.D.Chapotin, *Histoire des Dominicains de la Province de France*, Rouen 1898, 114).

Gui was aware of the paucity of his information on the first provincials of France; as he remarked in the margin at the beginning of his catalogue of them, 'De primis nondum potui amplius invenire' (MOPH XVIII 79). Nevertheless he seems confident that Matthew was indeed the first: he features as such both in the catalogue of provincials and in *Cat. Mag.* 19. According to the former, Matthew 'obiit in officio Parisius, ubi sanctam resurrectionem expectat, in choro fratrum ante sedem prioris sepultus' (MOPH XVIII 79).

What Gui says here cannot be accepted as wholly accurate. On 11 Nov. 1225 Gerald de Frachet entered the order 'sub fratre Matheo priore'; Gui found this recorded by Gerald himself 'in quodam libro suo' (MOPH XXIV 60); and there is another document from the same year in which Matthew styles himself 'prior'.⁵⁷ But from Dec. 1224 we have a document addressed to 'magistro P. ordinis predicatorum priori in Francia' (Chapotin, *Histoire* 67); 'P.' is certainly not Matthew, and is presumably to be identified as Peter of Rheims. As Meersseman points out (MOPH XVIII 83), there is documentary evidence of Peter being provincial in 1230, 1231 and 1233, always styling himself 'fratrum predicatorum in Francia prior' (Chapotin, *Histoire* 159-160, 180; QE I 116). So Matthew did not die in office as provincial.

Échard (QE I 92) was apparently unaware of the testimony of Bernard Gui; but he was impressed by the number of references to Matthew as prior of Paris, including MOPH I 248, where he is described as 'multo tempore Parisius prior'. He therefore concluded:

Emendandi qui primum Franciæ provincialem anno MCCXXI institutum volunt nullo veteri documento fulti: semper enim prior S.Jacobi Parisiensis, nunquam provincialis dicitur.

In his view, it was Peter of Rheims who was instituted provincial in 1221 (QE I 21). But the 'certa documenta' which he promises do not in fact include anything earlier than 1224 (QE I 116).

Échard's view has won few converts.⁵⁸ Badetti argued that the French province must have celebrated a provincial chapter in conjunction with the general chapter in 1222, as required by the con-

⁵⁷ F.Balme - A.I.Collomb, *Cartulaire ou histoire diplomatique de S.Dominique III*, Paris 1901, 33.

⁵⁸ His opinion was followed by the ever-faithful Touron (A.Touron, *La vie de S.Dominique*, Paris 1739, 341), and by P.Mothon (ASOP 1 [1893] 66 — the author of

stitutions, and that 'haud absurda coniectura assequi quisquam poterit, Petrum Remensem in comitiis Franciae huius anni electum atque confestim a Magistro et Diffinitoribus Ordinis fuisse confirmatum' (ASOP 3 [1895] 350).⁵⁹

The most constructive suggestion (and the most ignored) is that made by Cuypers (*Acta Sanctorum Aug. I* 510). He notes Échard's position and then comments: 'Hæc cum sententia Bernardi Guidonis conciliari possunt, si dicamus, Matthæum ab anno Christi 1217 usque ad annum 1220 vel 1221 provinciam Franciæ gubernasse, tumque extincto abbatis titulo, Priorem cœnobii Parisiensis factum esse, cui tunc Petrus Remensis in administranda provincia Franciæ suffectus fuerit.' As we have seen, it is correct to say that Matthew, as abbot of Paris, was in principle superior of a whole territory, not just of a single convent. The only question is when he lost this larger responsibility.⁶⁰

Gui is wrong to say that Matthew died in office as provincial. But he was not the kind of historian who simply invents data, even if he could sometimes be fanciful in combining his data; when he was merely guessing on some point, he says so. He must therefore at least have believed himself to have information that Matthew died in office. And if Matthew was, for a time, prior of France precisely qua superior of Paris, his misunderstanding becomes intelligible.

In the absence of any evidence for the period between 1220 and December 1224, we cannot know when Peter became 'prior of the Friars Preachers in France'. There is no reason to suppose that he

the note is unidentified, but must be Mothon, who was editor of ASOP from its inception until 1904; cf. ASOP 19 [1929] 193), and by Scheeben, *Der hl. Dominikus* 374; but Matthew is retained as first provincial of France by most writers: e.g. Mamachi 641; A. Mortier, *Histoire des Maîtres Généraux I*, Paris 1903, 130; Meersseman (MOPH XVIII 82-83); Gelabert-Milagro, *Santo Domingo* 96; Vicaire, *Histoire*² II 299; Hinnebusch, *History of the Dominican Order* I 92.

⁵⁹ Badetti is undoubtedly the source for Chapotin's statement that 'Mamachi' believed ('avec raison') that a provincial chapter was held in Paris in 1222 and that 'Mamachi' was equally of the opinion that it was then that Peter of Rheims was elected provincial (Chapotin, *Histoire* 47-48). Since Chapotin gives no more precise reference, it is understandable that Thomas (270) complains that he gives no source for his assertion that there was a provincial chapter in 1222. Meersseman (MOPH XVIII 90) seems to take it for granted that the French province held chapters regularly from 1222 onwards, but he is misleading in implying that such a view is supported by Pignon's *chronica compendiosa*, which only starts giving information about provincial chapters in the year 1254 (MOPH XVIII 34-36).

⁶⁰ As we have seen (AFP 69 [1999] 59), there is no evidence that he even relinquished the title of 'abbot' immediately after the 1220 chapter.

was elected at a provincial chapter in 1222; as we shall see, even if the French province was holding provincial chapters as early as that, the provincial chapter did not originally have the right to elect the provincial. And once we abandon the dogma — for which Gui was always the only authority, and which Gui himself abandoned — that provincials were all suddenly conjured into existence by the wave of a capitular wand in 1221, we have no reason to suppose that he was made provincial in 1221. Indeed, if either Matthew or Peter had been made provincial of Paris at the 1221 chapter, we should have expected Jordan to mention it in *Lib.* 88, together with his own appointment as 'prior' of Lombardy.

It is at least consistent with all the known evidence to suggest that Matthew was superior of the brethren in France, qua superior of the brethren in Paris, from 1217 onwards, whether or not he dropped the title 'abbot' in 1220, and that his position was totally unaffected by anything that happened at the 1221 chapter. At some time, though, and certainly before December 1224, Jordan of Saxony, or some general chapter, decided that Matthew's rôle should be divided into two; as a result, Matthew became prior of the convent of Saint-Jacques, and Peter became prior of France.⁶¹ Thus it would be quite true to claim that Matthew was the first provincial of France, and that he was the first prior of Paris. If we ignore the change of title from 'abbot' to 'prior', it is also true that he was prior of Paris 'multo tempore'; and, since it was in that capacity that he was, for a time, also 'provincial', we can see how it came to be believed that he died in office as provincial.

The title 'prior fratrum predicatorum in Francia' was given a degree of permanence by its use on the provincial's seal, from the time of Peter of Rheims onwards (cf. Chapotin, *Histoire* 181; Balme-Lelaidier, *Cartulaire* II 367); since it did not name any individual provincial, it could, in principle, continue to be used indefinitely.⁶² This presumably explains why the title for the provincial

⁶¹ The most likely occasion for Jordan's intervention would be either the general chapter of 1222, at which he was elected Master and at which it may be presumed he was present as provincial of Lombardy (cf. Scheeben, *Beiträge* 44), or that of 1224, which was the next to be held in Paris. It is unlikely that Jordan started making dramatic changes immediately after his election, so 1224 should probably be preferred.

⁶² Much the same seal was in use in 1371, except that the title is apparently 'prioris fratrum predicatorum Francie'; see M. Douët d'Arcq, *Collection de Sceaux* III, Paris 1868, #9719.

of France continued to be variable. One of the first acts of Raymond of Penyafort as Master of the Order was to confirm the agreement drawn up in March 1236 between Humbert of Romans, as prior of the Lyons Dominicans, and the monastery of Ainay: Raymond refers to Hugh of St Cher as 'fratrum nostrorum in Francia prior', though, in the actual contract, Humbert calls him 'prior provincialis in Francia', and Hugh similarly calls himself 'prior provincialis in Francia' in his own confirmation of the agreement.⁶³ In other documents quoted by Chapotin, Hugh calls himself 'fratrum predicatorum in Francia prior' or 'prior provincialis (ordinis) fratrum predicatorum in Francia' (*Histoire* 266, 180-181).⁶⁴

Gerald's claim that Bertrand was appointed provincial of Provence in 1217 may not be accurate; but we appear to have found two other 'provincials' going back to 1217, so, in principle, his dating of their first appearance is vindicated.

(d) *Provence*

The situation in Provence was different from both Spain and Paris. Here, at least from 1216 onwards, there was a complex system of government, both at Prouille and in Toulouse, involving both local superiors, called 'prior', and Dominic, also sometimes called 'prior' (cf. AFP 65 [1995] 129-131, 69 [1999] 12). The only title which does not seem to have been shared, at least while Dominic was still present in the region, is *magister predicatorum*, which, in the surviving documents, is reserved to Dominic (MOPH XXV #73). After the establishment of the order Dominic was still, as before, head of the *predicatio*; but, once the preachers were transformed into a canonical religious community, they had to have a proper

⁶³ In *Histoire* 276-277, Chapotin merges two separate documents: the provincial's confirmation of the agreement (edited by Le Comte de Charpin-Feugerolles and M.C.Guigue, *Grand Cartulaire de l'Abbaye d'Ainay* II, Lyons 1885, 134-135), and the Master's confirmation (edited by J.Rius Serra, *San Raimundo de Penyafort, Diplomatario*, Barcelona 1954, 53-55). The contract is dated 'anno MCCXXXVI nonas martii', which would naturally be taken to mean 7 March 1237 (as it is by the editors of the *Cartulaire d'Ainay* and by Chapotin, *Histoire* 766), in accordance with the *stylus paschatis*; however, it is apparently this same contract which Gregory IX confirmed on 2 June 1236 (edited in Chapotin, *Histoire* 275, but misdated to 1237). We must suppose, then, that it was dated, at least in the version prepared for confirmation by higher superiors, according to one of the systems by which the nones of March '1236' falls within what we should call 1236.

⁶⁴ On Hugh's alleged first provincialate in 1227-1230 see Appendix III.

religious superior qua canons, not just qua preachers, and Dominic seems never to have taken on this rôle himself, even though he retained supreme control as the head of the *predicatio*.

When circumstances forced a hasty dispersal of the brethren in 1217, it is not clear what arrangements were made for the people who remained behind in the Midi. We do not know whether Saint-Romain was given a new prior when Bertrand was sent to Paris. In view of the possible collapse of Saint-Romain, a bull was procured in 1218 (MOPH XXV #90), whose effect would be to give the brethren of Prouille independent status as a religious community in their own right (Prouille had, since 1216, been treated as a property of Saint-Romain). In the outcome, however, Saint-Romain was not lost, and by 1220 there was apparently someone in the region with authority to make new foundations. Gui was confident that the convent in Montpellier was started in 1220, and he conjectured, on the basis of the information he had, that the refoundation of Narbonne also went back to 1220 (MOPH XXIV 247, 251).

In the province of Provence it was firmly believed that the first provincial was Bertrand of Garrigue (MOPH I 74, 287, 338; MOPH XXII 151). According to the appendage to Gerald's chronicle (edited above), and to Bernard Gui (Martène-Durand VI 418-419), he was appointed by Dominic himself, while his successor, Raymundus Vasco, was appointed by a general chapter. Gui was unable to supply any dates for either of them; Gerald makes Bertrand provincial from 1217 onwards, which is impossible, granted that he was sent to Paris then (*Lib.* 51). But, since he accompanied Dominic to Paris in 1219 (MOPH I 74-75), he must have returned to the Midi in 1218 or earlier in 1219, and I have suggested that he was brought back from Paris to resume his position as superior in Toulouse (AFP 65 [1995] 93). Was he also given responsibility for a larger territory?

When Dominic left Rome in 1218, he still regarded Paris as the centre from which the order was to spread even in the South of France (cf. AFP 65 [1995] 123-124), and the news he had received since then, especially the death of Simon de Montfort, gave him added reason to doubt whether Toulouse could serve as the centre of an independent territory, however desirable it was to have someone responsible on the spot. But, as I have suggested already, it is quite possible that his desire to make a foundation in Limoges reflects an intention to create a separate motherhouse for the preachers in the Midi, so it may already have been on his mind to detach Languedoc from Paris. And there is nothing to prevent us from believing that Bertrand was given a wider brief during the time

he spent with Dominic in 1219. On this hypothesis, when Dominic left France for the last time in the summer of 1219, both Matthew and Bertrand were, in principle, superiors of a whole territory, not just of a single house, their 'provincial' responsibilities having been determined by Dominic in such a way that Matthew was abbot of the brethren in France, and Bertrand prior of the brethren in Languedoc. In due course — who knows? — he might have become abbot of Toulouse or Limoges.

Bertrand is attested as 'prior fratrum predicatorum in Provincia' in March 1223: on the 28th of that month he presented MOPH XXV #5 to the papal legate, cardinal Conrad of Urach, for his *vidimus*.⁶⁵ Unfortunately, Bernard Gui could find no information about any priors of Toulouse between Bertrand in 1216 and Iohannes de Iohannia, who was prior by 1230 (MOPH XXIV 47), so we do not know whether Bertrand was prior of Toulouse and prior of Provence simultaneously, though it seems likely that he was. If he was brought back from Paris in 1218 to take charge in the Midi, it is difficult to see what position he could have held except prior of Toulouse; there is no reason why he should not have become 'provincial' in 1219 without ceasing to be prior of Toulouse, by analogy with the dual rôle Matthew already had in Paris.

The second provincial, Raymund, is first attested on 9 Oct. 1225, when the community at Prouille confirmed a sale made earlier by 'frater Raymundus prior provincialis' (Guiraud, *Cartulaire de Prouille* #298, edited from the original). If he was appointed by a general chapter, as reported, it must be that of 1223, 1224 or 1225. As we shall see in Appendix VIII, there is reason to believe that Jordan visited the Midi after the general chapter of 1224 in connection with his plan to get some nuns from Prouille to assist the recently founded monastery of St Agnes in Bologna; since it is not clear that he would have had any earlier opportunity to visit the region, it was probably then that he took the first steps towards the appointment of a new provincial, separating his rôle, if need be, from that of the prior of Toulouse. If this is correct, then it was in 1225 that Raymund was appointed.

⁶⁵ J. Guiraud, *Cartulaire de Notre-Dame de Prouille*, Paris 1907, #401. The document is known only from the Doat transcription, but the date is confirmed by the fact that Conrad also reported having seen the verdict of archbishop Arnaud on 6 Oct. 1222 with regard to the long-running dispute between Prouille and the monks of Saint-Hilaire (MOPH XXV p.14).

The situation in Provence thus seems to have evolved along much the same lines as in Paris; and, as in France and Spain, the provincial first appears as 'prior of the Friars Preachers in' his territory, and only later as 'prior provincial'. But there is one document which does not fit the picture, though some of the problems it has generated appear to be unnecessary.

According to Percin, in October 1221 Stephen, the elected and confirmed new bishop of Le Puy, presented some property 'R. Magistro Provinciali Ordinis Prædicatorum & successoribus suis, & Ordini jam dicto'.⁶⁶ Percin tells us that he had received an authenticated copy of the original from a canon of Le Puy, and adds: 'Quæ concessio ad integrum refertur in diplomate Gregorii Papæ IX illam confirmante Lugduni 4. Calendas Februarii Pontificatus anno 3.' It is not clear whether Percin supplied this extra information himself or whether it too came from the canon of Le Puy, but in any case it must be Gregory X rather than Gregory IX who is meant. The document is also quoted in full in *Gallia Christiana* II, Paris 1720, 711-712; but, since there is the same absurd reference to Gregory IX's confirmation of the gift at Lyons, we must assume that the text was taken from Percin. In Mamachi, App. 76, *Gallia Christiana* and Percin are both cited as sources.

The date of the deed cannot be impugned, as it is confirmed by Bishop Stephen's status as 'electus et confirmatus'.⁶⁷ So, if *magister provincialis* means the provincial, 'R.' was already provincial by October 1221, when we thought that Bertrand was still in office; this is why it is proposed in Mamachi, and also by Thomas (204), that 'R.' should be emended to 'B.'. The issue is further confused by Odo de Gissey SJ, who is reported by Rechac (*Vie de S. Dominique* 803-804) to have interpreted the document as making over the relevant property to St Dominic himself.⁶⁸

The director of the Archives Départementales de la Haute-Loire has kindly informed me that the only pertinent document he has been able to find is a vidimus of Bishop Stephen's gift (edited in Appendix IV), dated Espaly-St-Marcel 9 May 1314. Bishop Stephen's original charter is quoted in full, and the name of the

⁶⁶ J.Percin, *Monumenta conventus Tolosani*, Toulouse 1693, 23.

⁶⁷ He was consecrated by Honorius III in 1222 (see *Gallia Christiana*, loc. cit.).

⁶⁸ On Gissey (1567-1643) and his *Discours historiques de la tres ancienne devotion a N. Dame du Puy* (1st ed., Lyons 1620; 2nd ed., Toulouse 1627; 3rd ed., Le Puy 1644), see C.Sommervogel, *Bibliothèque de la Compagnie de Jésus* III, Brussels/Paris 1892, 1467. I have not been able to see any of these editions for myself.

provincial is given as 'Ber.'. So, assuming this fourteenth-century transcription to be correct, the provincial in 1221 was, as we thought, Bertrand; both Percin's informant and Giskey must have misread the initial. The only problem that remains, then, is why Bertrand is called *magister provincialis*.

The circumstances of Bishop Stephen's gift are obscure. Did the initiative come from him or from the Dominicans? As a place of pilgrimage, Le Puy might have attracted the friars. On the other hand, Stephen's predecessor, Robert, had had an extremely troubled relationship with his city and had finally been murdered (*Gallia Christiana* II 709), and the new bishop might have deemed it expedient to recruit a community of preachers as quickly as possible. In any case, the speed with which he arranged with his chapter and with the *patroni* of the site for the Dominicans to receive the church and hospital suggests that he had had some previous contact with them or knowledge of them, so his use of the term *magister* might well hark back to the old *magister predicationis*. His relative, Bertrand, as an earlier bishop of Le Puy, had been involved, at least for a time, in the Albigensian crusade (*Chanson de la Croisade Albigeoise* laisse 14); and there can be no doubt about the loyalties of Bishop Robert, whom King Philip of France acknowledged as *consanguineus* (*Gallia Christiana* II 709).

Since it is out of line with normal terminology, *magister provincialis* is best regarded as a title devised by the bishop.⁶⁹ If *magister* does indeed derive from the old *predicatio*, *provincialis* would be added in recognition that the *predicatio* had become the *ordo predicatorum* and that it was no longer limited to a particular territory, and that, as a result, the local *magister* needed to be qualified by some epithet indicating his limited jurisdiction.⁷⁰

⁶⁹ Gregory IX's two letters 'magistro et fratribus ordinis predicatorum in Anglia' in January and February 1229 (*Epitome* #205-206) cannot be adduced as a parallel; it is more likely that the request of the English province was transmitted to the pope by Jordan and that the reply was accordingly addressed to him and to the English brethren. Jordan's moves between the chapters of 1228 and 1229 are not known (cf. Scheeben, *Beiträge* 58-61), but there does not seem to be anything to exclude a visit to the pope in early 1229. Cf. also *Epitome* #211, addressed 'magistro et fratribus ordinis predicatoribus Herbipolensibus' on 19 April 1229. Since Jordan himself went on to Germany and then England after the 1229 chapter, he seems to have been arming himself with papal letters for these provinces.

⁷⁰ Another possibility is that the bishop assumed that the Dominicans, like the Templars, used the same term, *magister*, both for the head of the whole order and for regional superiors. The addition of *provincialis*, in this case too, would be

To conclude, there is evidence to suggest that someone was exercising a kind of provincial authority in the Midi by 1220, and we know that by March 1223 Bertrand was recognised as 'prior of the Order of Preachers in Provence'; we also know that the title 'prior provincial' is attested in connection with Bertrand's successor, Raymund, in 1225. And bishop Stephen of Le Puy confirms that Bertrand was already provincial in October 1221, even if his idea of an appropriate title for him was rather idiosyncratic.

(e) Lombardy

In Italy, as in France, there was a major university centre which immediately attracted Dominic's attention: Bologna. We do not know what arrangements he made for the government of the first friars he sent there in the early months of 1218 (*Lib.* 55; cf. AFP 65 [1995] 53-69); but it is clear that, from the time of his arrival on 21 Dec. 1218 (*Lib.* 58), Reginald took charge. It was he who received people into the order (*ACB* #41, 46; *MOPH* I 26, 170), and who dealt with Diana d'Andalò's family over the property and rights attached to the church of St Nicholas (*MOPH* XXV #97), and it is clear from several anecdotes in the *Vitas Fratrum* that he was responsible for every aspect of discipline in the convent (*MOPH* I 25-27, 152-153, 166), which fully validates Jordan's picture of his rôle (*Lib.* 60-61). Diana's family regarded him as the *rector* of the Bologna Dominicans (*MOPH* XXV #139). Yet he is nowhere referred to as prior; the only title any Dominican source gives him is 'uicarius beati Dominici' (*MOPH* I 25).

In spite of Reginald's all-pervasive authority, there seems to have been a prior as well in Bologna.⁷¹ The story of how Tancred became a Dominican incidentally mentions a certain Richard who was 'prior fratrum' at St Nicholas's 'ubi de nouo uenerant fratres predicatorum' (*MOPH* I 190-191). 'De nouo' is an elastic measure of time, so we cannot be absolutely certain that Richard and Reginald overlapped.⁷² But if Richard did not overlap with Reginald,

necessary to indicate that it was the regional superior, not the head of the order, who was meant. On any view, it is uncertain whether *provincialis* means 'regional' or 'in Provence'.

⁷¹ Pollidori argued strongly that Richard was prior at the same time as Reginald was vicar (*Mamachi* 466-467); cf. also Vicaire, *Histoire*² II 153.

⁷² The brethren were still at the Mascarella when Frugerus entered the order some time in Lent 1219 (*ACB* #46), i.e. between 20 Feb. and 8 April, so we can at least be certain that Richard was prior after Reginald's arrival in Bologna on 21 Dec.

he must have overlapped with Dominic, who was essentially resident at Bologna from the time of his arrival in 1219 until his death (ACB #30; cf. AFP 66 [1996] 99). And certainly both Paul and Ventura are attested as priors of Bologna during this period (MOPH XXV #139, ACB #7). If the presence of Dominic himself did not exclude the possibility of a prior, why should the presence of his vicar?

Dominic must have given authority to Reginald before the two men parted in the spring of 1218; if, as is *a priori* likely, the earliest community in Bologna was not left without a prior, Dominic must have decided fairly quickly to create there the equivalent of the two-tier government which had been in operation in the Midi. When he sent Reginald to Paris in 1219 (*Lib.* 61), he took over the higher level of government in Bologna himself, in the process introducing terminological ambiguities which seem not to have been there before.

On 7 June 1221 Diana's family sold some more property to the Dominicans, and this time the transaction was made with Dominic in person, who is referred to as *magister Dominicus prior* (MOPH XXV #174), though only a few months earlier, in a similar document, Paul is cited as 'dominus Paulus prior atque rector collegii sive universitatis ecclesie beati Nicholai de Braida de ordine predicatorum' (MOPH XXV #139). As the order spread in northern Italy, so did the apparent reduplication of priors. On 24 May 1221, in Brescia, Ugolino 'investivit fratrem Galam, priorem fratrum predicatorum qui Brixie commorantur, nomine et vice magistri Dominici, prioris ipsius ordinis, et vice et nomine totius ordinis, de ecclesia sanctorum martirum Faustini et Iovitte ...' (MOPH XXV #170).

