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THE EVOLUTION OF DOMINICAN STRUCTURES OF
GOVERNMENT: TERMINOLOGY, NOMENCLATURE
AND *ORDO* OF DOMINICAN PROVINCES

BY
SIMON TUGWELL OP

V: WORDS AND NAMES

1. *Names of provinces and the origin of the term 'province'*

The oldest generic designation of Dominican provincials is 'prouinciarum uel regnorum' (Prim. Const. II 15a, 16e), undoubtedly inspired by Lateran IV's call for common chapters of monks and canons 'in singulis regnis siue prouinciis' (const. 12), in each kingdom or ecclesiastical province.¹ Nevertheless, the first Dominican territories actually developed without reference to civil or ecclesiastical boundaries, and we may suspect that *regna* were pushed into second place in the Order's legislation because *prouincia*, taken in its broadest and least technical sense as signifying simply a land or region (cf. AFP 70 [2000] 19), was the more appropriate term; all the same, the retention of *regna* shows that *prouincia* could not yet stand on its own as the proper word for a specifically Dominican territory.

It is in line with this that most of the first provinces have purely geographical names such as *Hispania*, used in its traditional sense to apply to the whole Iberian peninsula (cf. Isidore, *Etym.* XIV iv 28-29).² In 1217 Dominic sent a small party of friars 'in partes Yspanie'

¹ There can be little doubt that this was the intended sense of *prouincia* (in England the Benedictines duly celebrated chapters in each of the two provinces of Canterbury and York: cf. W.A.Pantin, *Documents illustrating the activities of the general and provincial chapters of the English Black Monks 1215-1540* I, London 1931, xi-xii); a chapter held in a *prouincia* would thus be analogous to the *concilia prouincialia* for which Lateran IV also called (const. 6), where the meaning is unambiguous since such councils were to be held by metropolitans with their suffragans.

² The Templars' Portuguese houses thus fell within the domain of the 'magister militie Templi in Hispania' (D.Mansilla, *La documentación pontificia hasta Inocencio III*, Rome 1955, no. 552; id., *La documentación pontificia de Honorio III*, Rome 1965,

(Jordan, *Lib.* §49), and Sueiro, who was probably its superior from the outset, became 'prior ordinis (fratrum) predicatorum in Hispania' and could be so called even in Portugal (AFP 70 [2000] 21, 24). 'Yspania' is one of the provinces named in Prim. Const. II 13a in a text which can plausibly be dated to 1222 (AFP 71 [2001] 94-95) and as such furnishes our earliest evidence of the Order's own nomenclature. By this time the Dominicans in the peninsula had houses in the kingdoms of Castile (Segovia, Palencia), Aragón (Barcelona) and Portugal (Santarém), perhaps also León (Zamora), in the ecclesiastical provinces of Toledo, Tarragona and Compostela; but despite this variety of régimes they apparently saw no need to bother with the more politically nuanced 'Spains'.³

Prouincia too (as the name of a particular province) must be taken in a purely geographical sense. The province is so called in Prim. Const. II 13a although in 1222 it did not have a single house in the county or marquisate of Provence. The region in which it came to birth did not yet have a convenient label of its own such as the later 'Languedoc' or 'Occitania', but to the outside world it too was 'Prouincia',⁴ so (whatever the locals may have thought) that was how the Dominican province was designated. Even in 1222 it probably extended beyond the limits of *Prouincia* with houses in Lyons (in the empire) and the Basque town of Bayonne (in English-ruled Aquitaine),⁵ but this evidently did not matter.

no. 33). Cf. P.Linehan, *The Spanish Church and the Papacy in the thirteenth century*, Cambridge 1971, ix.

³ Contrast the title which the archbishop of Toledo claimed, 'Hispaniarum primas' (e.g. MOPH XXV no. 94.32); Innocent III confirmed his 'primatus dignitatem per uniuersa Hispaniarum regna' (Mansilla, *Doc. pont. hasta Inocencio III* no. 530). Similarly in the civil domain Lucas of Tuy can refer to 'reges Yspanie' if the multiplicity of *regna* is irrelevant, but where it is significant he says 'omnes Yspaniarum reges'; when Ferdinand the Great acquired control of Castile as well as León and Galicia 'rex Yspaniarum fuit uocatus' (*Chronicon Mundi*, ed. E.Falque, CCCM LXXIV, Turnhout 2003, IV 1.6, 75.33, 79.1-7).

⁴ The competence of the papal legates whom Innocent III sent to the area could be defined in terms of ecclesiastical provinces (e.g. MOPH XXV nos. 3-4), but in 1208, when he decided to call directly for military intervention in response to the assassination of Peter of Castelnau, he constantly referred to *Prouincia* and the *prouinciales heretici* as its target (e.g. PL 215:1354, 1360, 1361, 1469), and this language is echoed by crusaders and by chroniclers as far apart as Pierre des Vaux-de-Cernai and the Tewkesbury annalist (cf. P.Guébin-E.Lyon, edd., *Petri Vallium Sarnati monachi Hystoria albigensis I*, Paris 1926, p. 3, with the note in the apparatus; H.R. Luard, ed., *Annales Monastici I*, Rolls Series 1864, 59).

⁵ We do not actually know when the Lyons convent was founded (AFP 65 [1995] 133-141), and the statement by Jean Gobi senior that it was Jordan who first sent

If we accept that the first provinces were generally designated by a geographical label which identified the area in which they originated and did not necessarily correspond to their full extension, most of the twelve names which gained official status by being inserted into the constitutions in 1222 (Prim. Const. II 13a), 1225 (II 1a) or 1228 (II 5b and 10b) are unproblematic. *Francia* was mainly in *Francia* even if it had a house in Metz, *Lombardia* was essentially in Lombardy even if it originally included Florence (cf. AFP 70 [2000] 80-86), *Ungaria* corresponded by and large with the dominions of the Hungarian crown, *Theutonia* was in Germany until it acquired a house in Riga, *Grecia* was in Greece and the Greek islands. *Anglia* began in England, though it later extended to Ireland, Wales and Scotland. *Polonia* began in Poland, though it soon embraced Bohemia and Moravia. *Dacia* had a convent in Denmark before it spread to Norway, Sweden and Finland.⁶

There are only two provinces with adjectival toponyms: *prouincia Romana* (mentioned in Prim. Const. II 13a) and *prouincia Ierosolimitana* (mentioned in II 5b and 10b).⁷ These are also the only provinces for which the Dominicans used a significant variety of names; of other apparent examples in the acts of general chapters⁸ one, *Gallia* in MOPH

friars there might be correct (*Miracles de Sainte Marie-Madeleine*, ed. J.Schlafer, Paris 1996, 179 §83), especially if we bear in mind that its superiority to Rheims in the *ordo conuentuum* could have been inherited from Limoges when they swapped provinces in 1224 (C.Douais, *Frères Prêcheurs de Limoges*, Toulouse 1892, 24-25). According to Bernard Gui's information Bayonne 'began to be founded' in 1221 or 1222 (MOPH XXIV 70).

⁶ The first Dominican mission to Scandinavia was actually sent to Sweden, but it failed to establish a house; the first convent was founded in Lund, at that time a Danish city and the seat of the Danish metropolitan, as the result of a second mission sent specifically to Denmark (AFP 66 [1996] 19-21, 162-164; 68 [1998] 83; 70 [2000] 50-52). The modern tendency to refer to the province of 'Dacia' should not blind us to the fact that *Dacia* was the Latin for Denmark, not Scandinavia. When Honorius III wanted to address all the Scandinavian bishops, those of Denmark (*Dacia*), Norway and Sweden were all listed in turn (e.g. A.Krarup, *Bullarium Danicum*, Copenhagen 1931-1932, no. 169); the three countries are similarly distinguished in the local Dominican *Historia* (AFP 66 [1996] 162-164).

⁷ *Prouincia Prouincie* is not analogous as the toponym is a noun, not an adjective; in an age which did not make systematic use of capital letters the status of *Prouincia* as a proper name could be underpinned by combining it with *prouincia*.