When Jordan of Saxony was appointed 'prior' of Lombardy by the general chapter of 1221, he inherited a rôle created by Reginald and Dominic. Whereas in Paris and, probably, Toulouse, the prior

1218 (*Lib.* 58). If, as I have suggested, Tancred was told to go to Rome towards the end of 1219 (AFP 66 [1996] 135), he must have joined the order earlier in the same year and, since no mention is made of Dominic's presence in Bologna at the time, we might infer that this occurred between the move to St Nicholas's and Dominic's arrival, i.e. well before Reginald's departure. On the other hand, the fact that neither Dominic nor Reginald is mentioned in connection with Tancred's arrival might suggest that he joined the order some time in 1220 when Dominic happened to be away from Bologna; in which case Tancred cannot have been sent to Rome in 1219, and Richard could have become prior after Reginald's departure.

provincial emerged as a distinct official by being separated from the prior of the motherhouse, in Lombardy he came into being by being separated from the Master of the Order or his vicar.

Jordan reports his appointment in *Lib.* 88:

Anno domini M^oCC^oXXI in Bononiensi capitulo generali uisum est eis michi officium prioratus super prouinciam Lombardie primum imponere, cum anni spatium peregissem in ordine ...

On the face of it, *primum* should be taken closely with *cum anni spatium* ...: 'the office of priorship was first laid upon me when I had only been in the order a year ...'. This would be a plausible interpretation if Jordan had been provincial of Lombardy more than once or if he had remained provincial for some time; but this is not the case. Even more decisively, this paragraph seems to have been written almost as soon as Jordan received the relevant information: it contains precisely the news about the chapter that was bound to reach Paris, and nothing more; it cannot therefore have been written after Jordan had settled in at Bologna, where he would surely have heard at least of the mission sent to Hungary, led by a former prior of Bologna (cf. AFP 68 [1998] 23-24). But if *Lib.* 88 contains Jordan's immediate reaction to his appointment, *primum* cannot be interpreted as signifying 'I was first appointed when ...'.

Translators have generally taken *primum* as indicating that Jordan was the first provincial of Lombardy,⁷³ and this must be correct. Although it is not rigorously logical to say 'I was appointed for the first time' instead of 'I was the first person to be appointed', this use of *primum* here is very similar to the use of *primum* or *primo* in the chapter titles to *Lib.* 51, 54, 55: *De fratribus primo missis Parisius* etc. The 'friars sent for the first time to Paris' has to be unpacked as meaning 'the friars who were sent to Paris when friars were first sent there'. Similarly Jordan was 'for the first time' given the office of prior of Lombardy in the sense that he was the first person to be given that position.

The province of Lombardy did not need a prior before 1221 because, until then, that level of government had been occupied by

⁷³ E.g. F.C.Lehner, *Saint Dominic, biographical documents*, Washington 1964, 71; Vicaire, *Saint Dominique de Caleruega* 90; P.Lippini, *San Domenico visto dai suoi contemporanei*, Bologna 1998, 153; K.Thomell, *Libellus de Principiis*, Oslo 1986, 30. *Primum* is ignored in the successive BAC translations.

Dominic,⁷⁴ who was now, as we have seen, hoping to lead a foreign mission precisely as head of the order (AFP 68 [1998] 72-83).

The 1221 chapter cannot have appointed Jordan to his new position without using some title to define his function, and, whatever the exact phrase may have been, it seems to have combined the words 'prior' and 'province'. In *Lib.* 88 Jordan refers to priorship *super prouinciam Lombardie*, and in a deed dated 10 Oct. 1221, whose original still exists, he is referred to as *prior provincie* (ed. V.Alce, AFP 42 [1972] 12).⁷⁵ This is new terminology, which we did not encounter in connection with Spain, France or Provence.

When Jordan became Master, he was succeeded in Lombardy by Dominic of Segovia (cf. G.Odetto, AFP 10 [1040] 373), first attested as provincial in a deed of 17 Feb. 1223, whose original is unfortunately lost. Assuming the transcription to be correct, the deed is witnessed by 'frater Dominicus, prior provincialis' and by 'frater Ventura, prior conventualis' (Alce, art. cit. 14). Thus in Lombardy, as elsewhere, though rather earlier, *prior provincialis* makes its appearance later than the first holder of the position. In the 1223 document, the terminology may have been chosen because of the easy distinction it facilitated between the prior of the house and the prior of the convent; I am not aware of other evidence to show whether Dominic of Segovia habitually called himself *prior provincialis*. In any case, Stephen of Spain, is so addressed by Jordan of Saxony in 1229 (*Ep.* 49), and in 1233, when he was interviewed during the canonization process of St Dominic, he apparently presented himself as 'prior prouincialis ordinis predicatorum prouincie Lombardie' (*ACB* #35), whereas Ventura called himself 'prior conventus ordinis fratrum predicatorum de Bononia' (*ACB* #2).⁷⁶

(f) *The Roman province*

In the earliest evolution of the Roman province Dominic played the same rôle as he did in Lombardy. This can be seen from the deed making over the hostel of St Mary Magdalene in Siena to the

⁷⁴ According to PC II 16 (which, as we shall see, probably goes back to 1220) the prior of a province has the same authority in his own 'province or kingdom' as the Master does, *provided the Master is not present*. If the Master is actually resident, this leaves little scope for a provincial to do anything.

⁷⁵ The document actually uses the rather odd phrase 'priori provincie et Lombardie', which confirms that people were not yet used to having a 'prior of the province of Lombardy'.

⁷⁶ Although we do not have the original text of the process, there is nothing in the manuscripts to cast doubt on either title.

Dominicans in February 1221 (MOPH XXV #146). Bene and Frugerius are there said to be receiving the property 'pro vobis et pro ordine vestro et pro priore vestro domino Dominico', and they similarly declare that they are receiving it 'nostro nomine et nostri prioris atque conventus totius'. Since the only 'prior' mentioned is Dominic, it must be he that is meant here too. But what 'conventus' is involved? Vicaire suggests that it means the community of the order as a whole (*Histoire*² II 262), but this would be an improbable use of the word. Since there does not yet seem to be a *conventus* in Siena, the reference must be to the community in Rome, from which the new community in Siena was to be founded;⁷⁷ but the prior of Rome was Tancred.⁷⁸ Dominic must therefore be prior in a different sense, just as he could be considered 'prior' in Bologna (MOPH XXV #174), even though someone else was also prior there.⁷⁹

There does not appear to be any reliable direct evidence about how and when the first prior of the Roman province came into being, but, as in Lombardy, the rôle was essentially created by Dominic. Since Jordan was specifically made provincial of Lombardy, not Italy, and since there is no evidence that Tancred or any other prior of S.Sabina held anything more than a conventual post, it is reasonable to assume that a provincial was appointed for Rome at the same time and for the same reasons as the nomination of Jordan to Lombardy, i.e. at the general chapter of 1221.

There has been some doubt about the name of the first Roman provincial (cf. Scheeben, AFP 4 [1934] 125-126). The *cronica prouincialium Romane prouincie* in the province's *Liber priuilegiorum* (AS Perugia, Corpor. rel. soppr., S.Domenico, Miscell. 66 f.11^v) lists him as 'Frater Iacobus de Placentia', and this is supported by the chronicle of Perugia, according to which 'Frater qui primo fuit in Romana prouincia prior prouincialis est uocatus frater Iacobus

⁷⁷ Similarly in 1224 the provost of Lille addressed himself to 'magistro P. ordinis predicatorum priori in Francia et eiusdem ordinis fratribus Parisius statutis' in connection with the proposed Dominican foundation in Lille (Chapotin, *Histoire* 67).

⁷⁸ According to Benedetto of Montefiascone, Tancred was prior of S.Sisto after the nuns moved in there (ed. Koudelka, AFP 31 [1961] 70), but this contradicts the clear testimony of Cecilia that he was 'prior of the brethren' (*Mir.* 6). Galvano says he was prior of Santa Sabina (ed. Odetto, AFP 10 [1940] 347), and this is surely the implication of 'prior Romanus' in Jordan (*Lib.* 100). Possibly he was prior of the brethren at S.Sisto before they moved to S.Sabina.

⁷⁹ Dominic also appears as 'prior of S.Sisto'; in that capacity he received a gift on behalf of the nuns on 15 April 1221 (MOPH XXV #152).

de Placentia; fuit asuntus de prouincia Lombardie'.⁸⁰ According to Caccia's chronicle of Orvieto, though, 'Frater qui primo fuit prior prouincialis est adsuntus de prouincia Lombardie et uocatus frater Iohannes Placentinus'.⁸¹

There is an extremely close relationship between the chronicles of Perugia and Orvieto, and Maiarelli (op. cit. XXXII-XLV) has argued cogently that Caccia was using the actual manuscript of the Perugia chronicle which we have now. In the Orvieto manuscript *et uocatus frater Iohannes Placentinus* is written over an erasure, in a space not nearly large enough for it, though in the hand of the original scribe, whereas, so far as I can tell from the microfilm, the Perugia text has not been changed, and there is certainly ample space for the whole entry. This suggests that Caccia, having originally just given the name of the first provincial, later decided to insert, perhaps from memory, the rest of the information contained in his source; so it is conceivable that, having erased 'frater Iacobus de Placentia', he carelessly substituted the name 'Iohannes' when rewriting the text. In any case, a correction in the Orvieto chronicle must carry less weight than the original text of the other two sources. We may confidently assert that the first provincial's name was James, not John.

A further problem is posed by the first entry in Giovanni dei Maiensi's list of priors of S.Maria in Gradi, Viterbo (ed. E.Panella, AFP 65 [1995] 205): 'Primus fr. Iacobus Placentinus, receptus a beato Dominico pro conventu a Cistercio Mccxv°, fuit prior M°cc°xxi, prouincialis M°cc°xxiiij.' If the first part of this means what it appears to mean, it is arrant nonsense; whatever else he may have been doing in 1215, Dominic was certainly not accepting recruits from Cîteaux in view of a convent in Viterbo. Masetti suggests that James was perhaps a Cistercian of Chiaravalle della Colomba, near Piacenza,⁸² which is not implausible; if this is right, then Dominic presumably received him into the order during one or other of his journeys in Lombardy during the latter half of 1220, when he certainly visited this monastery (AFP 66 [1996] 89-92).

⁸⁰ Perugia, Bibl. com. Augusta 1141 f.20°; A.Maiarelli, ed., *La cronaca di S.Domenico di Perugia*, Spoleto 1995, 20.

⁸¹ AGOP XIV 28 f.42°; A.M.Viel & P.M.Girardin, edd., *Chronique du couvent des Prêcheurs d'Orviêto*, Rome/Viterbo 1907, 61.

⁸² P.T.Masetti, *Monumenta et Antiquitates veteris disciplinae Ordinis Praedicatorum I*, Rome 1864, 207.

It is not known exactly when the Dominicans first settled in Viterbo, but their convent was founded and its building largely financed by cardinal Raniero Capocci, whose substantial benefactions do not seem to have started until 1227,⁸³ so it is improbable that there was a prior of Viterbo in 1224, let alone 1221. On the other side, it is improbable that the Roman province had to wait until 1224 to acquire its first provincial, as is implied by Maiensi's account. Why should Lombardy be given a provincial in 1221, but not Rome? If Rome was not given its own provincial, why was Jordan made provincial of Lombardy rather than heir to all of Dominic's 'provincial' responsibilities in Italy?

Maiensi's story is beset with difficulties on all sides. Nevertheless, he must have got his dates from somewhere, and, since neither of them has any obvious application to Viterbo, it is quite likely that he misunderstood his source (whatever it was) and unwittingly preserved information, which may well be correct, that James was prior provincial from 1221 to 1224. Clarus, who is listed as his successor, is reported by the chronicle of St Agnes to have been present as provincial when Honorius III went to S. Sisto to order four nuns to be sent to Bologna, and this, as I shall argue in Appendix VIII, occurred in the latter part of 1226.

We may take it as probable, in any case, that the 1221 chapter decided to perpetuate Dominic's rôle in Italy and, at the same time, to recognise that it had acquired two distinct focuses, by treating Italy as, for Dominican purposes, two provinces, and by appointing a 'prior of the province' to each of them. Lombardy was given Jordan as its prior, and Rome received James of Piacenza, 'taken from the province of Lombardy', i.e. not yet present in Rome or Siena. On the question which province acquired Florence, see Appendix V.

I do not know of any early evidence to establish what 'titles' were used by or for the first Roman provincials. Jordan refers to 'prior Romanae provinciae' in *Ep.* 21, of uncertain date, but 'prior provincialis Romanae provinciae' is an ungainly phrase which he may have preferred to avoid for purely stylistic reasons.

(g) England

When the Dominicans first went to England, they already constituted, according to *Lib.* 88, a *conventus* with a *prior*; the prior's

⁸³ Cf. N.Kamp, 'Capocci, Raniero', DBI XVIII 608-616, esp. 611.

name was Gilbert, identified more precisely by Trevet as Gilbertus de Fraxineto (ed. cit. 209). Since Jordan's testimony is contemporary with the event, we may take it that the friars understood their destination to be England, not specifically Oxford, though we may well surmise that they had been told to settle in Oxford as soon as possible, since this would be in line with Dominic's policy in giving priority to Paris and Bologna. This suggests that Gilbert's position was somewhere between those of Sueiro and Matthew, and it is perfectly conceivable that, as 'prior of England' he also became 'prior of Oxford', where the Dominicans soon made their first foundation (Trevet, loc. cit.). Gui certainly had no doubt that he was the first provincial of England (*Cat. Mag.* 19), and this is probably correct. Much more doubtful is the claim that he 'appears to have occupied the double office of prior [of Oxford] and provincial until 1230'.⁸⁴

What we actually know on the subject is practically nothing. On the questions what rôle or rôles Gilbert filled in England, what title or titles he used or was given, and for how long he was prior in whatever sense or senses he was prior, absolutely no evidence has been found. All that we know is that Trevet (ed. cit. 217) says the province held its first provincial chapter in 1230. The first known explicit reference to the Dominican prior of Oxford comes in 1233, when a certain 'frater Jocius' is given that title (Palmer, loc. cit.). The first known explicit reference to a provincial of England occurs in 1235, when Grosseteste made a persistent effort to get Alardus, described as *prior provincialis*, to allow him the services of John of St Giles and one or more other Dominicans.⁸⁵

For our present purposes this meagre haul is sadly unilluminating. We may take it that Gilbert set off in 1221 as superior of the English Dominicans; but how this rôle evolved and under what title or titles, we do not know.

Only one point is perhaps significant: if Trevet's information is correct, no provincial chapter was held until after Jordan's visit to the province before the Paris general chapter in 1230 (Scheeben, *Beiträge* 63).

⁸⁴ W.Gumbley, *Fasti Ordinis Praedicatorum in Anglia* 24 (unpublished typescript, of which there is a copy in the library of the Dominican Historical Institute). R.Palmer was categorical that Gilbert held both offices until 1230 ('The Friar-Preachers of Oxford', *The Reliquary* 23 [1882], esp. 147).

⁸⁵ Ed. H.R.Luard, *Roberti Grosseteste epistolae* (Rolls Series), London 1861, 59-61, 71.

(h) Hungary

Gui did not claim to know who the first provincial of Hungary was, but he conjectured that it was Paul of Hungary (*Cat. Mag.* 19-20). I know of no evidence other than that which Gui must have used, namely Suipert's report on the Hungarian province's missions. Since Suipert says that, in 1221, 'magister Paulus Hungarus ... cum aliis quatuor fratribus missus est in Hungariam per beatum Dominicum' (AFP 68 [1998] 87), it is reasonable to infer that Paul was their superior. And if we believe, as we probably should, that he and his companions were the first Dominicans actually to reach Hungary (cf. AFP 66 [1996] 22-26), then Paul was in the same position as Sueiro, superior of the brethren in a territory that did not as yet have a house.⁸⁶ But I am not aware of any evidence to reveal what title he used or how his rôle evolved.

If Paul was the first provincial, he does not seem to have lasted long. On 21 March 1228 Gregory IX wrote to 'priori ordinis fratrum predicatorum de Ungaria', exhorting him to make friars available for the mission to the Cumans. He mentions that a Dominican called Theoderic is already a bishop in Cuman territory⁸⁷ and remarks that he had previously been 'fere per quinquennium prior eiusdem ordinis in Ungaria' (*Epitome* #188), which presumably means that he had been provincial. This suggests that Theoderic must have become 'prior' in 1223 at the latest (cf. Vicaire, *Histoire*² II 301). Whether Theoderic or his successor called himself 'prior ordinis fratrum predicatorum de/in Hungaria', or whether this is simply Gregory's choice of title, I do not know.

(i) Dacia

Germany and Dacia had similar, and similarly messy, beginnings (cf. AFP 66 [1996] 19-27). In each case the first initiative for a Dominican presence in what was to be the territory of the

⁸⁶ There is no indication that they were given any particular destination within Hungary, as the English party probably was; and, for what it is worth, Suipert rather gives the impression that Paul and his party were willing to settle wherever the opportunity presented itself. But it was not Suipert's intention to give a detailed account of the beginning of the province, his main concern being to report on its numerous missionary undertakings.

⁸⁷ On 31 July 1227 Gregory IX wrote to the archbishop of Esztergom, giving him full legatine powers with regard to the Cumans, including authority to 'create bishops' (A.Theiner, *Vetera monumenta historica Hungariam sacram illustrantia* I, Rome 1859, 86-87); Theoderic's appointment as bishop must have occurred later in 1227.

province seems to have come from someone outside the order, who desired to establish a Dominican house in a particular town; in each case there was at first a very modest investment of manpower. At Friesach there was only one priest, and, for all we know to the contrary, all the other brethren may have been recruited there; and only two friars accompanied the provost of Sigtuna back to Sweden to further his hope of making a foundation there.

At Friesach the sole priest was inevitably the superior of the community; when he abandoned the order, his recruits were left without priest or prior until Solomon came to their rescue by taking on both rôles (see the *Historia OP in Dania*, AFP 66 [1996] 163). He was hoping to go to Hungary, again at the request of a non-Dominican ecclesiastic. If Simon of Sweden and Nicholas of Lund had succeeded in making a foundation in Sigtuna, presumably one of them would have become prior; it is not clear whether one of them was appointed superior in advance by Dominic, but even if he was, he would be an unconvincing superior until he had more than one subject.

At Sigtuna and in the abortive first mission to Hungary and, in all probability, also at Friesach, it looks as if one or two friars were allowed to go primarily to collaborate with some local ecclesiastic, with no clear plans as to how their mission was to contribute to the expansion of the order. Although, if their various endeavours had prospered, they might with hindsight have been seen as founding fathers of their provinces, they were never in the same position as Sueiro, Matthew, Gilbert or Paul of Hungary; they were, at most, potential major superiors.

In 1221 another mission was dispatched to Scandinavia, this time to Denmark, as we learn from the *Historia* (AFP 66 [1996] 163). Solomon was sent from the general chapter with letters from the pope and from Dominic to the king of Denmark and the archbishop of Lund (which at this time formed part of Denmark). The only letter to survive is the pope's letter to the king (MOPH XXV #164), which implies that evangelizing gentiles is the primary object of the Dominican mission, though preaching to the faithful is not excluded. We have seen reason to surmise that this was to be the Dominican contribution to Honorius's world-wide mission to unbelievers, which Dominic himself was perhaps hoping to lead (AFP 68 [1998] 72-83). If this is right, then Solomon represented an advance guard. How many people were in his party we do not know, but he left them all in Cologne and had to go to Paris to find himself a new socius for the rest of the journey. This suggests that his party

was too small to provide both manpower for a foundation in Cologne and even a single socius to go on to Denmark with Solomon. Solomon's action in 'receiving' a house in Cologne suggests that he was the superior of the party; but by the time he eventually reached Denmark he was alone except for a socius supplied in Paris, and it is not clear on what basis he could have claimed to be more than his temporary 'superior'.

In 1222 the archbishop gave 'the brethren' a house in Lund. Since there is no mention of any other brethren having arrived, this presumably means that Sunesen gave Solomon and his socius a house for the order. Even if the Danish expedition was primarily intended to prepare for a Dominican mission to Estonia, it is probable that a foundation in Danish territory was part of the plan. If Solomon had reached Denmark with his original party intact, it might have been normal for him to act as the prior of any house they were able to obtain there. But even this is uncertain, if it was expected that Dominic himself would arrive soon afterwards with reinforcements. It is even less likely that Solomon was in any sense to be a 'founding provincial' like Gilbert in England.

The *Historia* does not make any connection between Solomon's mission and the two friars who had gone to Sigtuna. Sigtuna was in a different *regnum* and in a different ecclesiastical *provincia* from Denmark, and there was no *a priori* reason why it should become part of the same Dominican province as a missionary foundation based in Denmark. However, since Sigtuna came to nothing, Simon and Nicholas, hearing of the foundation in Lund, went to join Solomon there, and so, adds the *Historia*, did 'alii quamplures qui recepti fuerant Parisius et Bononie', and they elected Simon prior. This obviously did not all happen overnight, but there is no need to maintain, as Gallén does, that Simon and Nicholas cannot have gone to Lund until 1224 at the earliest.⁸⁸ The most likely explana-

⁸⁸ J.Gallén, *La Province de Dacie* 10; his reasoning appears to be that they were driven out of Sigtuna by archbishop Olaf, who was not translated to Uppsala until 1224 (cf. *ibid.* 6). Although Swedish chronicles say that archbishop Valerius died in 1219, there is evidence that he was still alive in 1220 (cf. AFP 66 [1996] 21). And Honorius III was in correspondence with some archbishop of Uppsala up to March 1221, and at least some of his letters were in response to messages from the archbishop (the latest being one to the bishop of Finland on 13 Jan. 1221): see Presutti #2775, 2864, 2955, 2977, 3046, 3209; J.G.Liljegren, ed., *Svenskt Diplomatarium* I, Stockholm 1829, pp.209, 215, 219-221. But if the compiler of the *Historia OP in Dania* was wrong in connecting provost Gaufred's visit to Rome with obtaining Olaf's

tion of the arrival of the other friars is that they were sent to Lund by Jordan in the course of 1223-1224. At what stage Simon was elected prior we cannot say, nor is there any indication whether Solomon acted as superior until then. Solomon, in fact, simply disappears from the story, and we have no clue whether he died, went back to Friesach, resumed his earlier intention to go to Hungary, continued as a simple friar in Scandinavia, or anything else that we can think of; he may have discovered America or gone to the moon, for all we know to the contrary.

Whatever Solomon's rôle might have been or become, Simon was clearly prior of Lund and nothing more.

On the first provincials of Dacia we have two sources: there is a paragraph on them in the *Historia* (edited in Appendix VI), and, for some reason, Bernard Gui took an interest in them (see Appendix VII). According to the former, the first provincial was Rano, a former regent master in the Arts faculty in Paris, who was received into the order by Dominic in Paris when he was on his way to the papal curia to obtain confirmation of his election as bishop of Roskilde. He is said to have become provincial within a year. Gui provides no chronological information about him. Both sources agree that he had a long provincialate, and Gui adds that he died in office.

The account in the *Historia* cannot be entirely accurate. Rano can only have been received into the order by Dominic in Paris during the latter's visit in the summer of 1219; if he became provincial within a year, then he was already provincial long before Solomon was sent to Denmark, if not by the time Simon and Nicholas set off for Sigtuna. But the *Historia* itself tells their various stories in a way which leaves no room for the existence of a provincial, and the vague *circa idem tempus*, which introduces the

pallium, his mistake automatically gave him a reason for identifying as Olaf the archbishop who prevented the Dominicans from obtaining a site at Sigtuna. And, as we have seen (AFP 66 [1996] 20), there is no reason to deny that they were, from the outset, unable to make a foundation. So they had quite possibly got word to Dominic of their failure and of their whereabouts before the general chapter of 1221. And, if Solomon did not already know what had happened to them, he probably could have had a chance to discover it while he was serving as interpreter to Gregory of Crescenzo (cf. *Historia*). Gregory was in principle sent to the dioceses of Sweden as well as Denmark (Pressutti #2931, 2935; *Svenskt Diplomatarium* I 216-217). I see no reason why Simon and Nicholas should not have been in Lund by the end of 1222, having been informed by Solomon that the order had received a house there.

paragraph on provincials, makes Rano's entry into the order contemporary with the development of the convent in Lund, not with anything earlier. And in any case there was no vacancy in the see of Roskilde in 1219. Peder Jakobsen was elected bishop before the death of Innocent III, and on 25 Jan. 1217 Honorius authorised the archbishop of Lund to proceed in the matter as he saw fit, and the new bishop must have been consecrated by 28 May 1218 at the latest, since on that date Honorius addressed a letter to 'episcopo Roscildensi'.⁸⁹ And he died in May 1225.⁹⁰ This makes it probable that Rano (about whose election as bishop nothing else is known) was actually received into the order by Jordan of Saxony, who was certainly in Paris during Lent 1226 (MOPH XXIII 38-39, XXIV 60), and was also there, if Scheeben is right (*Beiträge* 50-52), in Advent 1225. It was presumably at the general chapter of 1226, then, that he was appointed provincial of Dacia, either by Jordan or by the chapter.⁹¹

There is no reason to believe that the Dominicans had yet made any Scandinavian foundation beyond Lund. Nor, as we have seen, is it likely that there was anyone in Lund with responsibility for making new foundations or authority to do so. Rano's appointment should therefore be seen as a way of facilitating the order's expansion in the North and as a signal that such expansion was called for. And he seems to have done what was expected of him: although we do not have precise dates for the foundation of most of the province's first convents, and Gallén's argument that the erection of the province in 1228 shows that there were at least three convents by then is worthless, there is evidence that Ribe was founded in 1228 and that Visby was in existence by 1230 (Gallén, *Province de Dacie* 20-22). As we have seen, in 1228 the province acquired the right to send a representative to diffinitors' chapters, which presupposes that it was already in a position to hold provincial chapters to elect such diffinitors, and this presupposes the existence of more than one convent.

⁸⁹ N.Skyum-Nielsen, *Diplomatarium Danicum* I.5, Copenhagen 1958, #102 and 141.

⁹⁰ E.Jørgensen, *Annales Danici Medii Aevi*, Copenhagen 1920, 106-107, 142, 146; A.Otto, *Liber Daticus Roskildensis*, Copenhagen 1933, 44, 204-205.

⁹¹ Cf. R.J.Loenertz, AFP 27 (1957) 37-38. Loenertz suggests that Rano met Jordan crossing the Alps and then accompanied him to Paris; but there is no reason why, as a former regent master in Paris, he should not have made a detour on his way to Rome, to revisit his old haunts. The *Historia* certainly implies that it was in Paris that his journey to the Holy See was interrupted.

Rano died in 1238, and the inscription on his tomb is quoted as calling him 'primus Prior provincialis fratrum Prædicatorum in Dacia' (Gallén, op. cit. 15).

(j) *Germany*

The dispatch of Dominicans to Denmark was meant to provide a springboard for missionary activity among pagans, so we may say that, in 1221, rather more was envisaged than was actually, at first, achieved. The beginnings of the province of Germany, by contrast, seem to be entirely accidental. The foundation in Friesach appears to have been due to the short-lived enthusiasm of some local ecclesiastic; and Solomon's acceptance of a house in Cologne, of which we hear in the *Historia*, must have been a bold response to an unforeseen opportunity. If it had been planned or even hoped for before he set off, he would have been given enough manpower to launch a house in Germany without depriving him of the socius he needed for the rest of his own journey to Denmark.⁹² And both Friesach and Cologne quickly ran into difficulties: at Friesach the founding priest left the order, and at Cologne the first prior was promptly identified and excommunicated as a Cistercian *fugitivus* (cf. AFP 65 [1995] 66). Even after both houses were stabilised, it is not evident that there was any relationship between them; nor did the province grow organically thereafter. The convent of Magdeburg was launched in 1224 on the initiative of the archbishop, who is said to have applied to Paris for friars; the founding party was sent in the same year by Jordan of Saxony (QF 4 [1910] 48-49), which suggests that the appeal to Paris was actually an appeal to the general chapter. The Dominicans also first went to Strasbourg in 1224, but it is not clear from where or in what circumstances they did so; all that is said in the *Annals of Ellenhard* is: 'Anno domini 1224 venerunt fratres predicatorum primo in Argentinam sub domino episcopo Heinrico de Veringen' (MGH SS XVII 101). This might imply that they were asked for by the bishop, in which case he too perhaps applied to the general chapter of 1224. Trier, where the Dominicans were established by 1225, was possibly founded from Cologne, as might be implied by the local chronicler who men-

⁹² It is decidedly an oversimplification to claim that 'die ersten Dominikaner, die auf deutschem Boden Klöster errichteten, waren vom Ordensstifter selbst entsandt worden' (G. Gieraths, *Die Dominikaner in Worms*, Worms 1964, 13).

tions the Dominicans' arrival in Cologne and then says 'post hec venerunt Treverim' (MGH SS XXIV 399).⁹³ The order is said to have settled in Bremen in 1225, but there does not appear to be any information about where they came from or who had sent them.⁹⁴ In 1226 the brethren went to Worms and succeeded in establishing themselves in spite of the opposition of the bishop (MGH SS XVII 38); but again it is not clear where they came from or who sent them.⁹⁵ According to Gui's *ordo conventuum*, the foundation in Würzburg preceded that of Worms (QE I ix), but its circumstances too are unknown, though it is clear that there were initial difficulties with the bishop and local clergy.⁹⁶ Also in 1226, according to a probably unreliable convent tradition, Duke Leopold VI of Austria brought some Dominicans from Hungary to Vienna.⁹⁷

In spite of the gaps in our information, the impression is given that the earliest development of the order in German-speaking lands did not radiate from any single centre. So, whereas Dacia needed a provincial to encourage the brethren to expand beyond a single

⁹³ By this time Jordan's friend, Henry, was prior of Cologne. It is not clear who appointed him. On the basis of Jordan, *Lib.* 71, Scheeben (*Beiträge* 164-165) supposes him to have been in Cologne while Jordan was provincial of Lombardy, and it certainly makes sense for Henry to have asked 'Ubi nunc est "stemus simul"?' soon after their first parting. But it is more likely that the fiasco over Christian led the 1222 chapter, or Jordan as newly elected Master, to send Henry to sort out the new foundation in Cologne, in which case Henry must have put his question in a letter written from Cologne after Jordan's return to Bologna as Master. It is possible that Jordan had encouraged him to expand the order from Cologne to other cities in the neighbourhood; but he was not remembered as having been in any sense provincial.

⁹⁴ Cf. D.Schomburg, *Die Dominikaner im Erzbistum Bremen während des dreizehnten Jahrhunderts*, Braunschweig 1910, 7-8.

⁹⁵ Cf. Gieraths, *op. cit.* 13.

⁹⁶ On 16 Feb. 1231 a deal was finalised between the Dominicans and the bishop and clergy, which recognised the Dominicans' rights, while circumscribing them as narrowly as possible; see *Monumenta episcopatus Wirziburgensis* (Monumenta Boica XLV, München 1899) 65-67.

⁹⁷ *Specimina regestorum ...* 1-2; I.W.Frank, *Hausstudium und Universitätsstudium der Wiener Dominikaner bis 1500*, Vienna 1968, 1. If the house was founded from Hungary, we should expect it to belong to the Hungarian province; but, if it is true that the convent possessed a copy of *Quoniam abundavit* issued in 1227 or 1228 and specifically addressed to the prelates of Germany (*Specimina regestorum ...* 2), it must at least have passed very quickly to the province of Germany. Most known copies of *Quoniam abundavit* are addressed to prelates in general, but there is one addressed to the diocese of Olomouc (*Epitome* #144), so it is quite possible that there was also one addressed to the prelates of Germany.

house, what was wanted in Germany was someone who could draw together a number of independently established houses and make them function as a province.

Freed says that 'the first known Dominican provincial prior was Conrad of Höxter (ca. 1225-1234);⁹⁸ this is a prudent, if slightly cowardly, judgement, in line with the tradition of the German province (QF 1 [1907] 23; *Archiv der deutscher Dominikaner* 4 [1951] 81-83). Nevertheless, the evidence assembled by Scheeben (*Beiträge* 154-155) for an earlier provincial called Bernard appears to hold water. Although the province retained no memory of such a provincial, it was known that the provincial chapter of 1236 had decreed 'quod pro fratribus B. et C. fiet, sicut factum fuisset, si mortui essent in officio provincialatus'. This does not necessarily imply, as Scheeben maintains, that both B. and C. were already dead by 1236, but it does imply that both had ceased to be provincial.⁹⁹ Since Berthold is said to have ruled the province until 1240, there must have been another, earlier provincial whose name began with B. Scheeben suggests that 'es besteht keine Schwierigkeit' to identify the elusive B. with the 'frater Bernardus, prior provincialis' who greets the nuns of St Agnes at the end of Jordan's *Ep.* 27. It had previously been assumed, in accordance with the prevailing dogma about the creation of provinces, that Conrad had been provincial of Germany since 1221,¹⁰⁰ so no one ever dreamed of connecting the prior provincialis mentioned by Jordan with the province of Germany; but, since prior provincial Bernard is clearly the same as the 'Bernardus Theutonicus' who features as a close friend of the nuns both in the chronicle of St Agnes and in other letters of Jordan, Scheeben's contention that he is the missing 'provincial B.' is extremely cogent. However, if the proposed identification causes no real difficulty, the dating of *Ep.* 27 does.

⁹⁸ J.B.Freed, *The Friars and German Society in the Thirteenth Century*, Cambridge Mass. 1977, 123.

⁹⁹ When Humbert's resignation as Master was accepted in 1263, the general chapter declared, 'Volumus quod post mortem eius fiat pro eo per totum ordinem sicut pro magistro ordinis fieri consuevit' (MOPH III 121); the German provincial chapter in 1236 could similarly have taken the occasion of Conrad of Höxter's resignation or absolution to decree that, when he and his predecessor died, they were to receive suffrages as if they had died in office.

¹⁰⁰ Cf. QF 1 (1907) 23; Malvenda 332; Mamachi 643. The same claim has recently been repeated by P.Zimmer, who gives his dates as 1221-1233 (*Helvetia Sacra* IV 5, *Die Dominikaner und Dominikanerinnen in der Schweiz*, Basel 1999, 132).

Ep. 27 is one of two letters which refer to Jordan's plan to get some nuns from Prouille to assist the new monastery in Bologna, and this raises complex chronological questions about the early years of St Agnes, which I have dealt with in Appendix VIII. I show there that the reasons alleged for dating *Ep.* 27 to 1224 are unconvincing and that there are far more compelling reasons to date it after the general chapter of 1226.

Bernard had been involved with St Agnes from its inception; in 1225, when Diana's brother, Brancaloneo, died, it was he whom Jordan sent to console her (*Ep.* 30). They, together with Henry, prior of Cologne, were apparently already beginning the journey which is alluded to in *Ep.* 45, so both letters have to be dated after the chapter of 1225. The year is quite certain, since we have it on the excellent authority of the *Annales Ianuenses* that that is when Brancaloneo died.¹⁰¹ In the second letter, Jordan asks for prayers 'pro fratre Henrico priore Coloniensi ac fratre Bernardo et aliis sociis meis'. On the face of it, then 'frater Bernardus' becomes 'frater Bernardus prior provincialis' between *Ep.* 45 and *Ep.* 27, i.e., if my dating is correct, between 1225 and 1226. This suggests that he was appointed provincial at the general chapter of 1226.

Ep. 32 was certainly written from Paris some time after 25 March 1226 (the details are given in Appendix VIII), and there is no mention of either Bernard or Henry, so they are presumably no longer in Jordan's company. We may infer that, while Jordan made his way to Paris, where it is quite likely that he arrived before Christmas 1225 (cf. *Ep.* 39), his two companions went to Germany.

According to the tradition of the province, the first provincial chapter of Teutonia was held at Magdeburg in 1226 (QF 1 [1907] 23; *Archiv der deutschen Dominikaner* 4 [1951] 81). Piecing together the various clues afforded by Jordan's letters, we may surmise that, after the 1225 chapter, Bernard was sent to Germany to prepare the way for the various convents there to be forged into a viable province. At the 1226 chapter he was able to report the success of his mission, so he was appointed provincial. The nuns of St Agnes presumably knew about the task enjoined in him in 1225, so 'frater

¹⁰¹ 1225 was the year in which Bartholomew the Scribe took over as 'annalist' of Genoa, and he begins his account by noting that 'vir nobilis Branchaleo de Bononia filius Andalonis' was podestà. Describing him as 'miles formosus, sapiens, largus, animosus', he reports his death within the same year (MGH SS XVIII 156, 158). Cf. Altaner, *Jordan* 80.

Bernardus, prior provincialis' would be self-explanatory.¹⁰² He then went back to Germany and convened a provincial chapter. Quite possibly he immediately offered to stand down, or perhaps even asked to be relieved of his office, so that a new provincial could be elected. If Conrad of Höxter was chosen in his place, the tradition of the province was correct to believe that it was he who celebrated the first provincial chapter; it is also not difficult to see why the provincialate of Bernard was remembered with gratitude in 1236, and thereafter entirely forgotten.

(k) Poland

The origins of the Polish province are slightly mysterious. Hyacinth and Henry of Moravia evidently arrived in Kraków in 1222; according to one source, they had been sent by Dominic (Loenertz, AFP 27 [1957] 14-15, 28-31). Since it seems to have been Dominic's policy to send friars to their own countries (Iberian friars to the peninsula, Scandinavians to Scandinavia, an Englishman to England and a Hungarian to Hungary), it is quite credible that Hyacinth was sent by Dominic precisely in view of a foundation in Poland. The only problem is that he and his companion seem to have stopped on the way to help stabilise the unfortunate convent at Friesach (Loenertz, art. cit. 31). Solomon had taken it under his wing instead of going to Hungary; but he was sent from the 1221 chapter to Denmark. It would have been natural, in the circumstances, for the chapter or for Dominic to make alternative arrangements for Friesach. Was this then the official mission of Hyacinth and Henry? Or did they start their journey with Solomon en route for Poland, only to get parked at Friesach by Solomon?

Even if we assume that Poland was their official ultimate destination, as seems reasonable, their position was closer to that of Nicholas and Simon in Sweden than to that of Sueiro and his brethren in Spain. One out of a party of two could hardly claim to be 'superior of the Order of Preachers in Poland', and the result of their arrival in the country was the speedy establishment of a single convent. As in Scandinavia, it looks as if Jordan appointed a provincial for Poland with a view to expanding the

¹⁰² It should perhaps be punctuated 'frater Bernardus — PRIOR PROVINCIALIS!'.

order's presence there, and, in all probability, to the celebration of a sort of 'provincial' chapter. As the chronicle of the provincials informs us:

Frater Gerardus, nacione Wratislaviensis, studens Parisiensis, primus prouincialis Polonie per Iordanem magistrum generalem ordinis Predicatorum preficitur, anno Domini ducentesimo uicentesimo quinto, absque omni fratrum electione. Hic Cracouiam ueniens primum ibi celebrat capitulum, de quo misit fratres recipere domos Wratislaviensem, Pragensem, Canmenensem, Sandomiriensem, Gedanensem.

This information appears to be substantially correct, and the expansion of the order was evidently well under way as early as 1226 (Loenertz, AFP 21 [1951] 13-16).¹⁰³

It seems to be characteristic of Jordan to send in a provincial of the right nationality, but from outside the territory; he did this for Dacia and Germany as well as Poland. No doubt in each case it was sensible for him to appoint someone with whom he had personal acquaintance, which would exclude people already at work in provinces which he had not visited;¹⁰⁴ but he may also have thought that the injection of someone from outside was the best way to transform whatever was there already into a fully operational Dominican province.

The only suspect element in the story is the date. Since Gerard is associated with Paris, not Bologna, we cannot help but wonder whether it was not rather in 1224, at the general chapter in Paris, that he was sent to be provincial of Poland. But perhaps he was first sent in 1224 as Jordan's vicar, with orders to report back in 1225, and was then formally appointed provincial at the 1225 chapter. I have suggested that something similar happened in Germany, and it is possible that the *Historia OP in Dania* has oversimplified the story of the first provincial of Dacia and that he too was

¹⁰³ Loenertz remarks that the chronicle calls the first chapter *capitulum*, 'sans ajouter *prouinciale*'; nevertheless, even if there was only one house in Poland, it was both possible and important to distinguish between a meeting of the brethren qua convent and a meeting of the same brethren qua province; only in the latter guise would they be required to look beyond their own house. And only a provincial prior could summon them to meet in this guise.

¹⁰⁴ He obviously could have appointed his friend Henry to be provincial of Teutonia; but Henry was already prior of Cologne and it seems to be Jordan's policy to keep conventual and provincial priors distinct.

originally sent to the territory as the Master's vicar rather than, strictly speaking, as provincial.

I have not been able to make any study of titles used by provincials in Poland, but Loenertz quotes a document from September 1228, in which the first provincial, Gerald, styles himself simply 'prior' (AFP 27 [1957] 34).

(1) *The Holy Land*

We do not know when Dominicans first went to the Holy Land.¹⁰⁵ According to a tradition whose veracity cannot now be checked, but which may derive from archival documents which have since been lost, the convent of Ragusa was founded in 1225 by some of the friars sent by Jordan to the Holy Land, who went to Ragusa intending to take ship, but were persuaded to remain instead and establish a Dominican convent there.¹⁰⁶

¹⁰⁵ The *Vitas Fratrum* contains a famous account of a general chapter in Paris, at which Jordan appealed for volunteers to be sent 'ad prouinciam Terre Sancte' (MOPH I 150-151). Apart from the fact that it fell within the provincialate of Peter of Rheims, there is no way of dating the chapter (Peter is first attested as provincial in 1224; his successor, Hugh of St Cher, is first attested in 1236). Taegio, for some reason, dates it to 1230 (on whose chapter Borselli could find no information: 'Quid actum sit in isto capitulo diligenter quesui et non inueni' [*Cron. Mag. Gen.*, Bologna, Bibl. Univ. 1999 f.19^v]), but the value of this date is extremely doubtful. In any case, the story, as told, implies that the province of the Holy Land already existed, so, whatever Taegio may have thought, it is doubtful whether it sheds any light on its origins. After this passage from the *Vitas Fratrum*, Taegio quotes what may have been Galvano's account of the beginnings of the province: '(Ex cronica fratris Galvani) Inter eos autem qui ad prouinciam illam perexerunt fuit frater Benedictus de Ponte, qui in Siria multo tempore predicauit, frater Brocardus Theutonicus qui totius terre sancte descriptionem fecit et summam de casibus compilauit que Brocardina nuncupatur. Plures autem ibidem construxere conuentus, uidelicet in Jerusalem, Achon, Betleem et Nazaret, propter quod multi ordinem ingressi sunt. Unde prouincia illa quamplurimum magnificata est' (AGOP XIV 51 f.49^v, Bologna, Bibl. Univ. 1894 ff.120^v-121^r). Galvano probably knew about Benedict from his obit, added to the *Vitas Fratrum* in 1259 (MOPH I 256), in which it is said that he 'in Hyspania et Francia et Aquitania et ultra mare in Syria predicauerat diu deuote'; I am not aware of any evidence to show when the 'Syrian' part of his career occurred. 'Brocardus' is a combination of two writers, and the implied date is too early for either of them (cf. SOPMÆ I 256-260). For some reason, Borselli thought 'frater Brochardus Theutonicus' was received into the order by Reginald in Paris in 1220 (*Cron. Mag. Gen.* f.6^v), and this was accepted by Taegio (AGOP XIV 51 f.19^v, Bologna f.51^r); but Jordan of Saxony says that Reginald received no one to profession in Paris except Jordan himself and his friend Henry (*Lib.* 66).

¹⁰⁶ N.Pfeiffer, *Die ungarische Dominikanerordensprovinz*, Zürich 1913, 160-161; Th.Kaeppli and H.V.Shooner, *Les manuscrits médiévaux de Saint-Dominique de Dubrovnik*, Rome 1965, 11; S.Krasić, *Congregatio Ragusina Ord. Praed.*, Rome 1972, 38.

The preamble to PC shows, in any case, that there was a functioning province by 1228, with a provincial; and, since the Holy Land was one of the 'minor' provinces which then acquired the right to take part in diffinitors' chapters, it must have been in a position to hold regular provincial chapters, which implies that it already had more than one convent. And this is confirmed by other evidence. According to Bernard Gui, who did his best to be well-informed about such things, the convent of Nicosia 'est et fuit primus conventus Terre Sancte' (cf. QE I xii), i.e. it did not come first simply because other, earlier foundations had since been lost, it always had been first; according to Étienne de Lusignan, the Dominicans first arrived in Cyprus in about 1226.¹⁰⁷ They were also evidently well-established in Acre by 1229: in his encyclical complaining about the behaviour of Frederick II in Acre in 1229, Gerold, patriarch of Jerusalem, reports that 'fratres Prædicatores ac quosdam Minores, qui in Ramis palmarum locis statutis convenerant ad prædicandum verba Domini, per satellites suos rapi fecit de pulpitis et in terram prosterni, extrahi et quasi latrones per civitatem fustigari'.¹⁰⁸ We may reasonably conclude that the province of the Holy Land had at least two convents in existence by 1228, Nicosia and Acre.

The evidence, such as it is, suggests that the province was launched in 1225, or possibly 1224.

The first provincial we know of is Henry the German, but it does not follow that he was the first provincial there was. Our main source of information about him is Thomas of Cantimpré, who heard the story of how he came to join the order from Henry himself.¹⁰⁹ From *De Apibus* II 43.4 we learn that, on his return from a crusade (no doubt

¹⁰⁷ *Chorografia et breve Historia universale dell'Isola de Cipro*, Bologna 1573, f.31 (I quote from G.Golubovich, *Biblioteca Bio-bibliographica della Terra Santa* I, Quaracchi 1906, 396).

¹⁰⁸ Gerold's letter is known from Matthew Paris, *Chronica Majora*, ed. H.R.Luard, III, London 1876, 179-184; for the passage quoted, see 183.

¹⁰⁹ The same story is found in the *Vitas Fratrum* (MOPH I 183); it is one of many pieces added in 1259, and, like several others, including Henry's tale of the early days of the Paris convent (MOPH I 30-31, cf. *De Ap.* II 54.11), it was probably contributed by Thomas of Cantimpré himself. In the *Vitas Fratrum* he is called 'Henricus Theutonicus', but Thomas says he was 'de Colonia dictus' (*De Ap.* I 3.6). It is natural that a friar known elsewhere as 'Theutonicus' should have a different label among the Germans, and the identity of the two is not in doubt. On the death of the uncle in Marsberg who was paying for his studies in Paris, it was to Marsberg he went to earn his living as a schoolmaster (*De Ap.* II 43.4), which suggests that his home was there; many modern writers accordingly call him 'Henry of Marsberg'.

the Fifth), he became a Dominican in Paris when the order had only recently been founded *in partibus Albigensium* and the house in Paris was *iam incepta*; after several years in the order ('cum annis pluribus deuotissime profecisset'), he was sent to the Holy Land 'a magistro ordinis et diffinitoribus ac prouincialibus'. After an unspecified period ('postea') he returned, and then went *ad transmarina* for the third time with Louis IX; he died on the way back to France. Thomas's closing eulogy shows that it was particularly in Paris that he was renowned for his preaching and counsel to the clergy and people.