⁸ Our main source for the acts of thirteenth-century general chapters is Bernard Gui. He assembled his collection 'ex diuersis antiquis rotulis et quaternis cum multo tedio et labore' (MOPH XXII 5.8-11), and successive versions show that he went on discovering new material; since Reichert only used two relatively advanced manuscripts in his edition of the acts in MOPH III his apparatus does not adequately

III 83.12, is illusory,⁹ and the other, *Alamania* in MOPH III 229.25, if genuine, is the exception which proves the rule.¹⁰

The brethren who were first sent to the Holy Land apparently began by making a foundation in Ragusa, but this was a response to an unforeseen opportunity and the house is said to have been attached to the province of Hungary in 1230.¹¹ They then seem to have settled

display the evolution of Gui's text. To compensate I have used Bologna Bibl. Univ. 1535 which represents the earliest version of Gui's collection of acts, and AGOP XIV A 2 which represents the next stage in its evolution. From 1239 onwards we also have an independent Florentine manuscript (AGOP XIV A 1) whose readings are reported incompletely and not always accurately by Reichert. From 1281 onwards there is another manuscript from the Roman province, Florence BN Centrale Magl. Cl. XXXVII 326 (the third manuscript mentioned in MOPH XX x was destroyed in the second world war). I have used AGOP XIV A 2 and, in so far as their incomplete contents permit, Bologna 1535, AGOP XIV A 1 and Magl. XXXVII 326 to check the chapter-acts to which I refer in what follows, and I indicate their evidence wherever there is any possible doubt about the text. Taegio incorporates chapter-acts extensively in his *Cronica magistrorum*, but his evidence must be used with caution: he quotes the acts in his own way and cannot be relied upon to retain their exact words, and, in the absence of a proper study of the textual tradition of the acts, it would be premature to estimate the extent of his independence of Bologna 1535, a manuscript with which he was certainly familiar (cf. MOPH XXII xi); it must also be borne in mind that Gui was in Padua in 1308 for the general chapter, and, as AGOP XIV A 2 shows, he was able immediately afterwards to add more material to his edition of the acts, so at least some of the additions may derive from a Lombard manuscript and might therefore come from the same textual tradition as any non-Gui manuscript which Taegio may have used. On at least one occasion Taegio seems to have invented acts: to compensate for the lack of confirmations in 1251 he apparently just repeated all the approbations of 1250, some of which cannot in fact have been confirmed in 1251 since they did not enter the constitutions.

⁹ The 1256 chapter allegedly authorized a foundation in *Gallia* (which ought to mean France), but this is due entirely to Reichert. The text is known only from AGOP XIV A 1 which reads 'Concedimus prouincie Ungarie unam domum, Theotonie duas, Yspanie .ii., in Guallia et Boemia .i., in Achaia .i. et in Dacia .i.'; in other words the chapter granted houses to three provinces and in specific regions of four others: Wales (*Guallia*, not *Gallia*) in the English province (Rhuddlan, founded in 1258; W.A.Hinnebusch, *The early English Friars Preachers*, Rome 1951, 96-97); Bohemia in the Polish province (probably Ústí: Koudelka, AFP 26 [1956] 146); the principality of Achaia in the Greek province (probably Clarentza, whose foundation-date is unknown; cf. T.M.Violante, *La provincia domenicana di Grecia*, Rome 1999, 83); Denmark in the province of that name which by now embraced all of Scandinavia (possibly Næstved; cf. J.Gallén, *La province de Dacie de l'Ordre des Frères Prêcheurs*, Helsinki 1946, 66).

¹⁰ According to AGOP XIV A 1, Gui's earlier manuscripts (including AGOP XIV A 3 which is later than XIV A 2), and Taegio (B [=Bologna Bibl. Univ. 1894] f.344^v, R [=AGOP XIV 51] f.147^r) the 1285 chapter granted three houses ('prouincie) Theotonie'. Magl. XXXVII 326 and Gui's final edition have *Alamania* instead of *Theotonie*.

¹¹ S. Krasić, *Congregatio Ragusina Ord. Praed.*, Rome 1972, 38 note 6.

in Nicosia in Cyprus, which was an obvious base from which to approach the Holy Land. It is exceedingly unlikely that they were able to establish themselves in Jerusalem itself, which was in Muslim hands, but by 1228 they almost certainly had a convent in Acre (AFP 70 [2000] 61-62); whatever stops they may have made on the way, there can be no doubt that this was their intended destination.

In as much as Acre had become the headquarters for the patriarchate and kingdom of Jerusalem, there was no reason why the Dominican province should not be called *Ierosolimitana*, but there were other possible names which it would perhaps have been more natural to use.

One obvious way of identifying the province was by reference to its being 'overseas', 'Outremer', 'terra ultramarina' as Jacques de Vitry called it shortly after his arrival there in 1216.¹² Such a designation is found in connection with the first provincial: in 1231 Jordan refers to Henry the German as 'prior prouincialis ultramarinus' (*Ep.* 26) or, after his release from office, 'Henricus ultramarinus' (*Epp.* 4 and 7), and Thomas of Cantimpré reports a story he heard Henry telling about his time as provincial 'in partibus transmarinis';¹³ but it never got into the constitutions.¹⁴

¹² R.B.C.Huygens, *Lettres de Jacques de Vitry*, Leiden 1960, 90.267; before setting off for his bishopric in Acre he anticipated preaching to the people of his diocese 'et aliis transmarinis' (ibid. 74.97-98)—*ultramarinus* and *transmarinus* being used interchangeably (cf., for example, O.Hageneder-A.Sommerlechner, edd., *Die Register Innocenz' III VIII*, Vienna 2001, 4.1-2 ('in partibus transmarinis') and 185.1 ('in ultramarinis partibus'). Before news of Jordan of Saxony's death had arrived in Limoges a Dominican there knew that he was 'ultra mare'; according to a late addition to the *Vitas fratrum* Jordan was invited to preach to the Templars 'ultra mare' (MOPH I 131, 144). In 1234 the Dominican inquisitors gave twelve people in Cahors the cross 'ad eundem ultra mare' (Guillaume Pelhissou, *Chronique*, ed. J.Duvernoy, Paris 1994, 58; the best text is given in the apparatus criticus).

¹³ *De Apibus* II 57.29 (Bologna Bibl. Univ. 1674 f.109^v). According to a story which must have originated with him, Henry joined the Order because his dead uncle appeared to him and told him to do so after taking the 'overseas cross' (*crucem transmarinam*) for the impending crusade (the fifth) (MOPH I 183). In 1238 crusaders' indulgences were extended to the Dominicans and Franciscans working 'in terra ultramarina' (BOP I 99 no. 177).

¹⁴ It had one significant drawback: from the perspective of residents in the Holy Land 'overseas' should mean Europe. It is ambiguous in Templar legislation: the horses arrived 'd'outrémer' of which the Master in Jerusalem was given his pick had presumably been sent from Europe; conversely, when a new recruit was warned that he might be posted to Tripoli, Antioch or Armenia even if he would prefer to remain 'deça mer' (on this side of the sea), it is clearly Tripoli etc. which are 'overseas' (L.Dailliez-J.P.Lombard, *Règle et statuts de l'Ordre du Temple*, Paris 1996, 134 §107, 308 §661).

Another possible label was *Terra Sancta*; granted the concern which popes had been displaying for 'Terra Sancta', not least in the 1220s,¹⁵ it is at first sight curious that the capitulars of 1228 preferred *prouincia Ierosolimitana*. *Terra Sancta* was evidently acceptable in practice: in 1237, though the brethren now had a house in Jerusalem itself,¹⁶ the provincial styled himself 'fratrum predicatorum in Terra Sancta prior'.¹⁷

The province next engaged the attention of Dominican legislators in 1239 when a move was inchoated to give the 'minor' provinces the same right as the others during an interregnum and in the election of a Master; the Holy Land was given a purely geographical name, *Syria*, but *Ierosolimitana* was restored when the inchoation was approved in 1240 (MOPH III 11.8-11, 14.33). The same province, though, was called *Terra Sancta* in another change inchoated in 1240 to ensure that the 'minor' provinces would be informed of the Master's death (MOPH III 13.31-34). The first change was confirmed with *Ierosolimitana* in 1241, and the second was approved then and confirmed in 1242 with *Terra Sancta* (MOPH III 18.20-21, 19.5, 21.14).¹⁸ As a result, since Raymund of Penyafort retained *Ierosolimitana* in his edition of the constitutions, which was itself confirmed in 1241 (MOPH III 18.26-28), the province bore this name in const. II 5 and *Terra Sancta* in II 4.

¹⁵ E.g. Lateran IV const. 71 ('Expeditio pro recuperanda Terra Sancta'); Honorius III (from 1223 to 1227, citing only letters in which the actual designation *Terra Sancta* occurs) in G.H.Pertz-C.Rodenberg, ed., *Epistolae saeculi XIII e regestis pontificum romanorum selectae* (hereafter *Ep. sel.*) I, Berlin 1883, nos. 220, 225-228, 238, 244, 247-249, 251-254, 267, 271-272, 276, 296 (pp. 221.20), 301-302, 312, 314, 327-331, 334-335, 338, 342; Gregory IX (1227-1228) *ibid.* nos. 343, 345, 347, 349-352, 354, 366, 368-371.

¹⁶ Riccoldo, *Liber peregrinationis*, in *Peregrinationes medii aevi*, ed. J.C.M.Laurent, Leipzig 1873, 108 §18 (I am aware of E.Panella's strictures on this edition, MD NS 17 [1986] XII-XX, but I have not been able to consult any manuscript); B.Altaner, *Die Dominikanermissionen des 13. Jahrhunderts*, Habelschwerdt 1924, 27-28; J.M.Vosté, 'Les «Pères Prêcheurs» de Jérusalem', *Revue Biblique* 38 (1929) 81-84.

¹⁷ A.L.Tautu, *Acta Honorii III et Gregorii IX* (Pont. comm. ad red. cod. iuris canon. orientalis, Fontes III iii), Vatican City 1950, 306.

¹⁸ The acts of 1239-1242 are poorly attested and those of 1240 are in disarray, but the problems are not such as to warrant adventurous emendation. At first Gui could not find any acts from 1239 (there are none in Bologna 1535) and AGOP XIV A 1 just has the admonitions from that year, so the inchoations are known only from Gui's later manuscripts beginning with AGOP XIV A 2. AGOP XIV A 1 lacks nearly all the acts of 1240 and 1242, including those which interest us. Bologna 1535 has the acts of 1240 and 1242, but not those of 1241. This is reassuring in as much as it shows that Gui's text of the 1240 acts was in place before it could be influenced by

Despite his personal preference for *Terra Sancta*¹⁹ Humbert apparently made no attempt to remove the anomaly²⁰ and the province kept its two names in the constitutions until well into the age of printing.²¹ In practice, though, *Ierosolimitana* seems to have lapsed: in the acts of subsequent general chapters we find provincials of *Terra Sancta* being absolved in 1250, 1251, 1254, 1259 and 1267 (MOPH III 54.24, 59.13, 71.32-33, 101.1, 139.23), friars being sent to *Terra Sancta* in 1251 (MOPH III 59-60), new foundations being authorized for *Terra Sancta* in 1266 and 1269 (MOPH III 135.17, 150.6-7), and so on.²² This remained the norm, though *Ultramarina*

those of 1239 or 1241, and that when he subsequently found the acts of 1239 he did not edit them in the light of those he already had from 1240. In Bologna 1535, as in MOPH III 13-15, the 1240 acts have their approbations and inchoations mixed up: after a few explicit approbations there is a series of inchoations (recognizable from their confirmation in 1242) without *inchoamus*, though they end with 'et hec additio et subtractio habet unum capitulum'; then there is the explicit approbation of our clause on the rights of the 'minor' provinces ('item approbamus ... et hec habet .ii. capitula'), followed by a few explicit inchoations ('inchoamus ...'). Taegio habitually re-arranged the acts (placing inchoations first, then approbations, then confirmations) so we cannot tell how they appeared in his source(s); he has no acts for 1239, but he has the approbation (though not the confirmation) of the 1239 inchoation with *Ierosolimitana*, and the inchoation, approbation and confirmation of the 1240 text (always with *Terra sancta*) (B ff.152^r, 151^r, 161^r, 162^r; R ff.62^r, 62^r, 66^r, 66^r).

¹⁹ In his encyclicals of 1255 and 1256 he refers to 'prouincia Terre Sancte' (MOPH V 20.3-4, 40.17); a story which he probably contributed to the *Vitas Fratrum* relates how, at some chapter, Jordan asked for volunteers to go 'ad prouinciam Terre Sancte', and it incidentally reveals the emotional appeal of 'Terra Sancta' in its description of people begging to be sent 'ad illam terram saluatoris sanguine consecratam' (MOPH I 150-151). Elsewhere Humbert regularly invokes the devotion Christians ought to have towards 'Terra Sancta' as a reason for fighting Saracens: *De eruditione predicatorum* 7.9.2.65 (ed. C.T.Maier, *Crusade propaganda and ideology*, Cambridge 2000, 228); *Opus Tripartitum* I 9 (ed. P.Crabbe, *Concilia omnia* II, Cologne 1551, 973); near the beginning of *De predicatione crucis* he says that by comparison with other lands which have fallen to the Saracens the 'desolatio' of Terra Sancta 'magis nos debet tangere' (Vienna, Dominikanerkonvent 37/38 f.6^v modern foliation; Vat. lat. 3847 f.1^v).

²⁰ The most authoritative manuscripts of his edition of the constitutions have *Terra sancta* in II 4 and *Hierosolimitana prouincia* in II 5 (BL add. 23935 f.78^r, AGOP XIV L 1 f.39^r).

²¹ In his edition of 1505 Bandello retained *Hierosolimitana prouincia* in II 5, and it was still there in the 1566 edition. I do not know how or when the change occurred, but *Terra Sancta* is substituted in the Paris edition of 1625 and the Roman edition of 1650; *Hierosolimitana* re-appears in the Gent edition of 1673, but Cloche restored *Terra Sancta* in 1690.

²² The absolutions in 1250 and 1251 are known only from AGOP XIV A 1, as is the request for friars in 1251 and, contrary to the impression given by Reichert's apparatus, the concession of houses in 1269 (the reference to *Terra Sancta* is in AGOP XIV A 1 and not in Gui's manuscripts).

appears alongside *Terra Sancta* in 1287-1289 (MOPH III 238.17-21, 243.24-28, 249.27-30).²³

These vagaries could have a political explanation.

In 1222 Frederick II was offered a new incentive to undertake the crusade he had long been promising: it was suggested he should marry the young heiress to the throne of Jerusalem; to Honorius III's delight he agreed. After further delays the fleet's departure was fixed for the summer of 1227. On 23 March 1227 the recently elected pope, Gregory IX, wrote to encourage Frederick in his resolve, addressing him, among other titles, as 'rex Ierusalem'; on 16 April he wrote again, urging him to gird up his loins 'ad terram in qua ipse dominus Iesus Christus salutem hominum uoluit operari ... liberandam', saying he had already alerted the crusaders to be ready to set off. In August and September two fleets sailed for the Holy Land, taking the new patriarch of Jerusalem with them. Frederick claimed to be too ill to travel, and the pope, rightly or wrongly disbelieving him, accused him of forsaking 'negotium transmarinum' and excommunicated him (ibid. nos. 367-368); but the crusade was not abandoned.²⁴

It was against this background that the Dominican mission to the Holy Land took shape; it would not be surprising if its identity was focused on the hope that the flagging kingdom of Jerusalem would be revived and the Holy City recaptured for the Christians. This might explain why, in mid May 1228, the Most General Chapter favoured the designation *prouincia Ierosolimitana*.

On 28 June 1228 Frederick set sail, still excommunicate, but instead of defeating the Saracens in battle he secretly negotiated a ten-year truce. In this way he achieved the desired objective of regaining Jerusalem, which was formally surrendered to Christian control on 17 March 1229. However much most churchmen deplored Frederick's behaviour, the deed was done and they did not utterly

²³ Taegio has *Terra sancta* instead of *Ultramarina* in the acts of 1287, the relevant text is missing in those of 1288, and he has *Ultramarina* in those of 1289 (B ff.350^r, 359^r; R ff.149^r, 152^v). Magl. XXXVII 326 lacks the relevant part of the acts of 1287 and 1288.