The reference to 'diffinitors and provincials' has been taken to show that Henry was sent to the Holy Land by the Most General Chapter of 1228,¹¹⁰ but the inference is not safe, as the phrase could equally well apply to a chapter held before the three-year cycle of diffinitors' and provincials' chapters was introduced. As I shall argue, the cycle was set up in 1225, so any chapter up to and including 1225 could contain both diffinitors and provincials, the former being either the diffinitors chosen from among the capitulars at the chapter itself or, if the word is used more loosely, the representatives of provinces, such as Germany, which did not yet have provincials.

If Thomas's language is accurate, the full authority of a chapter was involved in sending Henry to the Holy Land. This suggests that he was one of a party being sent to pioneer a new mission for the order,¹¹¹ in other words, a founding member of the province of the Holy Land. Since the province was already in existence by 1228, the chapter in question must be that of 1225 at the latest.¹¹² This tallies perfectly with the dates given for the foundation of Ragusa and Nicosia, and with the rudimentary chronology of Henry's career furnished by Thomas.

Thomas does not state that Henry went to the Holy Land as provincial, but he does relate something which happened while he was 'prior prouincialis fratrum prædicatorum in partibus transmarinis' (*De Apibus* II 57.29), and this provincialate must obviously fall within his first Dominican stay in the Holy Land, not during his

¹¹⁰ E.g. Scheeben, *Beiträge* 167; Thomas, *De oudste Constituties* 279-280 (this seems to be his sole reason for suggesting that 1228 might be the foundation-date of the province and for calling Henry 'de eerste provinciaal').

¹¹¹ Judging from the account of the chapter of tears in the *Vitas Fratrum* (MOPH I 150-151), the authority of the master on his own was sufficient to send subsequent volunteers to the Holy Land.

¹¹² If I am right that the new system was introduced in 1225, the chapters of 1226 and 1227 would not have contained both provincials and diffinitors.

participation in St Louis's crusade. Even if we cannot be sure that he was provincial from the outset, he was a natural candidate for Jordan to favour for the post: he was a mature man,¹¹³ personally known to Jordan,¹¹⁴ and he had some crusading experience, however limited.

From *De Ap.* II 10.36 and I 3.6 we learn that Henry was in Paris at the time of Philip the Chancellor's death (in 1236), and that it was at his instigation that the Talmud was burned 'in about 1239'.¹¹⁵ This implies that he was provincial of the Holy Land before 1236. We know that a Dominican called Philip was provincial there by 1237, and the contents of his letter to the pope suggest that he had already been provincial for some time.¹¹⁶ Thomas's Henry can thus almost certainly be identified with the 'frater Henricus, prior provincialis Ultramarinus' mentioned in Jordan, *Ep.* 26, who is also, no doubt, the 'Henricus Ultramarinus' of *Epp.* 4 and 7. The change in his designation implies that he has either become provincial or ceased to be provincial between *Ep.* 26 and the other two; in *Ep.* 26 Jordan indicates that he will shortly be in Bologna ('cito, dante Domino, poterimus invicem consolari'), whereas *Ep.* 4 was written soon after Jordan left there ('postquam nuper recessi a te ...'), so we may take it that Henry had in fact just ceased to be provincial. Evidently a general chapter in Bologna fell between *Epp.* 4 and 4.

Ep. 26 is currently dated to 1233 (Altaner, *Jordan* 105-107; Scheeben, *Beiträge* 67-70; MOPH XXIII x), but there is no good reason for this. Jordan mentions that 'magister Iacobus, archidia-

¹¹³ He was *ætate adultus* even when he first went to Paris as a student (*De Ap.* II 43.4).

¹¹⁴ If he joined the order soon after the establishment of the Dominicans in Paris, he must have been at S.Jacques during the period between Jordan's entry into the order in 1220 and his appointment as provincial of Lombardy in 1221. Even if Henry was lector of Cologne (*De Ap.* II 57.28) before going to the Holy Land, he cannot have gone there before the convent was founded in 1221 (AFP 66 [1996] 163).

¹¹⁵ On the condemnation and burning of the Talmud, see J.Cohen, *The Friars and the Jews*, Ithaca 1982, 60-76; the fuss was provoked by a Jewish convert, who delated the 'books of the Jews' to the pope in 1239. The relevant papal documents are printed in S.Simonsohn, *The Apostolic See and the Jews* I, Toronto 1988, #162-165, 171, 187. Henry was one of the Dominicans involved in the final condemnation of the Talmud by the papal legate, Eudes of Châteauroux, in 1248 (H.Denifle - E.Chatelain, *Chartularium universitatis Parisiensis* I, Paris 1899, 209-211).

¹¹⁶ A.L.Tautu, *Acta Honorii III et Gregorii IX* (Pont. Comm. ad red. cod. iuris canon. orientalis, Fontes III iii), Vatican City 1950, 306-307.

conus Ravennensis, praepositus Bobiensis' joined the order on the Wednesday before Easter (in Padua, it appears from *Ep.* 56), and an archdeacon of that name is attested in the archiepiscopal archives of Ravenna from 1213 to 1228, and in March 1234 an archdeacon by the name of John first appears;¹¹⁷ this leaves a gap of several years. The main reason for favouring 1233 seems to be a quite gratuitous identification of archdeacon James with James Boncambio, the future bishop of Bologna, who does indeed seem to have become a Dominican in 1233, but in Bologna.¹¹⁸ If we leave this out of account, we cannot exclude an earlier date for *Epp.* 26, 4 and 7.

From *Epp.* 4 and 7 we learn that, after the general chapter, Jordan and Henry went to Reggio and then to Vercelli, and from there to Milan, with the intention 'in Alemaniam transire'. First Henry fell ill, then Jordan; in the outcome, Henry recovered and, says Jordan in *Ep.* 7, 'iam in Alemaniam me praecessit'. I would not care to assume that a Saxon like Jordan would use 'Alemania' to refer to Germany at large;¹¹⁹ he and Henry were not necessarily planning to go further than what we should call Switzerland — to Zürich, for instance, 'Turegum castrum Alemannie', as it is called in the original version of the story in the *Vitas Fratrum* about the prioress installed there by Jordan (MOPH I 133-134). Indeed, this is rather suggested by *transire*, which suggests that the essential journey would consist in crossing the Alps.

All of this fits 1231,¹²⁰ as suggested by Bayonne and Aron.¹²¹ The itinerary implied by *Ep.* 7 is in line with the one indicated in *Ep.* 36, which Scheeben himself (*Beiträge* 66) says can only be dated to 1231: 'Permansi apud Mutinam ... recedens inde veni Regium et inde paulatim discedere disposui de domo in domum usque dum transeam montes'. Scheeben cites evidence that Jordan was delayed

¹¹⁷ H. Denifle, *Die Entstehung der Universitäten*, Berlin 1885, 282; Altaner, *Jordan* 106.

¹¹⁸ Borselli, *Cron. Mag. Gen.*, Bologna, Bibl. Univ. 1999 f.16' (ed. A. Thompson, *Revival preachers and politics in thirteenth-century Italy*, Oxford 1992, 220); D. Waley, *DBI XI* 668.

¹¹⁹ In *Ep.* 20 he says he has received into the order two sons 'duorum magnorum comitum Teutoniae'.

¹²⁰ 1229 can be excluded. *Ep.* 49 can be securely dated because of its reference to the previous chapter at which various things were determined which we know to have been fixed in 1228, and in it Jordan speaks of being in Genoa, with the intention of taking the boat to Montpellier.

¹²¹ Bayonne, *Jourdain* 132; Aron, *Lettres* 78.

in Milan over the winter of 1231-1232;¹²² indeed, *Epp.* 4, 7 and 26 fit admirably into his account of these years (*Beiträge* 64-67). If we leave them out of the picture, there is no other evidence that Jordan undertook a similar journey in 1233; and if Walz's solution to the textual problem in *Ep.* 47 is correct, and if, as seems likely, this letter is rightly dated to 1234, then in 1233 Jordan was intending to go to Paris via Trent and was delayed by sickness there, not in Milan.

In *Ep.* 26 Jordan says that he has received 'circa triginta novitios probos, litteratos et nobiles', and *Ep.* 56 shows that this happened in Padua. *Ep.* 21 evidently refers to the same thing: 'Triginta tres fratres recepi per Dei gratiam et omnes sunt viri honesti et competentis litteraturae ... et sunt quamplures inter eos satis nobiles'; Scheeben (*Beiträge* 69) accordingly dates it too to 1233. But in the same letter Jordan says, 'De fratre Ventura cesset omnis dubitatio, quia non hac intentione vocavi eum Paduam, ut facerem ipsum ibi priorem'. In August 1233, Ventura was prior of Bologna (*ACB* #2), as he was in November 1229 (*AFP* 42 [1972] 20); but he does not seem to have held any official position in 1231-1232. On 8 Aug. 1231 he acted on behalf of the convent, but he is not called 'prior', and on 18 Sept. 1232 a prior by the name of James is attested (*AFP* 42 [1972] 23, 25). Diana therefore had far more reason to fear that he was to become prior of Padua in 1231 than in 1233.

Another reason why Scheeben favoured 1233 is that he believed there to have been a provincials' chapter in that year, which would provide an explanation for Henry's presence (*Beiträge* 70-71). He may well have been in Bologna because of a general chapter, but it is highly improbable that there was a provincials' chapter in 1233, whereas there may have been one in 1231 (see Appendix IX).

We may conclude that Henry was absolved in 1231.

Jordan, as we have seen, refers to Henry as 'prior provincialis'; I am not aware of any evidence to show what Henry called himself. In 1237 his successor, Philip, uses an old-fashioned way of identifying his position: 'Fratrum Praedicatorum in Terra Sancta prior inutilis' (Tautu, loc. cit. supra).

¹²² He refers to G. Caro, 'Ein untergeschobener Schiedsspruch von 1231', *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 22 (1897) 433-434, for a document proving that Jordan was in Milan on 27 Feb. 1232; the document as a whole is printed (but wrongly dated to 26 Feb.) in A. Ferretto, *Documenti intorno alle relazioni fra Alba e Genova (1141-1270)*, Pinerolo 1906, 111-112.

(m) Greece

We have found no reason so far to call into question the implication of the primitive constitutions that the order had twelve functioning provinces by 1228, all of them capable of holding provincial chapters. We may therefore accept that the province of Greece, like all the others, had already evolved to such a position; but there appears to be absolutely no early information on the province or its houses or its institutions.¹²³ The devil's question in the story from the *Vitas Fratrum* which we have already quoted (MOPH I 194-195) might imply that the order at least hoped to start a mission in Greece in 1221, but, without further evidence, nothing can be inferred with any confidence.

The earliest known reference to a provincial of Greece comes in the acts of the general chapter of 1240: 'Concedimus et confirmamus fratrem Stephanum in priorem provinciam provincie Grece' (MOPH III 18.11-12).

Conclusions

Our survey of the first twelve provinces shows that there is no evidence to support the contention either that the order was first divided into provinces in 1221 or that four new provinces were created in 1228. Provinces, by and large, emerged without any particular decision being taken beyond the decision to send friars to a new part of the world. The only signs we have found of any deliberate demarcation of Dominican provinces' territory are the probable division of responsibility between Paris and Provence in 1219, and that between Lombardy and Rome in 1221. The emergence of provincial priors was equally haphazard and variegated. In some cases, there was initially only a 'provincial' superior; in others the rôle was combined with that of local superior; in yet others there were two tiers of government almost from the outset. In Dacia and Poland, it looks as if a provincial was appointed to goad the brethren into making new foundations; in Germany, by contrast, the first task was to forge independently founded houses into a single administrative unit.

¹²³ Cf. B. Altaner, *Die Dominikanermissionen des 13. Jahrhunderts*, Habelschwerdt 1924, 9-19. Neither Loenertz, 'Documents pour servir à l'histoire de la province dominicaine de Grèce' (AFP 14 [1944] 72-115), nor Delacroix-Besnier, *Les Dominicains et la chrétienté grecque*, can cite a single piece of evidence to illuminate the beginnings of the province; the latter, indeed, repeats the conventional assertion that the provinces of Greece and the Holy Land were only founded in 1228 (p.5). T. Violante, *La provincia domenicana di Grecia*, Rome 1999, 55-61, offers a slightly more nuanced version of the same story, but he too has no new information to offer.

According to Humbert's *cronica ordinis* (MOPH I 327), while Jordan was master 'ordo fuit ualde dilatatus in prouinciis, in conuentibus, in numero fratrum', but it is not clear whether *prouinciis* means 'territories' or 'Dominican provinces'. The order certainly expanded into new territories under Jordan, but it is doubtful whether he can claim credit for establishing many new Dominican provinces. The province of the Holy Land was probably initiated by him (and he may have had personal reasons of his own for taking a special interest in the Holy Land — see Appendix X), possibly also the province of Greece; the other ten provinces already existed in principle by the time of his election, even if it was he who established proper provincial institutions in several of them.

The evidence so far adduced suggests that, in the oldest territories of the order, the provincial was originally just identified as the prior in Spain, France or Provence. When the rôle of provincial was first created as such in Lombardy, the term *prior provincie* seems to have been used, and the same may be true of the Roman province. *Prior provincialis* apparently did not come into general use until slightly later, but it gradually prevailed as the normal designation of the major superior of a Dominican province; even so, it did not completely oust older alternatives such as 'prior of the Friars Preachers in France'.

Proposed dating of some of Jordan's letters

In the course of this article and in Appendices V, VIII and IX, I re-examine the dating of several of Jordan of Saxony's letters. The letters in question are listed here, with the suggested dating, whether or not this differs from that of previous commentators.

- Ep.* 4 Summer 1231.
- Ep.* 7 Summer or autumn 1231 (later than *Ep.* 4).
- Ep.* 14 Summer or autumn 1229.
- Ep.* 17 Autumn or winter 1224.
- Ep.* 21 Before the general chapter, 1231.
- Ep.* 26 Between Easter and the general chapter, 1231.
- Ep.* 27 After the general chapter, 1226.
- Ep.* 30 Shortly after the general chapter, 1225.
- Ep.* 32 After 25 March 1226.
- Ep.* 36 After the general chapter, 1231.
- Ep.* 44 October 1229 or soon after.
- Ep.* 45 Summer 1225.
- Ep.* 49 Summer or autumn 1229.
- Ep.* 56 After Easter 1231.

APPENDIX I

THE LETTER OF AFONSO II AGAINST SUEIRO'S STATUTES

The text is edited from Lisbon, Arquivo Nacional da Torre do Tombo, Foraes Antigos Maço 12 no. 3 f.17'. Since the reproduction sent to me is rather faint, I have also used two older editions, both clearly based on the same manuscript:

Antonio Brandão, *Monarchia Lusitana* IV, Lisbon 1725, 521 (from 'Arquivo real liv. dos foraes de leytura antiga, f.17').

Portugaliae Monumenta Historica, Leges et Consuetudines I, Lisbon 1856, 180 (from 'Maço 12 de Foraes Antigos no. 3 f.17').

A. dei gratia Portugalie Rex. Pretori de Sanctaren et aluazilis et aliis meis hominibus qui ibi meas causas habent ad uidendum et tabellioni et concilio salutem. Mando uobis firmiter ut nullus sit in uilla uestra qui audeat extrahere illos decretos laicales quos S. Gomez prior de ordine predicatorum cum fratribus eiusdem ordinis posuit in leuando habere de hominibus et in faciendo iusticiam in suis corporibus, quare nolo ego quod pro istis decretis leuent habere de hominibus nec faciant iusticiam in suis corporibus, et hoc acordaui cum meis priuatis, quia ista decreta sunt grande meum desaforamentum et de mea curia et de illis qui post me regnauerint et de meis filiis de algo et de omnibus aliis hominibus regni mei filiis de algo et uillanis laicis et de ordine, et etiam ista decreta sunt contra illum librum legum qui dicit quod non recipiamus nouam legem in regno nostro, per quem librum et per quale forum debent iudicari filii de algo Port. Et ista talia decreta nunquam fuerunt in tempore Comitum domni Henrici nec in tempore aui mei regis domni A. quem papa Alexander III^{us} suo priuilegio confirmauit in regem et terram suam in regnum, nec in tempore regis domni S. patris mei qui habuit unam protectionem de Clemente papa III^o, nec etiam in meo tempore qui habeo duas protectiones unam ab Innocencio papa III^o et aliam de Honorio papa III^o. Et propter hec omnia quicumque uoluerit extrahere istos decretos peccabit michi mille morabitanos et faciam iusticiam de illo et in suo habere qualem uidero pro directo. Et credat meus ricus homo in cuius terra ista decreta extraxerint quod perdet ibi amorem meum et terram quam de me tenuerit et pretor perdet ibi meam alcaidariam et meum amorem et accipiam iusticiam de illo in suo corpore et in suo habere qualem uidero pro directo et de aluazilis et de aliis meis hominibus qui meas causas habent ad uidendum et de tabellione accipiam uindictam in suis corporibus et in suos habere qualem uidero pro directo. Mando tamen quod si aliquis ad furtum uendiderit aliquam rem que sit contra ista decreta peccabit michi D. morabitanos et

- 30 accipiam uindictam de illo et de suo habere qualem uidero pro directo et
perdet illud quod uendiderit et morabitanos quos ei pro inde dederit.
Similiter quicumque comparauerit aliquem rem que sit contra ista decreta
pectet michi D. morabitanos et accipiam uindictam de illo et in suo habere
35 qualem uidero pro directo et perdet illud quod comparauerit et morabiti-
nos quos proinde dederit. Datum apud Sanctaren XVIII die iunii. Rege
mandante.

APPENDIX II

SUEIRO IN THE LETTERS OF LUCAS OF TUY

Lucas of Tuy compiled his *Liber miraculorum beatissimi Isidori* at the request of Sueiro, provincial of Spain, and dedicated the work to him when it was completed. I quote the beginning of the dedication from two manuscripts (61 and 63) belonging to the Real Colegiata de S.Isidoro, León:¹²⁴

Epistola ad Suerium priorem Hispaniarum.

Sanctissimo patri Suerio priori Lucas indignus diaconus in Christo Ihesu pro salute humani generis crucifixo ueram in omnibus obedientiam. Cum ad describenda miracula uel etiam a nostris predecesoribus, bone pater Sueri sanctissimi ordinis predicatorum in Hispaniis prior prouincialis, scripta compilanda, que dominus per sanctissimum confessorem Hyspaniarum doctorem Ysidorum, postquam uenerandum corpus eius translatum est ab Hyspalensi ciuitate in Legionensem urbem, fesso labenti senio mundo, ad corroborandam catholice ecclesie fidem clementer dignatus est operari, tam nexibus uestre saluberrime iussionis quam serenissimi patris domni Martini monitis, eiusdem confessoris Legionensis abbatis astringar monasterii ...

Lucas's letter is undated,¹²⁵ and I do not know when Martin was abbot of S.Isidoro, though there was an abbot called Martin there in 1233 when Gregory IX took the monastery under papal protection on 1 Sept. (Reg. #1578). But we can get some idea of when it was composed from the related letter to Jacques de Vitry accompanying the account of a vision concerning Francis and Dominic. The text is edited in L.Oliger, 'Ein pseudoprophetischer Text aus Spanien über die heiligen Franziskus und Dominikus', in I.M.Freudenreich, ed., *Kirchengeschichtliche Studien P.Michael Bihl OFM als Ehrengabe dargeboten*, Colmar 1942, 13-28. The let-

¹²⁴ I am grateful to Canon Antonio Viñayo for his prompt response to my request for a reproduction of the relevant pages. Most of Lucas's compilation remains unedited, but there is a Spanish translation, published Salamanca 1525, which I have not seen, but the dedication is reprinted in V.Beltrán de Heredia, *Cartulario de la Universidad de Salamanca I*, Salamanca 1970, 597-598. Sousa (I i 19 [ed. cit. I 102]) cites part of the dedication from León cod. 61.

¹²⁵ No explanation is given for Beltrán de Heredia's comment, loc. cit., 'Es algo posterior a 1236'.

ter begins, 'Sanctissimo patri ac domino specialissimo Iacobo, divina providentia tusculano episcopo, magister L.¹²⁶ suus clericus et servus humillimus ...', and alludes to the author's compilation of the miracles of St Isidore 'ex precepto domini patris S[e]ueri, sanctissimi ordinis Predicatorum Hyspaniarum prioris'.

Oliger did not recognise 'Seuerus' as Sueiro and was apparently unaware that it was indeed at Sueiro's demand that Lucas undertook his *Liber miraculorum*; failing to appreciate that the letter presents itself as being by Lucas of Tuy, he supposed that the document contains no ascription to any identifiable author and argued that it should be dated to the late thirteenth century. But the letter's implicit self-attribution to Lucas must be acknowledged, and nothing in the text contradicts it. There is no other evidence that Lucas was ever in Jacques de Vitry's entourage,¹²⁷ but he was certainly in Rome at some time during the pontificate of Gregory IX, and he can probably be identified with the 'deacon of León' mentioned in his *Chronicon* as being resident in Rome in the early 1230s;¹²⁸ there is no reason why he should not have been Jacques's cleric.

Oliger maintains that the vision-narrative cannot have been composed until after the canonization of both Dominic and Francis, but the text rather suggests the contrary. Neither saint is called *beatus* or *sanctus* except once, where the oldest manuscript, as reported by Oliger, has 'beatissimus Franciscus et Dominicus', which favours a date between the canonization of Francis in 1228 and that of Dominic in 1234, i.e. just the period within which Lucas seems to have been in Rome, in Jacques de Vitry's early years as a cardinal.¹²⁹ Different manuscripts offer different dates for the vision, but the oldest gives 1226, which would explain why the report generally treats both Francis and Dominic as uncanonized — in passing it on to Jacques after 1228, Lucas would naturally add *beatissimus* the first time Francis is mentioned.¹³⁰ The use of the superlative is characteristic of Lucas's style; in the letter to Jacques, both he and Sueiro are called 'sanc-

¹²⁶ 'L.' is the reading of Uppsala, Univ. Bibl. 15; the two other manuscripts which contain the text, BAV Vat. lat. 3822, and BAV Borgh. lat. 190 (not used by Oliger), have 'I.' (cf. A.Paravicini Bagliani, *Cardinali di Curia*, Padua 1972, 110).

¹²⁷ Paravicini Bagliani, op. cit. 110-112, also failed to recognise that the letter identifies its own author as Lucas, so he does not address the question whether Lucas was part of Jacques's *familia*.

¹²⁸ The evidence is presented in É.Amann's article, 'Lucas de Tuy', in the *Dictionnaire de Théologie Catholique*.

¹²⁹ He was made a cardinal between 16 April and 29 July 1229; see Paravicini Bagliani, op. cit. 107.

¹³⁰ Oliger and Paravicini Bagliani dismiss 1226 as impossible because Jacques de Vitry was not yet a cardinal; but it is not offered in the text as the date of the letter to Jacques, but as the date when the vision was first revealed, i.e. when hermit John 'ex partibus Asturiarum' came to visit the author of the letter. Lucas was no doubt in León at the time, within easy reach of hermit John.

tissimus', just as, in the letter to Sueiro, he, the Order of Preachers and Isidore are all 'sanctissimus', and Abbot Martin is 'serenissimus'.