²⁴ Cf. *Ep. sel.* nos. 225, 227, 343, 351, 367-369; T.C. Van Cleve in K.M. Setton, *A History of the Crusades II*, Madison 1969, 429-450. P. Cole, *The preaching of the crusades to the Holy Land 1095-1270*, Cambridge Mass. 1991, 157, says that when he excommunicated the emperor the pope also 'cancelled his expedition'; in fact his letters concerning the excommunication contain desperate appeals for crusaders to compensate for the emperor's 'desertion', and there is no hint that the crusaders who were already in the East were to be recalled or confined to barracks.

refuse to profit from it; the Dominicans, for example, evidently took the opportunity to establish themselves in Jerusalem.²⁵

Frederick's truce expired in July 1239. He refused to do anything before then, so, though plans were well advanced for a new crusade, its date of departure was deferred until August. Meanwhile, though, the pope found new cause to quarrel with the emperor, and early in April 1239 he announced that he had excommunicated him and that any place he visited was under interdict as long as he stayed there (*Ep. sel.* I no. 741). The Christians briefly lost control of Jerusalem, but, despite the pope's plea for a further delay, a crusading force set off in August 1239, and under a deal made with the sultan of Egypt in the summer of 1240 the Christians re-occupied Jerusalem. In 1244, though, it was lost again never to be regained.²⁶

These developments suggest why the designation *Ierosolimitana* was considered appropriate in 1241 and why it was effectively abandoned later on; with a little imagination we can also probably understand the choices made in 1239 and 1240.

The capitulars assembled in Paris in mid May 1239 must have known that the truce was about to end and that a crusade was planned,²⁷ but they must also have been uneasily aware of the possible repercussions of Frederick's excommunication; one can see why they might have judged it prudent in these circumstances to substitute a purely geographical name, *Syria*, for *prouincia Ierosolimitana*.

The provincials gathered in Bologna at the beginning of June 1240 can hardly have had any up-to-the-minute information about the crusade, but when they came to review the previous year's inchoations they may have felt that the situation in the Holy Land looked more promising than it had in 1239 and that undue pessimism was implied by calling the province 'Syria' (a name with none of the connotations which made the territory significant); if so, it would

²⁵ Pope and emperor were officially reconciled on 1 Sept. 1230, but, thanks to Frederick's failure to conciliate the Frankish barons, his hasty retreat from the Holy Land to attend to his Italian affairs without providing for the refortification of Jerusalem, his antagonizing of many of the clergy, and the patriarch's implacable hostility, little good came of this opportunity to rebuild either the kingdom or the patriarchate. Cf. Van Cleve in Setton, *History of the Crusades* II 451-461.

²⁶ Cf. S.Painter, in Setton, *History of the Crusades* II 463-485, and J.Strayer, *ibid.* 489; B.Hamilton, *The Latin Church in the Crusader States*, London 1980, 261-263.

²⁷ At least in central Italy, and probably elsewhere, Dominicans had been involved in preaching the crusade to the Holy Land (BOP I 70 no. 112, 82 no. 141; C.T.Maier, *Preaching the crusades*, Cambridge 1994, 35-36).

have been natural enough for them to restore the title which the province was given elsewhere in the constitutions.

It is certainly odd that, having changed the text of the 1239 inchoation to restore *Ierosolimitana*, the chapter called the same province *Terra Sancta* in an inchoation of its own; but consistency is not an inevitable feature of Dominican legislation, and the rewriting of the previous year's inchoation shows that at that point the chapter's attention was to some extent focused on the question of nomenclature, whereas in its own inchoation it was the province, not its name, which mattered.²⁸ As we have seen, the provincial styled himself 'fratrum predicatorum in Terra Sancta prior' in 1237, and it would not be surprising if the province was generally thought of as *Terra Sancta*. This is probably enough to explain what happened in 1240.

It evidently did not cause concern that the constitutions had come to contain two different ways of identifying the same province; this suggests that provinces' names were not perceived as having any official standing.²⁹ On the other hand, the retention of *Terra Sancta* as the effective name of the province long after the final loss of Jerusalem and its *loca sancta*—when *Ultramarina* (Outremer) would have been better suited to its real territory³⁰—shows yet again that it was not deemed necessary to change a province's name just because its boundaries had shifted.

²⁸ It had apparently not occurred to any previous chapter that if the 'minor' provinces were to play their part in the election of the Master they needed to be informed of the death of the Master; it is quite possible that someone noticed this gap in the constitutions at the last minute in 1240, and that there was a significant interval between the chapter's approval of the 1239 inchoation and its decision to add one of its own.

²⁹ This explains why an inchoation with one name for a province could be endorsed with a different name: the actual name had no constitutional status and could be changed without the approval of three successive chapters.

³⁰ We are ill-informed about the early development of the province, but in 1266 the general chapter authorized a foundation in Armenia, though nothing seems to have come of it (MOPH III 135.17; R.Loenertz, *La Société des Frères Pérégrinants*, Rome 1937, 187). There was a house in Antioch in time for some Dominicans to be killed there when the city fell to the Saracens in 1268 (MOPH XXII 28-29; S.Orlandi, *Necrologio di S. Maria Novella*, Florence 1955, I 8 no. 96; Altaner, *Dominikanermissionen* 28-29). There was also a house in Tripoli (QE I i; Altaner, op. cit. 26), where the provincial chapter was held in 1277 and 1280 (Dijon, Archives départementales de la Côte d'Or H no. 221 ff.139, 140^v; F.Balme, *Revue de l'Orient Latin* 1 [1893] 530, 536); it was lost when the city fell in 1289. Acre fell in 1291, so when Bernard Gui made his list of convents the province which he still called 'Terra Sancta' was reduced to Nicosia and two other recently founded houses in Cyprus (cf. QE I xii).

All the other first provinces were identified by reference to countries or regions—even 'Jerusalem' designated a kingdom (*regnum Ierosolimitanum*) as well as a particular place; the Roman province was unique in taking its name from a city. The expression 'Romana prouincia' is used in Prim. Const. II 13a, which shows that it was already in existence in 1222, and there can be little doubt that it originated at the general chapter of 1221 at which Jordan of Saxony was, on his own account, appointed prior 'super prouinciam Lombardie' (*Lib.* §88).

Before the 1221 chapter Dominic himself had acted as major superior in Bologna and in Rome (cf. AFP 70 [2000] 42-46). If Jordan had been meant to inherit his rôle in its entirety he would have been made prior of Italy, not just Lombardy; Dominic was in all probability hoping to go to Estonia to fulfil his dream of converting pagans (AFP 68 [1998] 72-83), so someone else must have been appointed to assume responsibility for the Italian Dominicans outside Lombardy, and some way must have been found to identify the area of his competence.

Though Lombardy comprised more than one ecclesiastical province, it could be called a *prouincia* in a non-technical sense;³¹ it is nevertheless odd that Jordan was made prior 'super prouinciam Lombardie': he was obviously not being given authority over the territory as such, only over the Dominicans in the territory; and *Lombardia* on its own was sufficient to identify his domain (or the bulk of it, if he was also responsible for Florence), so why was he not designated 'prior fratrum predicatorum in Lombardia' by analogy with the titles which survived for a time in Spain, France and Provence, 'prior fratrum predicatorum in Hispania (Francia, Prouincia)' (AFP 70 [2000] 21, 24, 34, 36-37, 39)? What is more, a deed from 10 Oct. 1221 in which Jordan is referred to as 'prior prouincie et Lombardie' (AFP 42 [1972] 12) confirms both that *prior prouincie* was his proper title and that it was a novelty which was not yet generally understood.

We have become so accustomed to the idea of religious orders having 'provinces' that it is hard for us to appreciate that this use of *prouincia* was not yet current in 1221; even in 1220 the Dominicans found no better term for a provincial than the desperate 'prior prouinciarum uel regnorum' (Prim. Const. II 16e). Jordan's domain could be identified without recourse to terminological inventiveness,

³¹ For example, Honorius III refers to 'prouincia uestra' in a letter to the leaders of the 1226 Lombard League, which extended across most of northern Italy (ASOP 3 [1897-1898] 377 no. 141).

as could the destinations of the various missions which the Order launched in 1221 (England, Hungary, Poland, Denmark, perhaps also Greece); it must have been the other Italian territory which caused problems.