I have not been able to check whether Lucas included this revelation in the *Liber miraculorum*,¹³¹ but the letter to Jacques informs us that the hermit who told him to write it down 'in presentia quorundam fratrum Predicatorum ordinis' turned up while he was working on the *Liber*, and we may probably surmise that the *Liber* was finished by the time the letter to Jacques was written. This suggests that 1226 is the terminus ad quem for Sueiro's commission to Lucas, and that the *Liber*, including the dedication to Sueiro, was completed by c.1230.¹³²

¹³¹ The *Liber* is presumably identical with the *gesta sancti Ysidori* from which Dietrich of Apolda says it comes (ed. Cuypers, *Acta Sanctorum Aug. I*, #372-382); since he also says that the 'conscriptor miraculorum beati Ysidori' gave an account of it to Jacques de Vitry, he evidently knew something like the document edited by Oligier, so he may simply have inferred that it was an extract from the *Liber*.

¹³² Oligier wonders why, if the revelation was already in circulation before 1260, it was not included in the *Vitas Fratrum*. If it was first written down in 1226 and communicated to Jacques de Vitry c.1230, the obvious answer is that the Spanish Dominicans had forgotten all about it and Jacques never passed it on.

APPENDIX III

THE EARLY PROVINCIALS OF FRANCE

That there is a muddle about the early provincials of France can be seen from the dates furnished in SOPMÆ, according to which Peter of Rheims was provincial 1224-1233 and 1244-1245 (III 256), Hugh of St Cher 1227-c.1230 and 1236-1244 (II 269), and Humbert 1244-1254 (II 283), which means that there were apparently two rival provincials in 1227-1230 and 1244-1245.

The list of French provincials comes from Bernard Gui: Matthew, Hugh, Peter, Humbert (MOPH XVIII 79-80); but it must be recognised that this is only a list, it is not intended to indicate the *sequence* of provincials. In the case of the provincials of Provence, Toulouse and Dacia, Gui presents them as 'primus, secundus, tertius' etc., but he attaches no numbers to the provincials of France except the first, Matthew; Gui was an honest historian, and he was evidently unsure how Hugh and Peter fitted into the series. He knew that Hugh was one of the provincials sent to ask Raymund of Penyafort to become Master in 1238 (Martène-Durand VI 406-407),¹³³ and he had it on the authority of his manuscript of Gerald de Frachet's *cronica ordinis* that Peter was provincial of France at the time when he was made a bishop during John of Wildeshausen's time as Master (i.e. not earlier than 1241) (cf. MOPH I 333);¹³⁴ this obviously suggests that Hugh came before Peter. On the other hand, he also believed that Hugh was 'de prouincialatu assumptus in presbiterum cardinalem ... anno domini mcccxlili' (this is fully integrated into the text in the list of French provincials), which suggests that Peter came before Hugh. The lack of numbering also means that it is uncertain whether Gui thought he had even discovered the names of all the early provincials, though there is no reason to suppose that he had in fact omitted any names.

¹³³ This information is added in the margin, at least in the older manuscripts, of Gui's catalogue of the provincials of France (Agen 3, Bordeaux 780); but it was something he already knew, as it was always fully integrated into the section on Raymund in the *catalogus magistrorum* (cf. Bologna, Bibl. Univ. 1535 f.21^r, Agen 3 f.47^v, Frankfurt am Main Praed. 82 f.34^v).

¹³⁴ The relevant text, which was dropped when the *cronica* was revised in Gerald's 1259 edition of the *Vitas Fratrum*, is found in this form in Toulouse, Bibl. Mun. 487 (the 1258 version of the *Vitas Fratrum*), and it was copied into the margin of BAV Reg. lat. 584, which is certainly the manuscript used by Gui (indeed, the late Dr Leonard Boyle OP believed all the marginalia to be in Gui's own hand).

Modern scholars can draw on far more documentary evidence that was available to Gui. As Meersseman points out, Peter's provincialate is attested in 1224, 1230, 1231 and 1233, and there is no proof that it was ever interrupted (MOPH XVIII 83). The belief that it was interrupted and that, as a result, Hugh became provincial in 1227, has become a standard part of the story,¹³⁵ but all it rests on is an intelligent conjecture made by Échard to resolve a problem in the biography of Peter of Rheims.

The elements of the problem may be summed up as follows:

(a) Échard had, or thought he had, evidence that Matthew of Paris was the first superior of Saint-Jacques, that, after the title of abbot was dropped in 1220, he was prior for a long time, and that he was still in office when he died. There was evidence, in particular, that he was alive in 1225, when Gerald de Frachet joined the order 'sub fratre Matheo priore' (cf. MOPH XXIV 60). Échard conjectured that he died in 1226 'et forte etiam tardius' (QE I 92).

(b) He knew that Peter of Rheims was provincial in 1224 (cf. the letter published in Chapotin, *Dominicains de France* 67-68) and in 1233 (he edited a letter from the archives of Valenciennes to prove it), and he had it on the authority of Bernard Gui that Peter was provincial when he became bishop of Agen (cf. MOPH XVIII 80). He discovered a gap in the list of bishops of Agen between 1235 and 1245, so he suggested that it was for all or some of that period that Peter was bishop (QE I 116-117).

(c) He also knew that Peter was at some time prior of Saint-Jacques (cf. MOPH I 212). Matthew was prior until his death, which certainly occurred after Peter became provincial. If Peter was also provincial when he became bishop of Agen, then his provincialate must have been interrupted so that he could become prior some time after the death of Matthew; there is no other way to accommodate his priorship. Échard therefore argued that he stopped being provincial c.1227, to succeed Matthew as prior; he must then have been re-elected provincial c.1230 (QE I 116).

¹³⁵ Meersseman's doubts were echoed by G.G.Sölch, *Hugo von St Cher*, Cologne 1938, 13, and Hugh's supposed first provincialate is ignored by G.Hendrix, *Hugo de Sancto Caro's traktaat De doctrina cordis* I, Leuven 1995, XV, and R.Jurot, *Helvetia Sacra* IV/5, Basel 1999, 108; but it is treated as an established fact in such standard works as Chapotin, *Dominicains de France*, 115; P.Glorieux, *Répertoire des maîtres en théologie de Paris* I, Paris 1933, 43; W.H.Principe, *Hugh of Saint-Cher's theology of the hypostatic union*, Toronto 1970, 13; J.B.Schneyer, *Repertorium der lateinischen Sermones des Mittelalters*, Münster, II (1970) 758, IV (1972) 724; and in the articles on Hugh of St Cher in a whole raft of dictionaries: e.g. E.Mangenot in *Dictionnaire de Théologie Catholique*; E.Filthaut in *Lexikon für Theologie und Kirche*; A.Duval in *Catholicisme*; R.E.Lerner in *Dictionary of the Middle Ages*; A.d'Esneval in *Dictionnaire de Biographie Française*; M.Gerwing in *Lexikon des Mittelalters*; Jean Longère in *Dictionnaire des lettres françaises*.

(d) When Peter was made prior of Saint-Jacques in 1227, someone had to take his place as provincial; according to Échard, this was Hugh of St Cher, but he must have stopped being provincial c.1230, when he was made Roland of Cremona's bachelor of the Sentences (hence the date of Peter's re-election) (QE I 195).

(e) Échard knew, probably from Bernard Gui, that Hugh was provincial in 1238 and that he was 'de provincialatu assumptus in presbyterum cardinalem' (cf. MOPH XVIII 79-80), and he was able to provide an exact date for his elevation to the cardinalate (28 May 1244). So he inferred that Hugh became provincial in 1236, Peter having been made bishop of Agen; he remained in office until 1244 (QE I 195).

(f) When Hugh became a cardinal, Humbert succeeded him as provincial (QE I 142).

Échard never claimed to have any direct evidence that Peter's provincialate was interrupted; he surmised that it was interrupted merely because he could see no other way of accommodating the evidence that Peter was at some stage prior of Saint-Jacques. And Hugh's first provincialate is simply a consequence of this hypothesis; if the hypothesis collapses, there are no other grounds for believing in it.

Unlike Échard, modern scholars are able to pinpoint exactly when Peter was bishop of Agen: 1245-1247 (HC I 77; Kaeppli's note in MOPH XXII 60). Gerald de Frachet and Bernard Gui were right, then, to say that he became a bishop while John of Wildeshausen was Master of the Order; even if Gui's 'circa annum domini MCCXLII' is a few years off (MOPH I 333, XXII 60). If he did not become a bishop until 1245, he could perfectly well have been prior of Saint-Jacques after Hugh became provincial c.1236. Échard's hypothesis is therefore no longer needed, and we have no grounds whatsoever for believing that Peter's provincialate was interrupted between 1224 and 1233, or that Hugh first became provincial in 1227 before becoming a master in theology (contrary to Gerald de Frachet's statement that he was 'prius magister theologie Parisius, post prior prouincialis Francie'; MOPH I 332), or, for that matter, that Matthew died early enough for Peter to become prior of Saint-Jacques in the late 1220s.

Since we have neither evidence to show nor reason to conjecture that Hugh was provincial in 1227-1230, his alleged first provincialate should be deleted from his biography, and Peter should be left in undisputed possession of the rôle from 1224 to 1233.

The more modern hypothesis, which postulates a second provincialate for Peter in 1244-1245,¹³⁶ is as innocent of documentary proof as was that of Échard. Its purpose is to do justice to two pieces of evidence contributed

¹³⁶ I am not sure whether it originated with Meersseman, but he presents it without argument in MOPH XVIII 83-84.

by Bernard Gui (MOPH XVIII 79-80): Hugh was provincial at the time when he was made a cardinal, which we know to have happened on 28 May 1244 (cf. A.Paravicini Bagliani, *Cardinali di curia e 'familiae' cardinalizie*, Padua 1972, 163-165); and Peter was provincial when he became a bishop, which occurred in 1245.

That Hugh was provincial at the time of his elevation is attested by Vincent of Beauvais (*Spec. Hist.* XXX 152) as well as by Bernard Gui, and there is no reason to dispute it.

It is far more doubtful whether Peter was provincial when he became a bishop. As we have already noted, Gui's source for this affirmation is his manuscript of Gerald's *cronica ordinis*; but in the original text of the *cronica*, as found when it was still appended to the universal chronicle (Angers 668; BAV Reg. lat. 598), Peter is said to have been prior of Paris, not provincial of France, when he was made bishop of Agen. I am not aware of any evidence to determine which statement is correct.

There was a functioning provincial of France (certainly Humbert of Romans) at the general chapter of 1246 (MOPH III 36.4), but the chapter was meeting in Paris, which means that the French provincial chapter coincided with it (constitutions II 8); so, even if Peter became bishop of Agen too late for a new provincial to be chosen in 1245,¹³⁷ his successor could still have been elected and confirmed in 1246 in time to take part in the general chapter.

Masetti quotes evidence, whose value he admits to be very uncertain, that Humbert was still provincial of Rome at the time of the 1244 provincial chapter,¹³⁸ but this does not preclude the possibility that he was elected provincial of France in the same year. A Roman provincial was absolved by the general chapter in 1247 (MOPH III 40.19), but he could have been elected in 1246: in 1246 the Roman chapter would have been held later than that of France, which was combined with the general chapter, so, even if Humbert became provincial of France in 1246, the Roman province would have elected his successor in the same year. In any case, though it may plausibly be supposed that Humbert was provincial of Rome until he became provincial of France, this has never been proved.¹³⁹

All we have, then, is the two contradictory statements by Gerald de Frachet. The earlier one was probably written within a few years of Peter's

¹³⁷ The first attestation of the previous bishop's death is a letter of Innocent IV on 11 Oct. 1245 referring to him as 'bone memorie' (Reg. #1554), and Peter's first known appearance as electus is on 30 Nov. 1245 (cf. MOPH XXII 60).

¹³⁸ P.T.Masetti, *Monumenta et antiquitates veteris disciplinae Ordinis Praedicatorum*, Rome 1864, II 267. The document's credibility is not enhanced by its statement that the provincial chapter that year was held in Lent.

¹³⁹ In his autobiographical contribution to the *Vitas Fratrum* he describes himself as 'frater quidam qui magnum locum diu tenuit in ordine' (MOPH I 170-171), but this does not prove that he held office *continuously*; much less does Gerald's statement that he was 'prior prouincialis Tuscie ac post Francie' (MOPH I 337).

accession to the see of Agen,¹⁴⁰ but this does not guarantee its accuracy,¹⁴¹ it was presumably altered when the *cronica* was transferred to the *Vitas Fratrum* in 1258. Did Gerald begin with good information and then slip up, or was he wrong at first and subsequently able to correct his mistake?

As we have seen, Gui was unsure of the sequence of the early French provincials, so we do not need to oblige him by making Humbert Peter's successor rather than Hugh's. Unless further evidence comes to light, the most we can say is that Peter's second provincialate is unproven, and we really do not know whether it was he or Humbert who became provincial in 1244.

¹⁴⁰ The *cronica ordinis* was originally composed before the death of John of Wildeshausen, as I hope to show elsewhere; but it seems to have been updated even before it was transferred to the *Vitas Fratrum*, so we cannot be certain that what Gerald says about Peter goes back to the primitive text.

¹⁴¹ The order did not establish a presence in Agen until 1249 (MOPH XXIV 109), after Peter's death, so the province of Provence did not necessarily have any direct contact with the French Dominican who had become a bishop in their midst.

APPENDIX IV

THE GIFT OF PROPERTY AT LE PUY

The text edited here is Bernard de Castanet's vidimus of Bishop Stephen's gift of the church and hospital of St Laurence, Le Puy, to the Provence Dominicans.¹⁴² It is edited from a print of Archives Départementales de la Haute Loire 6 H 1 kindly sent to me by M. Martin de Framong, director of the Services d'Archives.

Bernardus miseratione diuina Aniciensis episcopus dilectis sibi in Christo fratribus priori et conuentui fratrum predicatorum Aniciensibus, salutem in filio virginis gloriose. Vestra nobis exhibita petitio continebat quod literas bone memorie Stephani predessoris nostri, quarum tenor infra inseritur, actoritate nostra confirmare vellemus. Quibus inspectis, deliberatione habita, ipsas secundum quod vestra continebat petitio, confirmamus et approbamus, et iuxta earum tenorem volumus eas habere perpetuam firmitatem. In cuius rei testimonium presentes literas fieri fecimus et nostri sigilli munimine roborari. Datum Spaleti anno domini M^oCCC^oXIII^o VII^o ydus mai. Tenor vero dictarum literarum sequitur et est talis:

Nos Stephanus Aniciensis electus et confirmatus notum facimus universis presentes literas inspecturis quod de assensu et voluntate Hugonis decani tocusque capituli Aniciensis pro remedio animarum nostrarum et antecessoris seu successorum nostrorum donamus liberaliter et concedimus pro nobis et successoribus nostris in perpetuum pleno iure tam in spiritualibus quam in temporalibus omnia iura que habemus vel habere debemus in ecclesia et hospitali sancti Laurentii cum omnibus pertinenciis seu appendiciis suis quecumque sint et vbicumque Ber. magistro prouinciali ordinis predicatorum et successoribus suis in ordine iam dicto, ita tamen quod si ordo, quod absit, depereat, volumus quod ecclesia et hospitale et omnia superius dicta in eodem statu in quo sunt modo plenarie reuertantur, vt nos et successores nostri habeamus ius petendi in integrum quod modo habemus in ecclesia et hospitali antea nominatis, et patroni similiter recuperent omnia sua iura que modo habent, ita quod nullatenus preiudicetur iuri ipsorum propter donationem quam faciunt ordini supradicto. Et vt presens carta maiorem obtineat firmitatem, est sigilli nostri et capituli munimine roborata. Actum Anicii anno domini M^o[C]CC^oXXI^o¹⁴³ mense octobri.

¹⁴² On Bernard, see Roman d'Amat, DBF VII, Paris 1956, 1342-1343; he died in 1317.

¹⁴³ There can be no doubt that the date should be 1221. Not only is this the date attached to the foundation of the convent in some manuscripts of Gui's *De Fundatione* (MOPH XXIV 255), it is also the only date compatible with the name and status of the bishop.

APPENDIX V

TO WHAT PROVINCE DID FLORENCE BELONG?

In the description of 'Dominicanus orbis' in ASOP 2 (1895-1896) 46, it is asserted that the original Dominican convent in Florence 'a fundationis origine ad hodierna tempora continui iuris fuit *Provinciae Romanae*'; which is patently not true as it stands, since there was a convent in Florence before there was even a house in Rome, let alone a province.

As we have seen, Italy was divided into two provinces in 1221, centred on Bologna and Rome. Florence did not naturally belong to either, politically or geographically, but it must have been allocated to one or the other. The convent there had been founded from Bologna, which gave Bologna a certain claim on it; it was also nearer to Bologna than to Rome. Siena, by contrast, had been founded from Rome. Nevertheless, the 1221 capitulars might have made Jordan of Saxony responsible for Lombardy, in which there were at least five convents as well as Bologna, leaving it to his Roman counterpart to take charge of the rest of Italy (which would still only give him three or four houses of friars — Florence, Rome, Siena and, perhaps, Messina — and one monastery of nuns, San Sisto).

I do not know of any evidence to determine which province Florence was allocated to in 1221; there are, however, a few hints that it was originally in the province of Lombardy.

As an illustration of the virtue of prayer, *Vitas Fratrum* IV contains a story about the son of a Spanish soldier (MOPH I 162-163), who, while on his way to fulfil his father's undertaking of *crux transmarina*, was persuaded to join the Dominicans in Bologna instead. The same story is also found in Bartholomew of Trent's collection of miracles of Our Lady (Bologna, Bibl. Univ. 1794 f.79). Since Gerald quotes, almost verbatim, the moral with which Bartholomew concludes his tale, it is certain that Bartholomew is his ultimate source; but it looks as if some extra details were added before the text reached him, presumably by the brethren in Bologna who submitted it for inclusion in the *Vitas Fratrum*. One such detail specifies that the young Spaniard was going to Brindisi to take ship, which makes it likely that he was proposing to join Frederick II's crusade in 1227.¹⁴⁴ What con-

¹⁴⁴ Gerald refers to a demoniac being taken to the altar of St Dominic in Bologna, which implies a date no earlier than 1234, whereas Bartholomew simply says that she was being taken into the church. But this addition smacks of pious anachronism.

cerns us now is the casual allusion to a certain friar called Albert going to Florence ('contigit ... ire Florentiam'), where he hears all about the Spanish novice from a talkative demon, and then returning to Bologna ('rediit'). This does not *prove* anything, but it does mildly suggest that there may still have been a link between Bologna and Florence.

Our second hint comes from the most general chapter of 1236 (MOPH III 7): 'Confirmamus hanc constitutionem ut nulla domus nostri ordinis transferatur de provincia ad provinciam nisi per tria capitula fuerit approbatum.' Thomas says that this was added in 1236, together with the clause which precedes it in PC II 22, 'Item nulla domus concedatur, nisi a priore provinciali et diffinitoribus provincialis capituli fuerit postulata, nec concessa ponatur nisi ubi predicti decreuerint expedire'; but it is significant that this latter clause was simply decreed by the most general chapter, in the form 'nulla domus *de cetero* detur nisi a priore provinciali ...' (MOPH III 6), whereas the former was *confirmed*, i.e. it had already been introduced in 1234 or 1235. That is to say, two different concerns were being addressed: someone had been agitating to make it harder for convents to be transferred from one province to another, and someone, a little bit later, had been agitating to stop provinces just planting new houses anywhere, anyhow.

Legislation like this is usually prompted by something that has been going on. We only have direct information about one actual transfer of houses between provinces: Lyons and Limoges were swapped between Provence and France in 1224, against the wishes of Peter Seilhan, the founding prior of Limoges.¹⁴⁵ Even if this still rankled in 1234/5, it is difficult to see how it could have inspired legislative change then, having presumably failed to do so before, unless something else had happened in the mean time to convince more people that such a change was needed. It is equally difficult to see where the issue of transferring houses between provinces could have arisen: there was an unclear boundary between Spain and Provence, but neither province had yet established a house anywhere near it, and it was not until the 1250s that the boundary between Germany and Poland became contentious (cf. Freed, *op. cit.* 69-77); apart from Lyons and Limoges, there is no evidence of exchanges between France and Provence, and it was not until 1259 that France was in dispute with Germany over Bruges and Gent, and that was a quarrel precipitated from outside the order (cf. Chapotin, *Province de France* 523-526). Is it not possible that feelings had been aroused, at least in Italy, by a recent transfer of Florence from Lombardy to Rome?

It is also interesting that in just this period both Italian provinces seem to have been concerned to make territorial claims, with Lombardy moving South and Rome moving East to establish the pattern which has remained

¹⁴⁵ Limoges *Memorialia*, ed. in C. Douais, *Frères Prêcheurs de Limoges*, Toulouse 1892, 25.

effective ever since: in central Italy, contrary to what we might have expected, the boundary between the two provinces does not separate them into North and South, but into East and West.

In the *ordo conventuum* of Lombardy, Vercelli comes fifteenth (AFP 66 [1996] 155). We know that Jordan visited there at least twice. One visit is mentioned in two of his letters, in which he describes the successes he has had in recruiting novices there (*Epp.* 14 and 49). The second of these letters is addressed to 'fratri Stephano priori provinciali Lombardiae', and it contains an unmistakable reference to the 1228 most general chapter as 'praeteritum Parisiense capitulum'. Since Stephen became provincial in 1229, this means that *Epp.* 14 and 49 must both be dated to that year. What is clearly a different visit is mentioned in *Epp.* 4 and 7, which we have seen reason to date to the summer of 1231. Since Jordan took all the people he had recruited to Milan (*Ep.* 9), it is clear that the order did not yet have a convent in Vercelli itself. Yet in 1234 the Vercelli Dominicans are mentioned in the will of the then provost.¹⁴⁶ Thus 1233, the date which Taegio gives, on uncertainty authority, for the foundation of the convent (ASOP 19 [1929-1930] 207), is entirely plausible: if it was not founded then, it must have been founded in 1232. In the same place, Taegio also dates the foundation of Mantua to 1233, and this is supported by other evidence, which in fact indicates that it was founded in January of that year (cf. Forte, AFP 41 [1971] 394). Mantua comes twentieth in the *ordo conventuum*.

There is nothing surprising about the province of Lombardy establishing houses in Vercelli and Mantua; but sandwiched in between, in sixteenth place in the *ordo*, there is a house which seems far removed from the province's natural territory, in Iesi. And immediately after Mantua there are another two houses taking the province even further South, San Severino and Fermo. We may disregard the pious fables ascribing the foundation of Iesi and San Severino to St Dominic himself (they are reported without comment by Forte, art. cit. 387, 436), but there seems to be good evidence that Fermo was founded in 1233 (*ibid.* 371-372).

It appears, then, that in 1232/3 the province of Lombardy seized whatever opportunity it was given to extend its territory down the eastern side of Italy.

The Roman *ordo conventuum* is rather less clear than that of Lombardy. One, from a period soon after the detachment of the *provincia Regni* in 1296 (MOPH III 279), is preserved in the Roman *liber privilegiorum* (AS Perugia, Corpor. rel. soppr. S.Domenico 66 f.4^v):¹⁴⁷

¹⁴⁶ G.P.Mothon, *Vita del B.Giovanni da Vercelli*, Vercelli 1903, 540; cited by Kaeppli in AFP 36 (1966) 72.

¹⁴⁷ On this manuscript, see Panella, AFP 65 (1995) 189. Unfortunately Bernard Gui provides merely a list of convents of the Roman province, not an *ordo conventuum*.

Prior prouincialis Romane prouinciæ.

Chorus dexter

Chorus sinixter

Conuentus:

Florentinus	Sancte Sabine Romanus
Senensis	Sancte Marie super Mineruam
Pisanus	Viterbiensis
Urbeuetanus	Aretinus
Perusinus	Tudertinus
Lucanus	Anagninus
Pistoriensis	Spoletanus
Reatinus	Narniensis
Castellanus	Pratensis
Fulginensis	Eugubinus
Tiburtinus	Cortoniensis
Meuenas	Serezanensis
Sancti Miniatis	Terracinensis

The last two items in the *chorus dexter* are in a different hand; the last two in the *chorus sinister* are in a hand very similar to, but, so far as I can judge from the photograph, not the same as the one in which the original list was written. Thereafter other convents are added in a variety of different hands. Cortona was erected as a formal convent in 1298, Bevagna in 1310, and Terracina in 1318 (MOPH XX 129, 177, 212).

The Minerva has clearly been accorded a seniority which was not warranted by its date of foundation,¹⁴⁸ but otherwise the sequence of convents is, on the whole, unproblematic. Florence certainly had a Dominican convent by 1219, when Dominic visited it on his way to the papal court (ACB 46; AFP 66 [1996] 67); and it was this meeting with the pope which was responsible for the first Dominican settlement in Rome (AFP 65 [1995] 99-119, 66 [1996] 10-11). Siena was initiated early in 1221 (MOPH XXV #146), and Pisa seems to have followed soon after.¹⁴⁹ Viterbo, as we have seen, has to be dated to the latter half of the 1220s. Orvieto, according to the convent chronicle, was begun in 1232 (ed. cit. 67).¹⁵⁰ Perugia, according to

¹⁴⁸ Whatever rights the Dominicans may have acquired there earlier, it was not given to the Dominicans until 1275 and did not acquire a formal convent until even later; cf. G.Palmerio and G.Villetti, *Storia edilizia di S.Maria sopra Minerva in Roma*, Rome 1989, 26-33.

¹⁴⁹ This claim, made in the Pisa chronicle, ed. F.Bonaini, *Archivio Storico Italiano* 6 (1845) 402, has been generally accepted, and the convent is believed to have been founded c.1222; cf. F.Vassallo, *I Domenicani a Pisa*, Pisa 1995, 7.

¹⁵⁰ The *Annales Urbevetani* say that in 1233 'Fratres Predicatores venerunt ad Urbemveterum et infra annum ecclesia et conventus pro maiori parte fuit per Comune hedificata' (RIS² XV 5 i 143; cf. also the editor's note on p.291).

its chronicle, was begun in 1233 (ed. cit. 37), a date for which there is independent confirmation.¹⁵¹ Todi and Lucca are both said to have been founded in 1236.¹⁵² On Anagni there does not appear to be any information, but a prior of Anagni is mentioned in 1251, and the provincial chapter was held there in 1252 (MOPH XX 11, 12). Pistoia and Spoleto appear to be in the wrong order: Spoleto received its convent in 1258, and Pistoia the year after (MOPH XX 23, 24); but there may be a perfectly legitimate explanation for their placing in the *ordo*.¹⁵³ A convent was sent to Rieti in 1268, Narni in 1271, Città di Castello in 1273, and Prato in 1282 (MOPH XX 34, 38, 43, 62). A *locus* was accepted in Foligno in 1285, and it presumably received a fully fledged convent in 1286, and Gubbio and Tivoli must have acquired convents at the same time, since the priors of all three were absolved in 1287 (MOPH XX 71, 77).

Apart from a slight puzzle over Pistoia and Spoleto, the chronology implied by the *ordo* seems unobjectionable. The only real problem is posed by Arezzo: its place in the *ordo* suggests that it must have been founded in

¹⁵¹ Cf. T.Kaeppli, *Inventari di libri di S.Domenico di Perugia*, Rome 1962, 11.

¹⁵² On Todi, cf. V.M.Fontana, *De Romana Provincia*, Rome 1670, 111; P.T.Masetti, *Monumenta et antiquitates*, Rome 1864, I 184. On Lucca, cf. I.Taurisano, *I Domenicani in Lucca*, Lucca 1914, 1.

¹⁵³ A new convent was generally established in two stages: first, a place was formally accepted (*locus receptus*) by the provincial chapter, and a community sent there, headed by a vicar; at a later date, a *conventus* was sent, i.e. a fully fledged community with no less than twelve members, and complete with a prior and a *doctor*, in accordance with the specifications listed in the constitutions (II 1, derived from PC II 22). There was no other canonical procedure for what would later be called the 'erection' of a convent than the actual and formal sending of the requisite people. From then onwards, the prior of the convent was ex officio a member of the provincial chapter and had his proper place there; the main purpose of the *ordo conventuum* was to establish the seating arrangements at chapters. What is quite unclear is which event determined seniority, the sending of a *conventus* or the original occupation of a *locus*. There are no traces of any constitutional statement on this point, and I am not aware of any evidence to show whether there was even any universally accepted understanding on the point. In the case of the Roman province, it is evident that several houses teetered on the brink of becoming convents for some time; their superiors were called 'vice-priors' and were apparently inclined to claim seniority in the province on this basis until they were slapped down by the provincial chapter of 1254, which said (MOPH XX 17), 'Declaramus quod vicepriors ubique, preterquam in domibus suis, teneant loca sua' (i.e. the only seniority they were entitled to elsewhere was based on the date of their entry into the order, not their position as vice-priors). Although Spoleto only received a *conventus* in 1258, its vice-prior is mentioned as early as 1250, and the *fratres Spoletani* were ordered to give up parochial responsibilities in 1254 (MOPH XX 11, 16). And Masetti (op. cit. I 184) cites archival evidence that there was a Dominican presence in Pistoia in 1248. I see nothing to exclude the hypothesis that Pistoia was founded before Spoleto, even if it did not receive a formal *conventus* until a year later, and that this earned it its place in the *ordo conventuum*.

1232/3, but the accepted date for its foundation is 1242.¹⁵⁴ The authority for this date is Fontana, who, as usual, cites his source simply as unspecified *monumenta huius Conuentus*.¹⁵⁵ But, by his time, the *ordo conventuum* was significantly different from the one contained in the *liber privilegiorum*: the province had by now lost S.Sabina, and the Minerva had been promoted *honoris causa* to the head of the *chorus dexter*; then come Florence, Siena, Viterbo, Pisa, Orvieto, Perugia, Todi, Lucca, Arezzo, Spoleto, Città di Castello, Prato, Foligno, Camerino, Cortona, Bevagna, Narni, Montepulciano, Pistoia, San Miniato, San Gemignano, etc. Fontana's dating of Arezzo fits its place in this *ordo*; but so does his improbable dating of Viterbo (1220/1), and his manifestly wrong dating of Città di Castello (1269)¹⁵⁶ and Pistoia (between 1281 and 1318) (Fontana, op. cit. 94, 130, 151). The older *ordo* corresponds far better to what we know of the actual sequence of foundations than either Fontana's dates or the *ordo* of his day; we therefore have more reason to trust its placing of Arezzo than to accept the date given by Fontana.

One thing, at any rate, is certain: in 1232/3 the province of Lombardy made a long arm towards the South and appropriated a considerable stretch of territory along the eastern side of Italy, and in 1233 the province of Rome reached out eastwards and made a bid for Umbria by establishing a house in Perugia. If, as seems probable, it also made a foundation in Arezzo in 1232/3, it was at the same time affirming its right to control eastern Tuscany. For the first time since 1221, the two provinces were staking out claims which put them on a collision course.

The evidence is too fragile to support anything so grand as an hypothesis; but it is tempting to speculate that it was the provinces of Lombardy and Rome which, in 1234 or 1235, instigated legislation which would require the consent of three successive chapters to the transfer of convents from one province to another, making such transfers equivalent to a change in the constitutions. Both provinces were expanding into the no man's land which had previously separated them, and might understandably be reluctant to cede their gains; if an important convent like Florence had recently been transferred, at the whim of a single chapter, from Lombardy to Rome, they would have every reason to feel vulnerable. And it could be their somewhat impetuous founding of new convents which prompted the most general chapter of 1236 to insist that proper procedures must be followed; at least in the case of Perugia, it seems unlikely that this had been done: the foundation was apparently made, without premeditation, while the Roman provincial, Nicholas of Giovinazzo, was returning from Bologna with a

¹⁵⁴ Masetti, op. cit. I 183; ASOP 1 (1893-1894) 657; *Catalogo generale della Famiglia Domenicana in Italia*, Alba 1998, 71.

¹⁵⁵ Fontana, op. cit. 115-117.

¹⁵⁶ The province did not accept a *locus* there until 1270, by which time there was already a *domus* in Narni (MOPH XX 37), so on any reckoning Narni ought to come before Città di Castello.

Perugian novice he had recruited there, and it was made, at least partly, on the strength of the novice's family connections.¹⁵⁷

If it was the transfer of Florence from Lombardy to Rome which made both provinces sensitive to the risk that they might lose territory in the same way again, when did this transfer occur? Florence must certainly have belonged to Rome well before 1246, when the Roman provincial chapter disciplined some *fratres Florentini* (MOPH XX 6). On 28 Jan. 1231, Gregory IX appointed 'dilectos filios Nicolaum prouincialem et J. Florentinum priores et Fredericum fratres ordinis predicatorum' confessors for regulars throughout Tuscany, and on 30 Jan. 1231 he commissioned the 'provincial of Tuscany', the prior of S.Maria Novella and Frederick to reform a monastery in the diocese of Chiusi (*Epitome* #245-246); it might be inferred that S.Maria Novella was already within the jurisdiction of the 'provincial of Tuscany'. Maybe, though, it was precisely the pope's desire to have a single Dominican territory in Tuscany which prompted the transfer of Florence. In that case, it was perhaps the general chapter of 1231 or 1232 which effected the transfer and, if we indulge the speculation I have been suggesting, precipitated the scramble for territory in central Italy which occurred in 1232/3 and the steps taken to secure such territory in 1234/5.

It might be objected that the second Roman provincial, Clarus, is identified as Florentine both by the chronicle of S.M.Novella (ed. S.Orlandi 3) and by the list of Roman provincials;¹⁵⁸ however, we have seen reason to believe that he became provincial in 1224 and that an older system was still in force then, under which provincials were nominated by the general chapter. His predecessor, nominated in 1221, was from Piacenza and was remembered as having been taken from the province of Lombardy; it is quite possible that the second provincial too was an outsider, possibly selected by Jordan (who may have known him in Bologna)¹⁵⁹ to goad the Roman province into undertaking new foundations.

¹⁵⁷ The Perugia chronicle makes the contradictory claim that the first Perugian friar, 'frater Christianus domini Ermanni', who died in 1287 after about 55 years in the order, 'etiam Ordinem ingredi meruit vivente patre nostro beato Dominico'. However, if it is true that he was received into the order by Nicholas of Giovinazzo in Bologna, where he was studying, c.55 years before 1287, it is highly probable that he became a Dominican in 1233 and that the chronicler garbled a memory of him joining the order on the occasion of Dominic's translation, at which Nicholas was famously present (Constantine, *Leg. S.Dominici* 67).

¹⁵⁸ AS Perugia, Corp. rel. soppr. S.Domenico 66 f.11r (cf. AFP 4 [1934] 124); A.Maiarelli, ed., *La cronaca di S.Domenico di Perugia* 20; A.M.Viel & P.M.Girardin, edd., *Chronique du couvent des Prêcheurs d'Orviêto* 61.

¹⁵⁹ That Clarus was already a Dominican in Bologna in 1219 is shown by MOPH I 26. He should not, however, be confused with the Clarus who appears in MOPH I 21 and who was evidently a native of Bologna; in the latter story the original reading is *Clarinus*, not *Clarus*, and the only alternative which might derive from an informed correction is *Latinus*.

APPENDIX VI

HISTORIA OP IN DANIA, PART 2

On the establishment of the text, see AFP 66 (1996) 161-162. The second part of the *Historia* is clearly wrong to say that the first provincial of Dacia was received into the order by Dominic; such an assertion contradicts the first part of the text. But it would be very rash to infer that *a beato Dominico* should be emended to *a magistro Iordane*. It is not at all certain that the three parts of the *Historia* were all composed by the same person, and, even if they were, we cannot exclude the possibility that the author was mistaken. It seems probable that *a beato Dominico* is a genuine part of the text, and that the error is to be ascribed to the author, not to a copyist.

Circa idem tempus intrauit ordinem Parisius frater Rano qui in artibus Parisius rexerat et decanus fuerat Roschild et electus in episcopum in eadem ecclesia, qui uadens pro confirmatione ad curiam ueniens Parisius a beato Dominico ad ordinem est receptus. Hic antequam annum compleuit in ordine fit prior prouincialis multis annis prouinciam regens; post quem Analdus duobus annis, post quem frater Absolon annis uiginti. 5

1 Rano sic *K et Bernardus Guidonis*] Ranoldus *S* 1-2 qui in artibus Parisius rexerat *e K restitui*] in artibus - rexerat *S* 3 eadem *K*] eodem *S* 4-5 compleuit] complet *K* 5 prouincialis *e K restitui*] per(multis) *S* multis annis] annis multis *K* prouinciam *e K restitui*] primoriam *S*, prioriam *coni. Gertz* 6 Analdus] Aualdus *K*

APPENDIX VII

BERNARD GUI ON THE PROVINCIALS OF DACIA

In editing this text, I have used the following manuscripts:

- A Agen 3 f.62
- B Bordeaux 780 f.36^r
- D Barcelona, Bibl. Univ. 218 p.119
- R Roma, AGOP XIV A 3 (olim conv. Ruthenensis) f.113.

I have ascertained that it is not contained in the following manuscripts: Rome, AGOP XIV A 2 (olim conv. Cracoviensis); Frankfurt am Main, Stadt- und Univ. Bibl. Praed. 82; Bologna, Bibl. Univ. 1535; Roma, S.Maria sopra Minerva A.p.4; Toulouse, Bibl. Mun. 490.

Priores prouinciales in prouincia Dacie.

Primus prior prouincialis in prouincia Dacie ordinis fratrum predicatorum fuit frater Rano, uir reuerendus, diuque fuit prior prouincialis. Et obiit in officio prouincialatus.

- 5 Secundus fuit frater Aynundus, qui non diutius stetit in officio. Fuit absolutus in capitulo generali.

Tertius fuit frater Absalon, uir reuerendus et bonus. Prior prouincialis fuit annis XX et amplius, priorque prouincialis existens obiit in Rusquillis anno domini.

- 10 Quartus fuit frater Augustinus bis. Prima uice successit fratri Absaloni predicto, fuitque absolutus in capitulo generali Treuerensi anno domini M^oCC^oLX^oVI^o.

- 15 Quintus fuit frater Nycholaus, uir bonus, qui successit fratri Augustino anno domini M^oCC^oLXVI^o, priorque fuit annis quinque aut sex, fuitque absolutus a prouincialatu in generali capitulo Florencie anno domini M^oCC^oLXXII^o, et fuit factus penitentiarius in curia Romana, ubi obiit in officio penitentiarii.

5 secundus] secundus prior *D* post fuit² add. supra lin. autem *D* 6 post generali add. in marg. M^oCC^oXXXV^o ABDR 7 post tertius add. supra lin. prior *D* 9 post anno domini add. in marg. M^oCC^oLIIII^o uel LV^o ABDR 10 post quartus add. supra lin. prior *D* 13 post quintus add. supra lin. prior *D* 13-14 qui successit ... LXVI^o add. ipse librarius in marg. A 14 priorque] prior *AD* 15-16 in generali ... LXXII^o add. ipse librarius in marg. A 16 fuit factus] factus est *D*, factus *A*

Frater Augustinus predictus secunda uice successit fratri Nycholao anno domini M^oCC^oLXXII^o, priorque fuit tam in prima quam in secunda uice annis XXII et amplius, priorque prouincialis existens obiit anno domini M^oCC^oLXXX^oII^o uel LXXXIII^o. 20

Sextus fuit frater Oliuerus, qui successit fratri Augustino anno domini M^oCC^oLXXXII^o uel LXXXIII^o, fuitque absolutus una uice in capitulo generali Palentino anno domini M^oCC^o nonagesimo primo. Fuit autem reelectus ipso eodem anno immediate in capitulo prouinciali Dacie, priorque fuit in uniuerso annis XIX, fuitque absolutus ultima uice in capitulo generali Bononie anno domini M^oCCC^oII^o. Hic obiit in Nestvit anno domini M^oCCC^oVIII^o. 25

Septimus fuit frater P. de Rusquildis, qui successit fratri Oliuero anno domini M^oCCC^oII^o, prior prouincialisque fuit annis quinque cum dimidio, fuitque absolutus in generali capitulo Paduano anno domini M^oCCC^oVIII^o. 30

Octauus prior prouincialis fuit frater Canutus, qui successit fratri Petro de Rusquildis anno domini M^oCCC^oVIII^o.

19 anno domini M^oCC^oLXXII^o *add. ipse librarius in marg. A* priorque] prior AD 22 *post sextus add. supra lin. prior D* Oliuerus] Oliuerus D 22-23 anno domini ... LXXXIII^o *add. ipse librarius in marg. A* 24 nonagesimo primo] XCI^o D 26 fuitque] fuit (que *supra lin. add.*) A capitulo generali] generali capitulo R 27 Nestvit] Nestuit B 29 *post septimus add. supra lin. prior D* Rusquildis] Rusquillis ADR *et ut videtur ante corr. B* Oliuero] Oliuero D 30 prouincialisque] prouincialis AD 33 Rusquildis] Rusquillis ADR *et ut videtur ante corr. B post M^oCCC^oVIII^o add. alia manu* hic obiit Nesvik in officio quod tenuit gloriose fere tredecim annis, fuitque de conuentu Othoniensi. Nonus fuit frater Wernerus de Roskildis qui tenuit officium septem annis fuitque absolutus in capitulo Pirpiniano anno domini M^oCCC^oXXVII^o. Hic obiit Aosie et sepultus est ibidem modicum post absolutionem D

APPENDIX VIII

ST AGNES, BOLOGNA: SOME POINTS OF CHRONOLOGY

According to the chronicle of St Agnes, Diana and four other ladies entered St Agnes within the octave of the Ascension in 1223 and received the habit on the feast of SS. Peter and Paul (29 June). The chronicle then goes on:¹⁶⁰

Igitur ad predicationem fratris Bernardi teotonici et amonitionem paulo post due nobiles domine de Ferraria eorum collegio sociate sunt.

Sed et magister Iordanis bone memorie accersiri uolens quatuor sorores de sancto Sisto per licentiam summi pontificis, ut eas docerent ordinem et modum religionis, destinauit ad curiam duos ex quatuor illis fratribus, quibus beatus Dominicus negotium commiserat, uidelicet fratrem Gualam Brixiensem et fratrem Rodulfum Fauentinum. Hi ergo duo summum pontificem adeuntes et causam itineris ei exponentes eum nullis precibus inflectere ad exauditionis gratiam ualuerunt. Tandem uero ad preces domini Ugolini Ostiensis episcopi inclinatus assensit. ... Summus igitur pontifex Honorius ad monasterium dominarum sancti Sixti accedens presente supradicto domino Ugolino et fratre Clario prouinciali Tuscie ac priori sororum sancti Sixti et conuentuali fratrum ... asseruit se uelle quatuor ex ipsis ad monasterium sancte Agnetis destinare. Quapropter eis in uirtute spiritus sancti et obedientie iniunxit ut oculos diuine maiestatis attendentes quatuor ex se eligerent magis ydoneas ad opus perficiendum. Sicque quatuor sorores que professe erant in manibus beati Dominici et ab eo habitum susceperant ad monasterium sancte Agnetis deuenerunt, fueruntque in earum collegio usque ad diem mortis sue, magno sanctitatis uigore pollentes. Quarum sororum una extitit soror Cecilia. ...

Preterea fratres predicantes per Lombardiam et marchiam conuertebant dominas ac earum collegio sociare curabant, ita quod in breui tempore de nobilioribus Lombardie et marchie earum collegio sociate sunt.

Magistro autem Iordane in officio magistrali existente prememoratus frater Guala ex uoluntate magistri summum pontificem Honorium adiit, litterasque preceptorias impetrauit, ut magister

¹⁶⁰ On the manuscript tradition of the text, see AFP 66 (1996) 137-141.

ordinis domus sancte Agnetis teneretur curam gerere sicut alicuius domus fratrum ordinis. Sicque felicis memorie magister Iordanis litteris sibi presentatis in generali capitulo quod tunc celebratum fuit Bononie ex uoluntate omnium diffinitorum recepit eandem domum.

Demum idem magister recepit in manibus suis sororem Dyanam una cum toto conuentu ad professionem.

The papal letter which Guala is said to have obtained can only be *Ad audientiam nostram*, issued on 17 Dec. 1226, of which there is an authenticated copy (made in 1249) from the monastery archives (now AS Bologna, Fondo S.Agnese 1/5591):¹⁶¹

Honorius episcopus seruus seruorum dei dilecto filio magistro ordinis predicatorum salutem et apostolicam benedictionem. Ad audientiam nostrum peruenit quod licet dilecte in Christo filie Diana fundatrix et quedam alie sorores domus sancte Agnetis Bononiensis diocesis secundum ordinem fratrum predicatorum in manus bone memorie fratris D. predecessoris tui professionem fecerint, firmam spem fiduciamque tenentes sub eodem ordine perpetuo permanere, tu tamen domum ipsam, priorissam et alias sorores degentes inibi quasi pro derelictis habens, circa eas officii tui debitum, quod non sine ammiratione referimus, non exerceas. Ne igitur ipse spe quam tui predecessoris tempore ipso docente ac duce ad eundem noscuntur ordinem habuisse per tuum defectum doleant se frustratas, discretioni tue per apostolica scripta mandamus atque precipimus quatinus eas et locum earum sub custodia et correctione tua suscipias sicut cetera loca eiusdem ordinis tue discretioni commissa. Dat. Lateran. xvi. kal. Ianuar. pontificatus nostri anno undecimo.

In this letter, exactly as the chronicle states, the pope orders the Master 'ut magister ordinis domus sancte Agnetis teneretur curam gerere sicut alicuius domus fratrum ordinis'.

Cambria, *Il monastero* ... 70, alleges that there was an earlier bull issued in 1225, similarly bidding Jordan take the monastery 'sotto la correzione dell'Ordine', though she admits that no text of this bull survives. However, if Honorius had already obliged Jordan to accept responsibility for the Bologna nuns in 1225, the 1226 letter is incomprehensible, since it bases the nuns' right to the Master's attention, not on any previous obligation laid on Jordan, but on the fact that they had made profession in Dominic's hands in the hope of living as Dominicans.

¹⁶¹ The bull is edited in BOP VII 7 and G.Cambria, *Il monastero domenicano di S.Agnese in Bologna*, Bologna 1973, 221-222; Cambria, op. cit. 71, also prints a photograph of the 1249 copy, from which I have taken the text.

The Bologna chapter at which Jordan accepted St Agnes into the order must, then, be that of 1227, and it was on that occasion that he received the profession of Diana and her companions. This does not contradict the pope's statement that the nuns had already made profession in Dominic's hands;¹⁶² the 1227 profession was the formal ratification of their acceptance into the order. In the same way, when Raymund of Penyafort came to Bologna as Master, as the chronicle reports, he examined the evidence that the nuns belonged to the order and, once he was satisfied, he received them to profession again; in each case, what was at issue was not so much the nuns' obligation to religious life as the order's obligation to the nuns (cf. AFP 53 [1983] 22-24).