On the face of it, *Lombardia* had a suitable ready-made central Italian counterpart in *Tuscia*.³² By mid 1221 the Order had houses in Rome and Siena and had perhaps made the beginnings of a foundation in Pisa;³³ Siena and Pisa were both in *Tuscia*, and, though it might have offended the Romans to regard their city—The City³⁴—as falling within any region,³⁵ *Tuscia* could without notable falsification be stretched to include it.³⁶ If, as I have suggested (AFP 70 [2000] 80-86), Florence was originally assigned to Lombardy as a daughter-house of Bologna, the boundary between the Dominican territories of *Lombardia* and *Tuscia* would have been artificial and slightly awkward; but there was probably a much more serious problem than that, namely Sicily, where there was almost certainly already at least a convent *in fieri* (see Appendix).

Whatever kind of settlement the Dominicans had in Sicily, if it existed at the time of the 1221 general chapter it had to be taken into account when responsibility for the Order in Italy was divided between two 'priors', Jordan of Saxony and James of Piacenza (AFP 70 [2000] 46-47).

How was the rôle of James of Piacenza to be described if his domain included Siena, Pisa (?), Rome and Sicily,³⁷ but perhaps not

³² Cf. the juxtaposition of the two in *Ep. sel.* pp. 9.20, 113.20, 123.12, 131.21-22.

³³ AFP 70 (2000) 83; the Pisa chronicle claims that the convent was initiated during Dominic's life-time (ed. F.Bonaini, *Archivio Storico Italiano* 6 [1845] 402), and it is possible that at least some first steps had been taken before the 1221 general chapter.

³⁴ 'Sola urbs Roma, cetera oppida' (Isidore, *Etym.* IX 4.42); this was why Rome could be referred to simply as 'Urbs'.

³⁵ In Bologna students from Rome (*Urbs*) were distinguished from both Tuscans and Campanians (H.Rashdall, *The Universities of Europe in the Middle Ages*, rev. ed. I, Oxford 1936 [1987], 155).

³⁶ There was no equivalent to the present-day Lazio, and *Patrimonium* was not treated as a geographical term—it overlapped with *Tuscia* rather than setting a limit to it (cf. 'patrimonium beati Petri in Tuscia', *Ep. sel.* pp. 550.23-24)—so *Tuscia* extended south as far as the Tiber, as it did for Isidore (*Etym.* XIV 4.22). Names like 'S.Maria trans Tiberim' on the Tuscan side of the river preserved a memory of the days when Rome proper was confined to the other side, but this was no longer true even in Isidore's day, as he himself indicates.

³⁷ Even if Sicily, like Florence, was colonized by Dominicans from Bologna, it would plainly have been absurd to make Jordan responsible for Lombardy and Sicily, with someone else responsible for the houses in between.

Florence? There was no ready-made geographical, political or ecclesiastical name for such a territory, so the Dominicans had to invent one. Even if they settled in Sicily before they had a house in Rome it would have made little sense to designate James prior of Sicily if he was also to take central Italy under his wing. If Florence was not included, Rome was the senior house in central Italy, and, had the Order not abandoned the abbatial structure which was envisaged in 1217 (AFP 69 [1999] 21-30), James could have been made 'abbot of Rome' by analogy with abbot Matthew of Paris; but it would only have caused confusion to call him 'prior of Rome'.

The Dominicans devised a novel solution which was to have far-reaching terminological consequences: let James be prior, not of Rome, but of the Roman *province* (and let Jordan be similarly designated prior of the *province* of Lombardy).

The word *provincia* had never before been employed like this to denote a territory arbitrarily conceived by a religious order to serve as one of its own administrative units. The Dominicans had come within a hair's breadth of it in 1220: alongside cumbersome periphrases involving *provincie uel regna* in Prim. Const. II 15-16 we find the adjective *provincialis* used in a way which implies that *provincia* would be a proper term for the territory—the *prior prouinciarum uel regnorum* is responsible for holding a *capitulum prouinciale* in his *provincia uel regno* (Prim. Const. II 16e), and 'eadem sibi reuerentia a prouincialibus exhibeatur que magistro exhibetur, nisi magister presens extiterit' (II 16a), where *provinciales* (without a possessive or any other qualifier) refers, as it does in Roman law, to people who fall under the jurisdiction of a particular *praeses prouinciae*.³⁸ But, having come so close in 1220, the Dominicans nevertheless held back from appropriating the word *provincia* itself, presumably because it already had a technical ecclesiastical sense. In 1221 they were forced by circumstances to overcome this scruple.

Once *provincia* had acquired its specifically Dominican sense, it was no longer necessary to use tiresome periphrases to distinguish between regional and local priors: in Feb. 1223 Jordan's successor in Lombardy styled himself 'prior provincialis' alongside Ventura 'prior conuentualis' (AFP 42 [1972] 14).³⁹ From 1225 onwards *provincia* and *prior provincialis* were used as a matter of course in

³⁸ Cf. *Digesta* I 16.4, 16.7, 16.10, 18.19.

³⁹ The phrase 'prior conuentualis uel provincialis' features in Prim. Const. II 13a, but *conuentualis uel provincialis* could easily have been added after 1222.

Dominican legislation. Curiously, though, the province which had given birth to this usage acquired an alternative name, 'Tuscia'—the very name it might have had from the outset, were it not for Sicily.

The province occasionally appears to be called 'Tuscia' in the acts of general chapters, but the only certain instance is the absolution of a provincial of 'Tuscia' in 1247.⁴⁰ In 1256, according to Gui's text, the location selected for the next chapter was Florence 'in prouincia Tuscie'⁴¹ (MOPH III 83.10), but AGOP XIV A 1 has 'Florentie in prouincia Romana', as does Taegio (B f.236^v, R f.98^r).⁴² In 1281 the chapter (in Florence) granted 'prouincie Romane' a house in Prato (MOPH III 214.28); according to the text printed in MOPH it also absolved all the preachers general 'in prouincia Tuscie' (MOPH III 214.34, already in AGOP XIV A 2), but this clause is lacking in AGOP XIV A 1 and Magl. XXXVII 326, and Bologna 1535 just has 'predicadores generales Thuschie' which need not be a reference to the province of 'Tuscia'.⁴³

⁴⁰ MOPH III 40.19; the text is guaranteed by AGOP XIV A 1 and Bologna 1535 (Taegio omits absolutions). AGOP XIV A 1 alone preserves a request from the same chapter that convents welcome 'fratres Lombardos, Tuscos et Ungaros' should they be forced to flee 'propter imminentes guerras' (MOPH III 40.21-23).

⁴¹ If this is correct it probably means the Dominican province of Tuscia; since 1243 chapters could be held anywhere, and the territory in which the chosen place was situated is indicated, if at all, by names which correspond to Dominican provinces: 'in prouincia Theutonie in ciuitate Colonia', 'in Theotonia apud Treuerim', 'Londoniis in Anglia', 'in Methis in prouincia Francie', 'in Ungaria apud Budam', 'apud Mediolanum in prouincia Lombardie' (MOPH III 30.2-3, 42.35, 48.7, 54.14, 66.14, 71.30-31); it is the same after 1256: 'Tolose in prouincia Prouincie', 'in prouincia Francie in conuentu Valencenensi', 'in prouincia Theutonie apud Argentinam', 'apud Barchinonam in prouincia Hispanie' (MOPH III 89.4, 94.1-2, 101.5-6, 106.3-4), and so on.

⁴² The acts were meant to be copied by a representative of each province and taken to the provincial chapter, where a copy was to be made for each convent—Humbert suggests that the diffinitor's socius should copy them at the general chapter and the prior's socius at the provincial chapter (J.J.Berthier, *Humberti de Romanis opera de vita regulari*, Rome 1888-1889, II 344, 359). There was thus ample opportunity for terminology to be altered according to local taste; how can we tell whether a copyist from the Roman province substituted *Romana* for *Tuscie*, or whether a copyist from the province of Provence made the opposite change?

⁴³ The ensuing provincial chapter nominated 54 preachers general (MOPH XX 57-58) and, despite the paucity of our information on the province's preachers general, we can recognize some of them as re-appointees. Only ten, none of them known re-appointees, were from the southern part of the province, which seems disproportionately few if its preachers general had also been absolved. The sixteenth-century chronicle of Lucca says that the general chapter 'omnes praedicadores generales Romanae Provinciae absoluit' (MD NS 21 [1990] 10), but this could just be a misinterpretation of *Tuscie*.