The passage quoted above from the chronicle thus covers four years, from 1223 to 1227. As we have seen (AFP 66 [1996] 147-148), the chronicle tends to ignore periods in which nothing of interest occurred, so we must beware of supposing that the various events reported all occurred as rapidly as the text might suggest.

With regard to the nuns from San Sisto, the chronicle simply notes that Honorius was at first unwilling to oblige, but then finally (*tandem*) relented. From two letters of Jordan, however, we know that at some stage there was a plan to get some nuns from Prouille to help St Agnes. In *Ep.* 17, he says:

Cito venient sorores dilectae et idoneae de Pruliano. Hoc enim scripsit mihi fideliter prior Montispessulani.

And in *Ep.* 27:

De sororibus Pruliensibus non videtur ad praesens expedire, ut aliquae vobis mittantur, sicut viva voce vobis explicabo. Salutatur vos frater Bernardus, prior provincialis.

It must be inferred either that Jordan turned to Prouille when he heard of Honorius's refusal to allow anyone from San Sisto to go to Bologna, or that he turned to Prouille first and then changed his mind. On the first hypothesis, it is suggested that 'non videtur expedire' may indicate that Jordan has already heard that Honorius has relented; on the second hypothesis, it is taken to mean that Jordan himself has decided that it is more expedient to get nuns from San Sisto.¹⁶³

¹⁶² The chronicle only reports that Diana had made profession to Dominic; but there is no reason why the other four ladies who entered St Agnes with her should not have done likewise.

¹⁶³ For the first hypothesis, cf. Bayonne, *Jourdain* 16; Aron, *Lettres* 12, 21; Altaner, *Jordan* 75. For the second, cf. H.M.Cormier, *La Bienheureuse Diane d'Andalò*, Rome 1892, 65-66; J.Kuczyński, *Le Bienheureux Guala de Bergame*, Estavayer 1916, 18.

It is natural and probably correct to assume that, as soon as possible after the foundation of St Agnes, Jordan took steps to find some nuns to instruct the new community. But, in addition to this, it has generally been supposed that everything else followed with considerable rapidity. Thus Bayonne dated *Ep.* 17 to Sept. or Oct. 1223, and *Ep.* 27 to the end of 1224 (*Jourdain* 16, 30), which tallies with the dating established, but not published, by the Annalists.¹⁶⁴ Aron disagreed only to the extent of shifting *Ep.* 27 to Jan. 1225; she also inferred from the reference to the 'provincial of Provence' that Jordan was visiting the Midi after the 1224 general chapter (*Lettres* 21).¹⁶⁵

In the meantime, evidence had been produced to prove that the nuns from San Sisto were already in Bologna by 12 June 1225 (Kuczyński, op. cit. 20), and this evidence gave Altaner confidence to declare (*Jordan* 76-77) that *Ep.* 27 must have been written between the 1224 general chapter (at which he supposed Jordan to have heard from Bertrand that no Prouille nuns could go to Bologna)¹⁶⁶ and Feb. 1225 (on the assumption that Jordan was expecting to be in Bologna in person for Lent 1225, in accordance with the practice indicated in MOPH I 108, 'Quadragesimam uno anno Parisius, alio Bononie faciebat').

Scheeben (*Beiträge* 87-88) fills out the story, *mutatis mutandis*, along familiar lines. He supposes that Jordan's first idea was to get nuns from Prouille to help at St Agnes, and that, at the 1223 general chapter, he commissioned the prior of Montpellier to obtain them for him; soon afterwards, the prior told him that the nuns would shortly be on their way, and Jordan wrote to inform Diana of this (*Ep.* 17, written in the summer of 1223). However, difficulties arose, of which Jordan heard at the general chapter of 1224, so he instructed Guala and Rudolph to approach the pope about getting nuns from San Sisto. Since he was apparently travelling with the provincial of Germany, Scheeben infers that he visited Germany after the chapter, and that it was probably from there that he wrote *Ep.* 27 to the nuns at Bologna in the autumn of 1224. By 12 June 1225, the San Sisto nuns were already installed at Bologna.

¹⁶⁴ Cf. B.M.Reichert, 'Das Itinerar des zweiten Dominikanergenerals Jordanis von Sachsen', in St.Ehse, ed., *Festschrift zum 1100jährigen Jubiläum des deutschen Campo Santo in Rom*, Freiburg i. B. 1897, 153. Bayonne found confirmation for the dating of *Ep.* 27 in Jordan's appeal to the nuns for prayers 'ut ... possim perficere omnem voluntatem suam in ministerio mihi injuncto', from which he inferred that Jordan's *ministerium* was still new enough to be causing him anxiety.

¹⁶⁵ Before Scheeben, no one dreamed of connecting the *prior provincialis* mentioned in *Ep.* 27 with the province of Germany. Bayonne took *provincialis* to mean 'of Provence' and translated the phrase 'Prieur provincial de Provence' (*Jourdain* 35). Aron followed suit, except that she emended *Bernardus* to *Bertrandus*: 'Frère Bertrand, prieur de Provence ...' (*Lettres* 23); Altaner accepted this emendation (*Jordan* 31, 76-77).

¹⁶⁶ On this basis Altaner declared 'superfluous' Aron's theory that Jordan visited the Midi in person.

Thus, in spite of slight variations in the story, there is a general consensus on the dating of Jordan's *Epp.* 17 and 27. Unfortunately, however, the whole construction is nothing but a house of cards.

The 'proof' that the San Sisto nuns were already in Bologna by 12 June 1225 is a deed of sale in which the prioress is named as 'domina Agnesia', and it is stated that she 'fuit de civitate Rome'. It was published by Melloni, who inferred that Agnesia was a nun imported from San Sisto to be prioress. He did not, however, believe that she was one of the four nuns mentioned in the chronicle of St Agnes's; in his view they came later.¹⁶⁷

If Agnesia really had been a nun at San Sisto, it seems most peculiar that she is simply described as having come from the *city* of Rome; and if she was not one of the original group of five who entered St Agnes in June 1223,¹⁶⁸ then one of the five has gone missing, since, apart from the prioress, only four nuns are listed as being present and consenting to the sale. Furthermore, as M. Giovanna Cambria has pointed out (*Il monastero* ... 54 n.22), the document in question (now Bologna, AS Fondo S. Agnese 1/5591), far from showing that the San Sisto nuns had already arrived, actually shows that they were *not* yet there. As fully-fledged nuns, they would certainly have had the right to vote in chapter and so should have featured in any official deed in which the nuns were listed. Diana is listed, so the 1223 entrants are not excluded; Cecilia, the only one of the San Sisto nuns of whose name we are absolutely certain, is not listed. So the formal community of St Agnes in June 1225 apparently still consisted only of the original five sisters who entered in 1223.

This obviously raises doubts about whether the chronicle has not exaggerated the speed with which St Agnes acquired extra recruits, especially the two whom Bernard the German secured in Ferrara 'shortly after' (*paulo post*) the clothing of the first nuns. However, the only profession mentioned in Honorius's letter is said to have been made in Dominic's hands, and it is in any case improbable that anyone made profession at St Agnes until the status of the house was formally clarified. It is therefore not impossible that Bernard's two noble ladies from Ferrara were already there in June 1225, but not competent to take part in the monastery's legal business since they were not yet professed.

The chronicle ignores the Prouille affair, and it is vague about the interval, if any, between the opening of St Agnes and the first approach to Honorius to request help from San Sisto. On the face of it, a monastery in Bologna would more naturally seek support from San Sisto than from

¹⁶⁷ G. Melloni, *Atti o memorie degli Uomini Illustri in santità nati o morti in Bologna*, Classe II vol. I, Bologna 1773, 225-226, 228-229, 378. The same document is also edited in Cambria, *Il monastero* ... 218-220.

¹⁶⁸ The chronicle says that Diana entered 'cum aliis dominabus quatuor de Bononia'; this does not exclude the possibility that one of the ladies originated from Rome.

Prouille, so we may suppose that this was Jordan's first idea and that he turned to Prouille only because of Honorius's initial refusal. We know that Jordan was with Guala in Brescia on 8 Aug. 1223;¹⁶⁹ it is not improbable that, when Jordan went on to Paris,¹⁷⁰ Guala went with Rudolph to the pope.

Apart from conventional dating, I am not aware of anything to prevent us supposing that it was at the 1224 chapter in Paris that Jordan first raised the possibility of getting some nuns from Prouille to go to Bologna. If he went straight from Italy to Paris, this would be his earliest opportunity to discuss such a proposal with the provincial of Provence. And why should he not have paid a visit to Provence himself after the chapter, as Aron suggests?¹⁷¹ This could well have been the occasion on which he made the arrangements with the prior of Montpellier, which are suggested by *Ep.* 17. *Ep.* 17 can then be dated to the autumn or winter of 1224, when Jordan has heard that everything is all set for the departure of the Prouille nuns, who should therefore reach Bologna before Jordan expects to get there himself.¹⁷²

What went wrong at Prouille we shall probably never know; but we need not imagine that Jordan immediately abandoned hope. He was certainly in Bologna in May 1225 for the general chapter (Pentecost fell on 18 May) and he may well have passed Lent there, and he would soon have discovered that no nuns had arrived from Prouille; but there is no reason to believe that

¹⁶⁹ Bayonne, *Jourdain* 14-15; Kuczyński, *op. cit.* 32; Aron, *Lettres* 11; Altaner, *Jordan* 73; Scheeben, *Beiträge* 46.

¹⁷⁰ Jordan's moves can only be conjectured. But we are informed that he fell ill once while passing through Besançon, before the brethren had a house there; he so impressed the bishop and others that they asked for a Dominican community (MOPH I 123). In 1224 the bishop of Besançon issued a letter (without any more precise date) declaring that his chapter has not merely invited the Dominicans to the city, but has already made a significant contribution to the building of their house (Chapotin, *Histoire* 53-54). Besançon comes seventh in the *ordo conventuum* of the French province; Lille comes tenth, and there is evidence that the Dominicans had already obtained their site there by Dec. 1224 (Chapotin 67-68). Since Besançon would be on the way for someone travelling from Brescia to Paris, and since Jordan was in the habit of spending Lent either in Paris or in Bologna (MOPH I 108), it is not unreasonable to conclude from all this that Jordan crossed the Alps in the autumn of 1223 (cf. Scheeben, *Beiträge* 46-47).

¹⁷¹ Scheeben's only reason for taking Jordan to Germany is the supposed evidence of *Ep.* 27 that he was travelling with the provincial of Germany in this period (*Beiträge* 47); but it is precisely the dating of that letter which is now in question.

¹⁷² Jordan's information to the nuns that 'cito venient sorores dilectae et idoneae de Pruliano' suggests that they were already aware of the new plan to get sisters from Prouille to help them, but this does not mean that Jordan had been able to explain it to them in person; the provincial of Lombardy, for instance, could have been asked to give them the news. Jordan's words do, however, suggest that he has had some contact with Prouille and knows the quality of the nuns. He also evidently expected his letter to reach Bologna before he did; he was perhaps somewhere in northern Italy.

he made another attempt at this stage to obtain nuns from San Sisto. As the chronicle of St Agnes reports, when Honorius finally gave way, he went in person to San Sisto; but political unrest made him abandon Rome towards the end of April 1225, and he did not return until mid February 1226.¹⁷³ If he had told San Sisto to send nuns to Bologna before he himself left Rome, we should have expected them to be there by mid June. After that, the earliest plausible date for his visit to the monastery is late February 1226.

From Jordan's *Ep.* 27 we learn that the scheme to get nuns from Prouille has been abandoned *ad praesens*, and that Bernard has become a provincial. But Bernard was not a provincial in 1225. Bernard had been involved with Saint Agnes since its inception; as the chronicle of St Agnes tells us, he was one of the friars who escorted Diana and her companions to their new monastery. Thereafter, perhaps not as quickly as the chronicle implies, his preaching won them two new recruits. He was obviously well known to and liked by Diana; after the death of her brother in 1225 Jordan sent him to comfort her (*Ep.* 30). Not long afterwards, he asks for prayers 'pro me et pro fratre Henrico, priore Coloniensi, ac fratre Bernardo et aliis sociis meis, ut Dominus in beneplacito suo iter nostrum dirigat' (*Ep.* 45).¹⁷⁴ This is the first solid evidence we have that Bernard is leaving Lombardy, and he is surely not a provincial at the time; it would be most odd to give Henry his title as prior of Cologne and then refer to a provincial merely as 'frater Bernardus'.

Jordan was still not too far from Bologna when news reached Diana of her brother's death in June 1225; but he then set off on some journey with Henry and Bernard.¹⁷⁵ The three companions probably parted company once they were over the Alps, and Jordan made his way to Paris, while the other two went to Germany.

Jordan was certainly in Paris on 25 March 1226, when he received the profession of Gerald de Frachet (MOPH XXIV 60), and some time after this

¹⁷³ Cf. Richard of S.Germano, RIS² VII ii 120-121. The last letter from Rome in 1225 is dated 19 April, the first from Tivoli is dated 1 May (Potthast #7400-7401); the next letter from Rome is dated 15 Feb. 1226 (Potthast #7527).

¹⁷⁴ This letter too must be dated to 1225, because of its implicit reference to the death of Diana's brother. Henry had no doubt been in Bologna for the general chapter in May.

¹⁷⁵ Scheeben (*Beiträge* 50-51) identifies this journey with the one referred to in three chapters of *Vitas Fratrum* III (MOPH I 106-108), which Jordan is said to have made with two Dominican companions and one secular cleric who subsequently joined the order. He is described as going 'de Lombardia in Theutonium', though the particular places mentioned do not take him further than what is now Switzerland. But on Scheeben's own account, Jordan then went to Paris, while Henry and Bernard presumably continued into Germany. There does not appear to be the slightest reason to identify Jordan's travels in 1225-1226 with the journey 'in Theutonium' reported in the *Vitas Fratrum*, particularly if the original reading of the second episode is correct, 'uersus Toringiam dirigens iter suum'.

he wrote *Ep.* 32 to Diana, including a description of things that had happened in Paris on the feast of the Annunciation; there is no mention of or greeting from Henry or Bernard. The letter begins: 'Tribulationes et angustias civitatis Bononiae et per consequens tuas et sororum tuarum nuper audivimus ...'. Since Jordan goes on to talk about the emperor as a man 'qui non novit revereri viros religiosos', the trouble in Bologna must have had something to do with Frederick II. As has long been recognised, this points to the year 1226 (Bayonne, *Jourdain* 62-63; Altaner, *Jordan* 89-90; Scheeben, *Beiträge* 51). In March of that year, a number of northern Italian cities, fearing that the diet convoked by Frederick II for Easter put their liberties seriously at risk, had re-established the Lombard League.¹⁷⁶ Bologna was among them and, apparently, on 28 March, the podestà made all the men of the city swear public allegiance to the League (RIS² XVIII i II 91). They were thus in open rebellion against the emperor.¹⁷⁷

From *Ep.* 32 it is clear that Jordan had already been in Paris for at least four weeks, since he reports that within four weeks after his arrival 21 new recruits had entered the order. It is impossible to date the letter precisely, but Jordan had presumably spent, or was spending, Lent in Paris. Scheeben (*Beiträge* 50-51) connects *Ep.* 39 with this same period, in which case Jordan had also spent part of Advent 1225 in Paris; his argument is quite convincing, even if it is perhaps not quite as decisive as he makes out. We may add that, as we have seen, if Jordan was in Paris before Christmas 1225, the story of the first provincial of Dacia becomes clearer. But, as Scheeben points out, if we connect *Ep.* 39 and 32 with the same period, then Jordan's stay in Paris seems to have been interrupted; maybe before Lent he took the opportunity to revisit the Midi, to see what was going on at Prouille. Alternatively, he may have gone South between Easter and the general chapter.

On this hypothesis, Jordan's *Ep.* 27, in which he says that 'non videntur ad praesens expedire' to send any nuns from Prouille to Bologna, need not be dated before the summer of 1226; and such a date suits the other

¹⁷⁶ It was later claimed in Bologna that Frederick had tried to suppress the university there in 1225 in favour of his own university at Naples, founded the previous year (RIS² XVIII i II 90). Frederick did forbid his Neapolitan and Sicilian subjects to frequent any university other than his own (cf. H. Rashdall, *The Universities of Europe in the Middle Ages*, new ed. by F.M. Powicke and A.B. Emden, Oxford 1936, II 23); the Bologna report is presumably a rumour-inflated interpretation of this ban.

¹⁷⁷ On this episode, see D. Abulafia, *Frederick II*, London 1988, 154-163. As he points out, the events of 1226 have often been misunderstood, and the extent to which pope and emperor were united in their opposition to the revived League has not always been properly grasped. Commentators on Jordan's letters, supposing that the issue was simply between pope and emperor, have tended to exaggerate the real threat to the city and to the nuns, as if hostile imperial troops were constantly passing by the monastery (e.g. Cormier, *op. cit.* 80; G. Vann, *To Heaven with Diana*, London 1960, 26); even an imperial siege of the city in 1225 has been imagined (A. Alessandrini, 'Andalò, Diana d"', *DBI* III [1961] 50).

contents of the letter. Jordan urges the nuns not to be frightened 'si quae vobis tentationes occurrunt insolitae', because 'haec sunt proelia et seditiones, contra quae Dominus servos suos et ancillas vult esse fortes et magnanimas.' Although this could be taken to refer simply to spiritual trials, it has a more pointed application in 1226. As he did in *Ep.* 32, Jordan says that he hopes to be visiting the nuns in person before long, but instead of 'in isto anno', he now says that he expects to be with them 'in brevi', which makes sense if *Ep.* 27 was written soon after the general chapter and Jordan was proposing to return to Lombardy at once.

Scheeben argues that Jordan remained in Paris until early in 1227, on the grounds that the letter, dated 29 March 1227, in which Gregory IX announced his election and asked for prayers, was addressed to 'fratri Iordano magistro, prioribus et fratribus ordinis predicatorum in Francia constitutis' (*Epitome* #143); but he rather undermines his own argument by admitting that Jordan can hardly have been in Paris as late as March, since the general chapter was due to begin in Bologna early in June and Jordan was apparently in Rome before that (*Beiträge* 52-54). In any case the pope's letter, *Assumpti nuper immo*, is essentially the same as the one sent to the Camaldolese (Potthast #7866) and, though other copies have not been noted, it is more than likely that it was sent to other religious too; we cannot safely infer that the papal chancery had precise information on Jordan's whereabouts, they probably just regarded Paris as the headquarters of the order or (misguidedly) as the place where the next general chapter was to be held. We may take it, then, that Jordan returned to Lombardy straight after the chapter, as he had hoped to do.

Ep. 27 implies that he still expected eventually to get some nuns from Prouille to go to Bologna: 'non videtur ad praesens expedire' suggests that there was some temporary hitch because of the situation at Prouille, not that Jordan had changed his mind about the whole scheme. Nevertheless, if Honorius was, after all, persuaded to send nuns from San Sisto in 1226, something must have occurred to convince Jordan that it was worth making a new approach to him; and it is not difficult to guess what this was.

On his arrival in Lombardy, he would soon have learned that Guala was deeply involved in the attempt to resolve the crisis precipitated by the revival of the Lombard League. He was one of the ecclesiastics present at Mercaria at the end of June 1226, when proposals for reconciliation were discussed between representatives of both sides (Kuczyński, *op. cit.* 38-39), and it is clear that he played a major rôle in diplomatic efforts involving the Holy See. Papal mediation theoretically led to an agreement at the end of the year; when Honorius discovered that it was being ignored by the Lombards, it was Guala whom he sent on 10 March 1227 to the Rectors of the League, describing him as someone 'qui statum et tranquillitatem eiusdem provincie, sicut manifeste cognovimus, diligit et pro ea frequenter apud nos interpellare curavit' (*Epitome* #141).

Against this background, we can see why it was Guala who was deputed to obtain the bull obliging Jordan to treat St Agnes as a house of the order; since he was toiling so hard to bring to an end a rebellion which

was as aggravating to the pope as it was to the emperor, Honorius owed him a favour. We may surmise that Jordan hoped Guala could also exert pressure on Honorius to yield on the question of sending nuns from San Sisto. The chronicle of St Agnes omits all the intervening steps between the first approach made by Guala and Rudolph and the pope's eventual agreement to their request; if at least Guala was involved in the successful as well as the unsuccessful embassy, this oversimplification is not hard to understand.

It is entirely compatible with what we know about the moves of everyone concerned to believe that Jordan only decided to make another attempt to get nuns from San Sisto in the summer of 1226, and that it was Guala who, with the help of Ugolino, finally persuaded Honorius to give his consent at the same time as he procured the bull *Ad audientiam nostram*.

I therefore propose the following chronology:

- 1223 Foundation of St Agnes; Diana and four other ladies enter. Guala and Rudolph are sent to Honorius III to ask for nuns from San Sisto to help there. Honorius refuses. Jordan goes to France.
- 1224 At the chapter in Paris, if not before, Jordan learns of Honorius's refusal; he raises the possibility of getting nuns from Prouille instead. After the chapter, he visits the Midi and makes arrangements with the prior of Montpellier. He writes *Ep. 17* to the nuns.
- 1225 After the chapter in Bologna, Bernard, a faithful friend to the nuns since the beginning, leaves Lombardy in company with Jordan and prior Henry of Cologne. While Jordan goes to Paris, Bernard and Henry go to Germany. Jordan probably spends Advent and the following Lent in Paris, and, at some stage, perhaps pays a visit to the Midi. In June 1225, the professed community at St Agnes still consists only of the original five members.
- 1226 Bologna joins the revived Lombard league. Jordan, having heard about it, writes to Diana some time after 25 March (*Ep. 32*), and again after the general chapter (*Ep. 27*); in the second letter, he informs her that, for the moment, no nuns can be sent from Prouille, and Bernard, 'prior provincial', sends greetings. On his return to Lombardy, Jordan realises that Guala is in high standing with the pope and sends him to ask for a bull requiring the order to take responsibility for St Agnes and to make another attempt to get nuns sent from San Sisto. This time the pope agrees. The bull, *Ad audientiam nostram*, is issued on 17 Dec.
- 1227 The general chapter in Bologna approves the acceptance of St Agnes into the order, and Jordan receives the nuns to profession.

APPENDIX IX

THE SEQUENCE OF GENERAL CHAPTERS

From 1251 onwards, surviving provincial chapter acts regularly indicate the composition of the general chapter by appointing either a diffinitor or a provincial's socius for the following year. The first provincials' chapter thus identified is that of 1252.¹⁷⁸

The only hint of abnormality in the sequence of chapters during the 1240s is the apparent nomination of a socius for the Roman provincial in 1243 (MOPH XX 2), though, if things were working normally, there should have been a diffinitors' chapter in 1244. However, the acts do not say 'socius ... ad capitulum generale' as they normally do, so it is not certain that the appointment of a socius had anything to do with the 1244 general chapter. Furthermore, the '1243' chapter may have been wrongly dated: according to the acts, Naples was chosen as the place for the following chapter, but the 1244 chapter was held in Rome (MOPH XX 1-2).¹⁷⁹ The '1243' chapter also decreed that 'pro fratribus Ungarie morientibus in provincia ita fiat sicut pro aliis fratribus provincie' (MOPH XX 1); these Hungarians are obviously refugees fleeing the Mongol invasion of 1241-1242, and the host province could well have made provision for them in 1242, though a later date is clearly possible (it was not until 1246 that the general chapter told such refugees to return to Hungary: MOPH III 37.13). The '1243' acts are known from only one manuscript, and they come at the beginning; since they are followed by the acts of 1244, it would be natural for a copyist to assume that they belonged to 1243, but it would not be par-

¹⁷⁸ There is a résumé in G.R.Galbraith, *The constitution of the Dominican Order*, Manchester 1925, 255-258.