There is no doubt that *Tuscia* was for a time favoured by people outside the Roman province: the Chronicle of S.Agnese, written c.1253,⁴⁴ calls Clarus provincial of 'Tuscia' (AFP 70 [2000] 90), and shortly afterwards Gerald de Frachet, in his *Cronica ordinis*, gave both John Colonna and Humbert the title 'prior prouincialis Tuscie',⁴⁵ and Thomas of Cantimpré described Humbert as having been 'in Tuscie partibus prior prouincialis fratrum predicatorum';⁴⁶ a rudimentary 'census' of the Order as it was in 1277, which Échard found 'apud Bernardum Guidonis', includes 'Tuscia' among the Order's provinces.⁴⁷ Bernard Gui, perhaps under the influence of his sources rather than contemporary usage, calls John Colonna provincial of 'Tuscia' (MOPH XXII 92.5), and he even seems to suggest that 'Romana prouincia' was a new name imposed by the pope when he divided the province of 'Tuscia'.⁴⁸

It is not particularly surprising if some people saw the province as located primarily in *Tuscia*. Once it had acquired Florence this undeniably became its senior convent, and by the middle of the century its geography might well have given the impression that 'Tuscia' was its heartland;⁴⁹ and its southern members themselves

⁴⁴ Hugh of St Cher's intervention in 1254 is not mentioned, so (contrary to what I said in AFP 66 [1996] 137) the Chronicle must be dated before then.

⁴⁵ In MOPH I 337-338 Reichert prints *Rome* and *Romane prouincie*, but the first is his own invention, and *Romane prouincie* is found (in both cases) only in Toulouse 487, which in principle represents the *Vitas fratrum* as it was in 1258 but is not immune to accidental and deliberate scribal changes; Gerald's earlier text, appended to his universal chronicle, has *Tuscie*, as do later manuscripts. Elsewhere in the *Vitas fratrum*, both in Gerald's original text (cf. MOPH I 166, 207, 209, 210) and in two texts probably added by Humbert (cf. MOPH I 26, 275), the province is always called 'prouincia Romana'.

⁴⁶ *De Apibus* II 57.60; Bologna 1674 f.114^r.

⁴⁷ This 'notitia ordinis', published in QE I i, was obviously not compiled by Gui himself who, on his own account, did not enter the Order until 1279 (Agen 3 f.52^r, Bordeaux 780 f.29^r); no manuscript of it is known (cf. L.Delisle, *Notices et extraits des manuscrits de la Bibliothèque Nationale* XXVII, Paris 1879, 329), but Échard used manuscripts of Gui which are now lost (cf. MOPH XXII xix-xxi), and Gui himself could well have found the document among the papers of Salanhac who was the provincial's socius at the 1277 chapter (C.Douais, *Acta capitulorum provincialium*, Toulouse 1894, 211).

⁴⁸ 'Anno domini .m.cc. nonagesimo .iiii. fuit diuisa prouincia Tuscie in duas prouincias et uocata est Romana prouincia pars una, altera uero pars est prouincia Regni Cicie appellata auctoritate et mandato summi pontificis domini Celestini pape .v.' (QE I. vii; there are no significant variants); cf. also 'in prouincia Romana seu Tuscie quondam dicta' (MOPH XXII 86).

⁴⁹ Since we are in the dark about the foundation-dates of several southern convents it is best to start with the 1277 'census' which attributes thirty-two convents

seem to have considered it top-heavy: as Celestine V explained in 1294, he was creating a separate *prouincia Regni* in response to complaints from the southern brethren that they were being neglected by provincials generally picked 'de Tuscia uel de Urbe', and that provincial chapters were held in (from their point of view) 'remote places' (BOP VII 49-50).⁵⁰

A more thorough investigation would be needed before it would be safe to claim that it was only outsiders who referred to the province as 'Tuscia', but, for what it is worth, I note that on 7 March 1236 a copy of BOP I 82 no. 141 was made 'ex mandato fratris Iohannis prioris prouincialis ordinis predicatorum in Romana prouincia',⁵¹ in 1246/7 Constantine refers to John Colonna as having being 'prior in Romana prouincia' (§58 in the MOPH XVI edition of his legenda), various provincials identify themselves by reference to 'Romana prouincia' in 1262, 1272, 1281 and 1297,⁵² and in 1290 Salvus appears as 'prouincialis Romane prouincie' in letters from the general chapter (MOPH V 150.23-24, 155.20-21).

Most provinces had grammatically simple designations which the Order evidently saw no reason to change if they became geographically inexact; but the example of the Holy Land suggests that such names were not regarded as sacrosanct even if some of them acquired a kind of official status by being incorporated in the

to the province (QE I i). If we compare this figure with the number of convents whose existence is securely attested by 1277 (AFP 70 [2000] 83-85; *infra*, Appendix), only two vacancies are left; since these must be allocated to the South, the result is that there were sixteen convents apiece in the territories of the two future provinces. If we subtract from the northern convents those founded after 1250 we are left with nine which certainly existed by 1250, and one (Anagni) which may have done; if we divide the territory into the broad areas indicated by Celestine V ('Roma, Tuscia, Campania et Maritima'), then, apart from Rome, Anagni is the only convent outside 'Tuscia'. By contrast the southern convents which demonstrably or probably existed by 1250 are scattered between Sicily (2 or 3), Apulia (3) and Terra di Lavoro (2).

⁵⁰ By 1294 there had only been four provincials from the future *prouincia Regni*, and between them they only governed the province for eight or nine years. Of the fifty-two provincial chapters whose acts survive from the same period only nine were held in the territory of the future *prouincia Regni* (five in Naples, two in L'Aquila, and one each in Salerno and Gaeta).

⁵¹ AS Siena, Diplom. Patrim. dei Resti, S.Domenico.

⁵² P.T.Masetti, *Monumenta et Antiquitates*, Rome 1864, I 228; MOPH XX 40.21-22, 58.10; AFP 60 (1990) 201.

provincial's seal.⁵³ This seems to have changed, though, by 1287 when the division of provinces was first mooted: not only the actual division was to be the responsibility of the general chapter, but also the imposition of names on the resulting provinces (MOPH III 238.12-13).

Nothing came of the Order's initiative in this regard until later, but when Celestine V divided the Roman province in 1294 he decreed that the two parts were to be called 'Romana prouincia' and 'prouincia regni Sicilie' (BOP VII 49-50), and the 1296 chapter duly noted that the pope had commanded 'prouinciam nouam prouinciam regni Cicilie nominari' (MOPH III 279.21-22). Names were similarly included in the decrees of 1298-1303 dividing five more provinces ('uocetur prouincia Hispanie, uocetur prouincia Aragonie' etc.) (MOPH III 287.23-34, 302-304).

In most cases the old name was retained by one of the new provinces, regardless of whether its appropriateness was thereby increased or reduced.⁵⁴ *Lombardia* was simply divided into *Inferior* and *Superior*. Of the other new provinces *Aragonia* and *Boemia* corresponded well enough to the domains of the Aragonese and Bohemian kings, and, though *Saxonia* was expressly allotted other regions as well as Saxony (MOPH III 304.30-32), the application of the label to the whole province was no more misleading than *Anglia* or *Dacia* had become, and it would have been hard to find a more suitable alternative.

The only new province not designated by a simple toponym was *prouincia Tolosana*, whose territory was as devoid of any ready-made geographical or political consistency as that of the old province in 1222 (and the old title *Prouincia* passed to the province which had a superior claim on it); since it was not particularly concentrated *in partibus tolosanis*, we may presume that its name was modelled on *prouincia Romana*, and Toulouse actually had a better right than Rome to be considered the mother-house of its province.

⁵³ On the French provincial's seal (with the title 'prior fratrum predicatorum in Francia') see AFP 70 (2000) 36; the seal used by Aldobrandino dei Cavalcanti as Roman provincial in 1262 apparently did not name the province (Masetti, *Monumenta* I 176-177).

⁵⁴ *Hispania* and *Theutonia* were left with a narrower sense than would naturally be suggested by their names, but *Polonia* coincided better with the kingdom of Poland, and *Prouincia* passed to a territory more nearly related to the marquisate and county of that name.

2. *Papal difficulties, and Franciscans*

I do not know any instance of Honorius III referring to a Dominican province, but Gregory IX was evidently unhappy with the Order's appropriation of the word *prouincia*, though he did not gib at the title *prior prouincialis*.

His identification of provincials by reference to non-Dominican territories may sometimes have been due to ignorance, but not always.⁵⁵ In 1231 he wrote to 'prouinciali Tuscie' on a matter concerning Tuscia (ASOP 3 [1897-1898] 507-508 no. 246), but in 1235, when more of the provincial's territory was involved, he referred to him as 'prior prouincialis Tuscie et Vallis Spoleti' (BOP I 81-82 no. 140, original in AS Siena) and even addressed him as prior provincial 'in Urbe, regno Sicilie, Campania, ducatu Spoleti et Tuscia' (ASOP IV [1899-1900] 511 no. 515) or 'in Urbe, Tuscia, ducatu Spoleti, regno Sicilie et Campania' (BOP I 82 no. 141, notarized copy in AS Siena). This complete list of regions falling within the provincial's competence shows that Gregory knew perfectly well what the Dominican *prouincia Romana* comprised and was determined not to employ the Dominican title for it. He sometimes identified provincials by reference to a diocese or province, but this means an ecclesiastical, not a Dominican, province.⁵⁶

Gregory's reluctance to accept the Dominican use of *prouincia* is particularly evident in the versions of *Ille humani generis* which he sent to the archbishop of Mainz and the Dominicans of Strasbourg in October and December 1232, and to the Dominican provincial 'in Prouincia' on 22 April 1233. In each case he bade the addressee dispatch men to a specific territory to proceed against heresy.⁵⁷

⁵⁵ It is not surprising that geographical identifications of provincials often coincide with Dominican usage (*Ungaria, Polonia, Teutonia, Lombardia, Francia* in ASOP 3 [1897-1898] 486 no. 188, 506 no. 236, 614-615 no. 262, 624 no. 285; 4 [1899-1900] 60 no. 337, 124 no. 406, 250 no. 418; Greg. IX Reg. no. 4484); that this happened by chance is shown by cases where they do not coincide like the provincials in *Hispaniis* (J.Lopez, *Tercera parte de la Historia general de Sancto Domingo*, Valladolid 1613, I 140; BOP I 35 no. 47), and *Norwagie* (Reg. no. 6100).

⁵⁶ On 8 March 1233 he wrote to the provincial and brethren 'in Narbonensi prouincia', on 26 June 1237 to 'priori prouinciali fratrum predicatorum in prouincia Terraconensi', and on 24 Aug. 1239 to 'priori prouinciali ordinis fratrum predicatorum Lundensis diocesis' (ASOP 4 [1899-1900] 58 no. 329; Reg. nos. 3762, 4912).

⁵⁷ The letter to the provincial is edited, and its divergences from the other letters indicated, in Y.Dossat, *Les crises de l'inquisition Toulousaine*, Bordeaux 1959, 327-329. The bull is addressed 'priori prouinciali ordinis Predicatorum in Prouincia', not 'Priori prouinciali in prouincia Prouincie Fratrum Predicatorum' as alleged in BOP I 47.

Mainz	Strasbourg	Provence
... aliquos de subditis tuis ... ad omnes partes diocesis tue transmittas.	... aliquos de fratribus uestris ... ad partes Alle- manie transmittatis.	... aliquos de fratribus tuis ... ad partes tibi se- cundum tuum ordinem limitatas transmittas.

Dominican terminology offered the pope a simple equivalent to 'omnes partes diocesis tue', but obviously he could not bring himself to use it; in the absence of a geographical equivalent to 'ad partes Allemanie' he had to fall back on periphrasis.

Pierre Seilhan and Guillaume Arnaud were duly appointed inquisitors 'in tholosana dyocesi similiter et caturcensi',⁵⁸ and the pope soon received a complaint from two widowed sisters in Cahors whom they had tried to force into religious life. Gregory responded on 7 June 1235 with a letter to '.. Abbati Grandissillensi Cisterciensis ordinis Tolosane diocesis et .. priori prouinciali ordinis predicatorum in Prouincia Tolosana' in which he told the abbot and the provincial to investigate the matter;⁵⁹ he mentions his previous instruction to the provincial to send some of his brethren 'ad partes iuxta ordinem tuum tibi commissas'. This new resort to periphrasis shows that 'Prouincia Tolosana' was not meant to identify the provincial by reference to a Dominican province, and the ecclesiastical province of Toulouse did not yet exist;⁶⁰ granted the capital P, *Prouincia Tolosana* is best taken as a more restricted version of the pope's previous address to the provincial 'in Prouincia': the business in hand concerned him precisely as the superior responsible for Provence Toulousaine.⁶¹

⁵⁸ Pelhissou, ed. Duvernoy, 44.

⁵⁹ ASV Reg. Vat. 18 ff.37^v-38^r. The letter was edited from the register by d'Auvray (Gregory IX, Reg. no. 2630) and in ASOP 4 (1899-1900) 503-504 no. 493. Both editions misrepresent *Grandissill.i* as *Grandissitti*, and ignore the initial capital in *Prouincia*.

⁶⁰ In d'Auvray's text the abbot and provincial are told to enquire 'super hiis et aliis que fidei contingunt negotium in predicta prouincia', which would force us to interpret *prouincia Tolosana* as 'the province of Toulouse'; but in *predicta prouincia* is not in the manuscript. On 20 April 1233 the pope informed the bishops 'in regno Francie et circumiacentibus prouinciis' that 'fratres Predicatores contra hereticos in regno Francie et circumiacentibus prouinciis duximus destinandos' (Dossat, *Crises de l'inquisition* 326-327); this is most naturally taken to mean ecclesiastical provinces, and it is doubtful anyway whether the Toulouse region could be described as a non-ecclesiastical adjoining 'prouincia'.

⁶¹ With a few exceptions the treaty of Paris left the Count of Toulouse in possession of his lands in the dioceses of Toulouse and Cahors (C.Devic-J.Vaissete, *Histoire générale de Languedoc* VIII, Toulouse 1879, 887-888), so 'Provence Toulousaine' was quite appropriate for the area within Provence (in its broadest sense) with which the pope's letter of 7 June 1235 was concerned.

It was the Roman province which obliged the Dominicans to give *prouincia* a new technical sense, and the same province eventually forced Gregory IX to accept it. As long as he was entrusting the Roman provincial with tasks inside his province he could sidestep the problem by calling him provincial in whatever non-Dominican territories were involved; but he could not do this on 22 April 1236 when he commissioned him to investigate the malpractices of the archbishop of Bar in Dalmatia, since he was patently not provincial 'in Dalmatia'. The pope took his medicine like a man and wrote to 'priori fratrum predicatorum in Romana prouincia' (Reg. no. 3120, BOP I 88 no. 154).

In 1244 Innocent IV referred to 'prior prouincialis Tuscie' in connection with the nuns of San Sisto,⁶² but it is unclear whether he was averse to saying *Romane prouincie* or simply under the impression that *Tuscie* was the proper title. In April 1252, when he appointed bishops to protect Dominicans from being molested, he mentioned complaints made to him on the subject by several provincials and the brethren of their *prioratus*, including 'prior prouincialis Romane prouincie et fratres sui prioratus in Tuscia, Ducatu Spoletano, Patrimonio et Campania constituti',⁶³ which suggests that, though he was willing to refer to the provincial of the Roman *prouincia*, he preferred to use another term, *prioratus*, for a provincial's territory, and that in the case of the Roman provincial he felt it necessary to spell out what the relevant territory was.

Gregory's resistance to Dominican use of the word *prouincia* confirms that it was an innovation; this does not seem to have been taken into account by historians who affirm that the first Franciscan provinces were formally instituted in 1217.⁶⁴ In fact, although Franciscan usage converged with that of the Dominicans, it evolved in a slightly different way.

⁶² C. Carbonetti Vendittelli, *Le più antiche carte del convento di San Sisto in Roma*, Rome 1987, 193, 199.

⁶³ BOP I 204-205 nos. 248-249; H. Finke, *Die Papsturkunden Westfalens bis zum Jahre 1378 (Westfälisches Urkundenbuch V)*, Münster 1888, 241-242 no. 527.