¹⁷⁹ It might be argued that the 1244 chapter was intended to be held in Naples but was moved to Rome because of the antagonism of Frederick II; but there is no reason to believe that the situation in 1243/1244 was any different from that in 1242/1243. Towards the end of 1240 Frederick expelled non-native friars from the kingdom (Richard of S.Germano, *RIS*² VII ii 207), but this appears to be no more than 'un momentaneo allontanamento dei Mendicanti', and it seems to have been Frederick's general policy in these years to woo the Dominicans (G.Barone, 'Federico II di Svevia e gli ordini mendicanti', *Mélanges de l'École Française de Rome* 90 [1978] 615, 618). One of the first things the Dominicans did after the election of Innocent IV in June 1243 was to get him to confirm the gift of a church in Cosenza, and the only hint of opposition comes from the canons of Cosenza, not from the emperor (BOP I 117-118). If, in 1242 or 1243, the Roman province thought it could hold its chapter in Naples, we should not assume that it was mistaken or that it was forced to change its mind.

ticularly surprising if whoever collected these early fragments managed to locate material from 1242, but not 1243. If we redate the '1243' chapter to 1242, we can accept that the provincial's socius was appointed in view of the following general chapter and the sequence of chapters is undisturbed: working back from 1252, there were provincials' chapters in 1249, 1246, 1243 and 1240.¹⁸⁰

The real difficulty starts when we try to go back further, as several factors complicate the situation.

In the first place, no chapter was held in 1237 because of the death of Jordan of Saxony. PC II 13 says that, if the Master dies after Michaelmas, 'obitus magistri nichilominus denuntietur, ut supersedeatur illo anno a capitulo generali; sequenti uero anno ibi capitulum celebretur ubi prius debuerat celebrari'. Does this mean that the chapter is cancelled or that it is postponed? When John of Wildeshausen died, the diffinitors' chapter which should have been held in 1253 was postponed until 1254 and the regular cycle was not broken: provincials in 1252, diffinitors in 1254 and 1255, provincials again in 1256 (MOPH XX 14, 16, 18, 19); but is this what happened in 1237/1238? We have to consider two possibilities: (1) the 1238 chapter was the one which should have happened in 1237; (2) the 1238 chapter was the one which would have happened in 1238 anyway. It must be said that (1) is the more probable, since there is no indication that the system changed between 1237 and 1252 or that its interpretation was uncertain; Raymund's edition of the constitutions (II 4) repeats exactly what was said in PC II 13.¹⁸¹

Secondly, we do not know what effect the Most General Chapters of 1228 and 1236 had. There are five possibilities, listed in the order of what I deem to be diminishing probability:

- (a) the Most General Chapters were treated as 'hors de série', so that the cycle resumed in the following year as if nothing had happened;
- (b) the cycle started again from the beginning in 1229, but resumed in 1237 as if nothing had happened in 1236;
- (c) the cycle started again after each Most General Chapter;
- (d) the cycle started again from the beginning in 1229, but the 1236 Most General Chapter replaced the chapter which would otherwise have occurred;

¹⁸⁰ The statement in Humbert's *cronica ordinis* that Raymund of Penyafort 'antum institit apud Bononiam in capitulo generali apud diffinitores quod eius cessionem receperunt' (MOPH I 331) cannot be used to show that there was a diffinitors' chapter in 1240, as he goes on to say that their action 'dedit occasionem statuendi postea quod a diffinitoribus amodo non reciperetur magistri cessio nisi ex causis ex quibus posset absolui', which must apply to provincials' chapters too. Cf. 'diffinitor generalis capituli, sive sit prior provincialis sive alius' in the 1244 Roman provincial chapter (MOPH XX 2).

¹⁸¹ In his edition, Creytens prints 'et supersedeatur' where the Rodez text has 'ut supersedeatur' (AFP 18 [1948] 52); but the manuscript (Porto, Bibl. Mun. 101) has *ut supersedeatur*.

(e) both Most General Chapters replaced the chapters which would otherwise have occurred.

Since a Most General Chapter was in effect three chapters in one, it would be odd for it to count as a single chapter; (a) is therefore much more probable than (e).¹⁸² Since the system was modified in 1228 by the decision to grant the 'added' provinces the right and duty to attend all chapters, it would make sense to start again from the beginning in 1229, so (b) is not unlikely, but (d) suffers from the same drawback as (e). Since, on any view except (e), a Most General Chapter broke the cycle, it may have seemed natural to go back to the beginning again each time, so (c) too is not implausible.

Finally, we have to infer from circumstantial evidence when the whole system started. In the next article I shall argue that the legislation which introduced it was almost certainly created by the general chapter of 1225, and, if this is correct, it should have begun to operate in 1226; since PC II 7 is explicit that diffinitors come to the chapter for two years, and provincials *in the third year*, this means that there would have been diffinitors' chapters in 1226 and 1227. To be on the safe side, we may consider the consequences of dating the new legislation to 1224 or 1226; we can certainly exclude a broader margin of error.

Taking into account all possible combinations and permutations, we can obtain a provincials' chapter in 1240 only on the following hypotheses:

A The first cycle of chapters began in 1226, and:

- (1) the chapter that should have been held in 1237 was held in 1238, and:
 - (a) the normal cycle ignored the Most General Chapters and resumed where it had left off in the previous year (i.e. provincials in 1229, 1232, 1235, 1240);
 - (c) or a fresh cycle started after each Most General Chapter (provincials in 1231, 1234, 1240).
- (2) the 1238 chapter was the one that would have been held then anyway, and:
 - (d) a fresh cycle started in 1229, but the Most General Chapter of 1236 replaced the chapter that would otherwise have happened (provincials in 1231, 1234, 1237, 1240);
 - (e) or the two Most General Chapters replaced the chapters that would otherwise have happened (provincials in 1228, 1231, 1234, 1237, 1240).

¹⁸² The allocation of chapters to provincials and diffinitors in QE I xvi evidently assumes (a) to be correct.

- B The first cycle began in 1225, and:
- (1) the chapter that should have been held in 1237 was held in 1238, and:
 - (c) = A 1c;
 - (e) or the two Most General Chapters replaced ordinary chapters (provincials in 1227, 1230, 1233, 1236, 1240).
 - (2) the 1238 chapter was the one that would have been held then anyway, and:
 - (d) = A 2d.
- C The first cycle began in 1227, and:
- (1) the chapter that should have been held in 1237 was held in 1238, and:
 - (c) = A 1c.
 - (2) the 1238 chapter was the one that would have been held then anyway, and:
 - (a) the normal cycle resumed after the two Most General Chapters (provincials in 1230, 1233, 1237, 1240);
 - (d) = A 2d.

Scheeben claimed that there was a provincials' chapter in 1233,¹⁸³ but his only evidence for this is the statement in Gerald's *cronica ordinis* (cf. MOPH I 328) that in 1233 'translatum est corpus beati Dominici a uenerabilibus uiris archiepiscopo Rauenne et sex¹⁸⁴ episcopis et magistro Iordane, prioribus prouincialibus et plus quam trecentis fratribus aliis qui ad capitulum conuenerant generale'.¹⁸⁵ Gerald's information seems to be good; what he says is, to some extent, corroborated by the testimony of Ventura about the re-opening of the tomb a week after the translation (ACB #10):

Idem sepulcrum quasi in octaua die apertum fuit presente potestate Bononiensi et multis aliis ciuibus et magistro Iordane et priore prouincie et multis aliis prioribus et fratribus ordinis predicatorum, et tunc magistro Iordane tenente in manibus suis caput dicti fratris Dominici quasi trecenti fratres de ordine predicatorum et ultra osculati fuerunt caput, sentientes eundem inenarrabilem odorem.

Amizo says much the same thing (ACB #19); but no witness confirms the presence of any provincials other than the provincial of Lombardy. In any case, the 300 friars were certainly not all official members of the chapter,

¹⁸³ AFP 4 (1934) 126-127; *Beiträge* 70-71. His claim is tacitly repeated, as if it were an established fact, by Vicaire (*Histoire*² II 334) and A.D'Amato (*I Domenicani a Bologna*, Bologna 1988, I 93).

¹⁸⁴ Gerald later corrected this to *quatuor*.

¹⁸⁵ In AFP 4 Scheeben also claimed, incorrectly, that Rodrigo says that Nicholas of Giovinazzo attended Dominic's translation as provincial. Nevertheless, Nicholas was present at the translation, and it does seem that he was provincial at the time (cf. *supra*, pp.85-86).

and, if they were present out of devotion, why should a number of provincials not have been there for the same reason?

The only real evidence we have on the composition of the chapter is the statement of William of Monferrato, who was not a provincial, that he was a diffinitor at it (*ACB* #16):

Item dixit se postea uidisse plures personas que dicebant se passas fuisse graues infirmitates et diuersas et se liberatas fuisse per merita beati Dominici, sed... erat unus de diffinitoribus et non poterat illis intendere.

It is highly unlikely that the primitive system of diffinitors chosen at the actual chapter was still in operation in 1233, so William was there as the elected diffinitor of his province; it was therefore a diffinitors' chapter.

As my analysis shows, the only two hypotheses compatible with a provincials' chapter in 1233 are B 1e and C 2a, each of which involves two relatively improbable ingredients. We may surely now rule them out of consideration.

Hypothesis A 1a has a particularly high probability rating, and it might seem to receive confirmation from the conclusion of Jordan's *Ep.* 44, 'Salutat vos frater Conradus, qui nobiscum fuit Bononiae'. This letter was written soon after the death of Henry of Cologne, which, as Scheeben has shown, occurred in October 1229 (*Beiträge* 165-166). If, as is widely supposed (e.g. Aron, *Lettres* 39; Altaner, *Jordan* 88; MOPH XXIII 34), the Conrad mentioned in this and two other letters (*Epp.* 28 and 32) is Conrad of Hörter, provincial of Germany, *Ep.* 44 could be taken as evidence that there was a provincials' chapter in Bologna in 1229.¹⁸⁶ According to Scheeben, it is 'wohl mit Recht' that Altaner identified the Conrad of the letters as the German provincial (*Beiträge* 155-156), but Scheeben himself makes a careful distinction between six German Dominican Conrads and repeatedly warns us not to confuse them with others of the same name (*ibid.* 169-170). Jordan nowhere attaches any title to the Conrad who features in his letters, and there is nothing to show that he should be identified as the provincial; *Ep.* 44 therefore sheds no light on the question what kind of general chapter was held in 1229.

If Jordan's *Ep.* 47 is correctly dated to 1234, it might be adduced as evidence against any hypothesis which attributes a provincials' chapter to that year (A 2e, and ABC 1c and 2d), since he refers to an ordination made by the diffinitors at the recent chapter; but, as is clear from *Epp.* 48-49, which refer to the Most General Chapter of 1228, Jordan uses the word 'diffinitors' to refer indifferently to whoever is making decisions at the general chapter, be they provincials or diffinitors or both.

¹⁸⁶ Altaner (*loc. cit.*) took it as evidence that Conrad had been in Bologna in 1227, because he supposed this to be the year of Henry's death. Scheeben too says that he was 'vielleicht' in Bologna in 1227, though his redating of *Ep.* 44 to 1229 removes the only possible reason for suggesting it.

Unless other evidence can be found, all we have left is the fact that Henry, provincial of the Holy Land, was present in Bologna in 1231. On the face of it, he had no business to be there unless he was attending a provincials' chapter, which there would have been on hypotheses A 2d, A 2e, and ABC 1c. 1c has an acceptable probability rating, so this possibility cannot be discounted. On the other hand, Henry's presence may have been due to special circumstances of which we know nothing. This was a difficult period for the church in the Holy Land: the patriarch, Gerold, had been firm in his opposition to Frederick II, but on 28 August 1230 the emperor had been officially restored to papal favour and his excommunication lifted;¹⁸⁷ the Dominican provincial might have needed to confer with the pope, or he might have been sent to the pope by the patriarch.

In *Ep.* 26 Jordan says, 'Cito, dante Domino, poterimus invicem consolari; interim frater Henricus, prior provincialis Ultramarinus, consolabitur te et faciet medio tempore vicem meam'. Since this letter mentions the same reception of novices as *Ep.* 56, which specifies that it took place in Padua, *Ep.* 26 was presumably written from there, or from somewhere in that part of Italy. Since Henry appears to have joined Jordan there, we might infer that he had recently arrived in Venice from the Holy Land, which would militate against the supposition that he had come for some purpose other than the chapter.¹⁸⁸ But it is equally possible that he had come to Italy earlier, done whatever business he had, and then gone to Padua (or wherever) expressly to confer with Jordan ahead of the chapter.

The fact that Henry was sent to console Diana until Jordan himself arrived makes it likely that he was already known to her; and the obvious occasion for an earlier meeting would be a general chapter. The hypothesis which, in principle, has the highest probability rating of all, A 1a, yields a provincials' chapter in 1229; since it is the only hypothesis to do so, it would be powerfully corroborated if we could be sure that Henry was in Bologna for a chapter in that year. But can we exclude the possibility that he met Diana in 1225¹⁸⁹ or even in 1223 or on some other occasion altogether?

Without further evidence, no definite conclusion can be reached. It is tempting to plump for hypothesis A 1a, but A 1c is still in the ring with a serious challenge; and BC 1c are perhaps not yet decisively eliminated, though their chance of victory is small.

¹⁸⁷ Cf. B. Hamilton, *The Latin Church in the Crusader states*, London 1980, 259; K.M. Setton, ed., *History of the Crusades II* 461, 546-549.

¹⁸⁸ After the chapter, he headed North with Jordan, as we learn from *Epp.* 4 and 7.

¹⁸⁹ There is a slight difficulty about 1225, but it is not serious. From Jordan, *Ep.* 45, we know that another Henry, the prior of Cologne, was travelling with Jordan after the 1225 chapter, so he is presumably the 'frater Henricus' who sends his greetings in *Epp.* 30-31, from the same period. If Diana had just met two German Dominicans called Henry, the one sending his greetings ought to have identified himself more precisely. But if only one Henry was in Jordan's party and Diana knew which one it was, further specification would after all not be necessary.

APPENDIX X

JORDAN OF SAXONY AND THE RIVER JORDAN

As Scheeben points out (*Beiträge* 32), the Limoges *Memorialia* (ed. Douais, *Frères Prêcheurs de Limoges* 25) claim that 'Frater Jordanis ... hoc nomen sortitus est, ut ipse asserebat, quia parentibus suis causa peregrinationis in Terra Sancta commorantibus, ibidem natus in Jordanis flumine baptizatus est', and Johannes Meyer tells a similar tale, at greater length, in his *Leben der Brüder* (ed. P. Wehbrink, *Archiv der deutschen Dominikaner* 2 [1939] 104-105). Scheeben scathingly denies the story and suggests it may have arisen from something Jordan said in jest; but he both oversimplifies the problem and underestimates the attestation of the form 'Jordanis' and its supposed explanation.

According to Scheeben, 'Bernhard Gui erwähnt die Taufe Jordans im Jordan an keiner Stelle'; but in fact Gui does allude to it, rather unexpectedly, in the catalogue of general chapters which precedes his edition of their acta, under the year 1236. After mentioning Jordan's death in the following year, he adds, 'Hic fertur et scribitur in uitis fratrum natus fuisse in terra sancta et baptizatus in flumine Iordanis a parentibus theuthonicis illuc peregrinantibus, unde et nomen Iordanis habuit'.¹⁹⁰ I do not know any manuscript of the *Vitas fratrum* which relates Jordan's baptism in the Jordan; however, Meyer claims that the *Vitas fratrum* is the major source of his *Leben der Brüder* (ed. cit. 103), so it is probable that there were manuscripts which did contain at least an allusion to the story. There are convincing signs that Gui himself was using BAV Reg. lat. 584, and I have found nothing pertinent there; but several passages which were suppressed in the vulgate *Vitas fratrum* were at some stage copied into the margins of Reg. lat. 584,¹⁹¹ presumably from some manuscript containing Gerald's compilation as it was before it was edited for publication, and there is also, in the same hand and presumably from the same source, a continuation of Gerald's list of Dominican Parisian masters up to the 1270s. It is therefore

¹⁹⁰ This seems to go back to the first edition of Gui's compilation, since it is already present in Bologna, Bibl. Univ. 1535 f.37^v; see also Bordeaux 780 f.124^v; Rome, S. Maria sopra Minerva A.p.4 p.89; Toulouse 490 f.87^v. I have not checked the other manuscripts.

¹⁹¹ The late Fr Leonard Boyle OP believed the hand to be that of Gui himself, but I am not entirely sure of this, though there are other marginalia which do seem to be in his hand.

possible that it was this other, no longer identifiable, manuscript which contained a reference to the story of Jordan's baptism, and that this was later copied into a manuscript which fell into the hands of Johannes Meyer. In any case, it seems clear that we are dealing with an explanation of Jordan's name which goes back to the thirteenth century.

As Scheeben points out, the name of the river is *Iordanis*,¹⁹² whereas the personal name is *Iordanus*; and 'der Name Jordan ist natürlich urdeutsch'. It may also be true, by and large, that French and Italian sources generally call Jordan of Saxony 'Iordanis', whereas German sources call him 'Iordanus'. This comment, however, is beside the point. The name Jordan was not confined to Germany, and *Iordanus* was its normal latin form in France and Italy, just as much as it was in Germany. *Iordanus*, wherever it appears, needs no explanation; it is *Iordanis* that is strange, and the story of Jordan's baptism is not, as Scheeben implies, meant to explain why he was called 'Jordan', but why, in latin, he was called 'Iordanis'.

The attestation of *Iordanis* as the name of the second Master of the Order is actually rather impressive.

There can be little doubt that it was by this name that he was known to the people with whom he was most closely associated in Bologna. The chronicle of St Agnes always refers to him as 'magister Iordanis', as does the introduction to Cecilia's *Miracula* (in all manuscripts). All manuscripts of *ACB* similarly use the form *Iordanis*. Bartholomew of Trent, who heard several of the stories incorporated in his *Liber miraculorum BVM* from Jordan in person, always calls him *Iordanis* (e.g. Bologna, Bibl. Univ. 1794 f.86v: 'Hec duo miracula a fratre Iordane ... audiui ... Item quod sequitur idem ipse michi narravit'). That this is not due to any Italian misunderstanding of a German name is suggested by the fact that those who were less closely associated with him call him *Iordanus*; this is how he is referred to in a contract drawn up by an imperial notary on the instructions of someone selling a house to the brethren in Bologna in October 1221 (AFP 42 [1972] 12), and in the settlement, brokered by John of Vicenza, between the commune and the bishop of Bologna in June 1233 (cf. AFP 68 [1998] 15-16). And *Iordanus* was certainly the usual latin form of the name: several Jordans appear in the *Acta S. Officii Bononie* edited by L.Paolini and R.Orioli (Rome 1982-1984), for instance, and they are always *Iordanus*; similarly, in the Bologna chronicles edited by A.Sorbelli in RIS² XVIII.1 ii, all the Jordans who appear are either *Iordanus* or *Zordano*, including Jordan of Saxony.

Various other Dominicans called *Iordanis* are attested in central and northern Italy. Several can be found in the indices to A.M.Viel and P.M.Girardin, edd., *Chronique du couvent d'Orviéto*, and S.Orlandi, ed., *Necrologio di S.Maria Novella*, Florence 1955, and Galvano refers to a prior

¹⁹² This is true of christian latin; the nominative appears thus in the vulgate in Jos. 3.15, Ps. 113.3 etc. Classical latin preferred *Iordanes*.

of Milan whom he calls 'Iordanis' of Como (MOPH II 94; cited by Taegio, AGOP XIV 53 ff.123^v-124^r).¹⁹³ But this does not show that *Iordanis* was a normal form of the name in these regions; it may just as well suggest that Dominicans had a special reason for favouring it, and what such reason could there be except Jordan of Saxony?

From the manuscripts of the *Vitas Fratrum* which I have looked at, it seems certain that Gerald de Frachet, who made his profession in Jordan's hands (MOPH XXIV 60), called him *Iordanis*, and this was also the form used by Bernard Gui (e.g. *Cat. Mag.* #25a; for the section devoted to Jordan himself, I have checked two authoritative manuscripts, Agen 3 and Bordeaux 780, and both have *Iordanis*). There was no shortage of Jordans in the province of Provence, but they, by contrast, are always called *Iordanus* (cf. the indices to Douais and MOPH XXIV), as was the abbot of Saint-Sernin (MOPH XXV #64; Puylaurens, *Cronica*, ed. J.Duvernoy, Paris 1976, 112). Once again, Jordan of Saxony was called *Iordanis* by people who knew perfectly well that the name was usually *Iordanus*.¹⁹⁴

Most importantly of all, as Montanari points out, Jordan himself seems to have used *Iordanis* as his latin name.¹⁹⁵ This is how he presents himself in the prologue to the *Libellus*, according to all the manuscripts, and Walz does not mention any variant in his edition of the letters (MOPH XXIII); Montanari is rightly cautious about citing unchecked editions, but I have confirmed that both Würzburg M.p.th.57 and BNF lat. 10621 f.177^r have *Iordanis*.

This accumulation of evidence is surely enough to outweigh the fact that the constitutions seem originally to have favoured *Iordanus*. In the Rodez manuscript of the primitive constitutions, the preamble declares that the capitulars of the 1228 Most General Chapter assembled 'una cum Iordano magistro ordinis' (AGOP XIV A 4 p.55), and the same text passed into const. II 10 in Raymund's edition: the only known manuscript, Porto 101, has *Iordane* (f.110^v), but the final letter appears to be a correction; and the two most authoritative manuscripts of Humbert's edition, AGOP XIV L 1 f.40^v and BL add. 23935 f.79^v, both have *Iordano*.

There is obviously room for a broader investigation, but I have found nothing to contradict the assertion that *Iordanus*, not *Iordanis*, was the normal latin form of the personal name, and many people who called Jordan of Saxony *Iordanis* were aware of it. If Jordan, nevertheless, preferred to be called *Iordanis*, this suggests that, in his own view, he was named after the river; we cannot therefore dismiss out of hand the explanation of this

¹⁹³ Edited by Odetto in AFP 10 (1940) 327-328, though there the first mention is wrongly printed as 'Iordanus'.

¹⁹⁴ Furthermore, in the local vernacular, Occitan could distinguish clearly between 'lo flum Jordan' (*Chanson laisse* 60) <*Iordanis*, and the personal name 'Jordas' <*Iordanus*.

¹⁹⁵ E.Montanari, ed. *B.Iordanis de Saxonia Litterae Encyclicae*, Spoleto 1993, 62.

which he himself is reported to have offered. The pilgrimage to the Holy Land was extremely popular in the late 12th century, and the river Jordan exercised a particular fascination (cf. J. Sumption, *Pilgrimage*, Totowa N.J. 1975, 129-130); nor is Jordan's birth in the Holy Land necessarily incompatible with the information in Humbert's *cronica ordinis* (cf. MOPH I 326-327) that he was 'uilla que dicitur Borcberge in dyocesi Maguntina oriundus' — wherever he was born, Jordan no doubt grew up at the family home in Saxony. Even if he was not born in the Holy Land and never actually offered this explanation of why he was called *Iordanis*, his preference for this latinisation of the name does imply a special devotion to the Holy Land and its most famous river.