⁶⁴ 'Che la prima istituzione delle province (e quindi de' superiori detti *Ministri provinciali*) dati dal primo Capitolo generale celebrato ... nella Pentecoste ... del 1217 è fuor d'ogni dubbio' (G. Golubovich, *Biblioteca Bio-bibliographica della Terra Santa e dell'Oriente Francese* II, Quaracchi 1913, 215, italics his). Cf. also J. Moorman, *History of the Franciscan Order*, Oxford 1968, 31; Willibrord de Paris, *Catholicisme* IV 1604; L. Di Fonzo, *Dizionario degli Istituti di Perfezione* IV 475, and A. Gauthier, *ibid.* VII 1059; L. K. Little, *Dictionary of the Middle Ages* V 197; E. Pásztor, *Lexikon des Mittelalters* IV 802.

Like the Dominicans, the Franciscans did not expand by creating 'provinces' but by sending friars into *prouincie* (in the everyday sense of regions, lands, parts of the world). In October 1216 Jacques de Vitry, one of their early admirers, described how, after their annual general assembly, 'per totum annum disperguntur per Lumbardiam et Tuschiam et Apuliam et Siciliam'⁶⁵ (ready-made territories which the Franciscans did not have to invent); four or five years later he noted that their range had increased to cover all the *prouincie* of christendom.⁶⁶

Habent unum summum priorem cuius mandatis et regularibus institutis reuerenter obediunt minores priores ceterique eiusdem ordinis fratres quos per diuersas mundi prouincias causa predicationis et salutis animarum ipse transmittit. ... Semel uel bis in anno tempore certo ad locum determinatum generale capitulum celebraturi conueniunt exceptis hiis qui nimio tractu terrarum uel mari interposito separantur; post capitulum iterum ad diuersas regiones et prouincias et ciuitates duo uel plures pariter a superiori suo mittuntur. ... Adeo multiplicati sunt quod non est aliqua christianorum prouincia in qua aliquos de fratribus suis non habeant.

The Franciscans did not originally try to establish stable communities, so in principle any of them could be sent anywhere. Later sources give us a glimpse of how the system worked in 1221: the ministers (Jacques's 'minores priores') asked the one whom Jacques called 'summus prior' to assign them the friars they wanted, whom they then sent on to particular places; however, no one was to be forced to go to Germany against his will (it was considered an especially dangerous destination because of previous bad experience), so the German minister was allowed to take his pick of the ninety volunteers.⁶⁷

The allocation of friars to ministers at the general chapter is not mentioned in the *Regula non bullata*, but the ministers'

⁶⁵ Huygens, *Lettres de Jacques de Vitry* 52, 76.

⁶⁶ J.F.Hinnebusch, ed., *The Historia Occidentalis of Jacques de Vitry*, Fribourg 1972, 159-160; on the problematic dating of this work see *ibid.* 16-20. Since it gives essentially the same information on the Franciscans as Letter VI, written in the spring of 1220 (ed. Huygens 54, 131-133), and it displays the same blend of enthusiasm and caution, I see no reason to date this part of the *Historia* later than 1221.

⁶⁷ *Legenda assidua* §7.1, ed. L. de Kerval, *Sancti Antonii de Padua vitae duae*, Paris 1904, 34-35; Jordan of Giano, *Chronica* §17-18. I have only been able to consult the edition of Jordan in *Analecta Franciscana* I and, for the final part, the edition by L.Lemmens in AFH 3 (1910) 50-52.

deployment of their friars is alluded to in §4: 'Omnes fratres qui constituuntur ministri et serui aliorum fratrum in prouinciis et in locis in quibus fuerint collocent suos fratres'. Jacques de Vitry was out of line with Franciscan usage in referring to 'priors', but that was a point on which Francis had made a terminological decision;⁶⁸ there is no reason to postulate a specifically Franciscan meaning for *prouincie* and *loca*, or to suppose that they signify anything other than Jacques's *regiones*, *prouincie* and *ciuitates*. Nor does the Rule relate ministers primarily to *prouincie* or *loca* (though they are in them), but to 'their friars',⁶⁹ and the friars are correspondingly related to 'their minister'.⁷⁰

The *Regula non bullata* plainly involves ministers at different levels of government, but they are distinguished only as *ministri simpliciter* and 'minister et seruus totius fraternitatis' (§5.4, 18.2). It is only in the *Regula bullata* that a neater distinction is made between *minister generalis* and *ministri prouinciales*.⁷¹ As Gregory IX recalled when he clarified some points of Franciscan law in *Quo elongati*, he had assisted Francis 'in condendo predictam regulam ... dum adhuc essemus in minori officio constituti',⁷² so we may take it that this terminological innovation was made with his blessing, if not at his suggestion.

The Dominicans' problem in 1221 was the lack of a ready-made label for a territory embracing Tuscia, Rome and Sicily; once they had decided to solve it by creating an artificial and peculiarly Dominican *prouincia*, it was a small step from there to the further

⁶⁸ 'Nullus uocetur prior' (*Reg. non bull.* §6.3). It should also be noted that the frequent yoking of *minister* with *seruus* shows that it was meant to be seen as a job-description, not a title (§4.2, 5.3-4, 5.6-7, 16.3, 18.2).

⁶⁹ They tell 'their friars' where to go, and each minister can hold a meeting of 'his friars' every year at Michaelmas (*Reg. non bull.* §4.2, 18.1).

⁷⁰ If someone wants to join the Order the brethren are to present him to 'their minister' (*ad suum ministrum*) (not 'the minister of the province') (*Reg. non bull.* §2.2), those who find they cannot live the life should have recourse to 'their minister' (§6.1), anyone wanting to go among Saracens and other unbelievers should do so with the permission of 'his minister' (§16.3), no one should preach unless authorized to do so by 'his minister' (§17.1).

⁷¹ The brethren are now told to send anyone who wants to join the Order to 'their provincial ministers' (*ad suos ministros prouinciales*), and those wanting to go among Saracens and unbelievers need the permission of 'their provincial ministers' (*petant licentiam a suis ministris prouincialibus*) (§2.1, 12.1). The Whitsun chapter is to be attended by *prouinciales ministri* at the place appointed a *generali ministro* who is 'generalis minister et seruus totius fraternitatis' (§8.1-2).

⁷² Ed. H.Grundmann, AFH 54 (1961) 20-21.

linguistic convenience of distinguishing a regional from a conventual prior by identifying the former as *prouincialis*. The Franciscans took the second step first: the problem facing Francis and Ugolino in 1223 was not how to define a territory but how to provide clearer labels for different levels of superior; *generalis* was an obvious choice for the minister of the whole *fraternitas*, and, though the reference to *prouincie* in *Reg. non bull.* §4 did not survive into *Reg. bull.*, it may have prompted the use of *prouincialis* for a regional *minister*, a *minister* in a *prouincia*.⁷³

We can now understand Gregory's asymmetrical reaction to Dominican usage. The difficulty with the Dominicans' *prouincie* was that the word already had a technical ecclesiastical sense and the Order was giving it a rival ecclesiastical sense by applying it to purely religious territories which did not coincide with provinces of the church. It was unproblematic for the Franciscans to have *ministri prouinciales* precisely because, when the term was introduced in 1223, they did not have 'provinces' like this; the *prouincie* in which⁷⁴ there were *ministri* existed independently of the friars, and they were *prouincie* in a purely secular sense. Granted the Franciscans' provincial ministers, Gregory could hardly object to the Dominicans having provincial priors; but, as we have seen, he preferred to individuate them by reference to secular (or non-Dominican ecclesiastical) territories.

In the case of the Dominicans we have lists of provinces, identified as such, going back to the 1220s; there are no such lists for the Franciscans before the 1260s (Golubovich, *Bibliotheca* II 239-244). Golubovich believed he could identify thirteen 'province madri', eleven of them established in 1217 and one each in 1219 and 1223, whose subsequent divisions gave birth to all the others (*ibid.* 215); but his exposition rests on the assumption that Franciscan provinces were created from the outset by carving up a map of christendom, so that, for example, the Italian provinces would cover the whole of Italy between them. This assumption is not borne out by the evidence.

⁷³ The *custodes* who make their first appearance in *Reg. bull.* §8, alongside *ministri prouinciales*, presumably correspond to the *ministri in locis* of *Reg. non bull.* §4. K.Eßer, *Anfänge und ursprüngliche Zielsetzungen des Ordens der Minderbrüder*, Leiden 1966, 76, takes *ministri et custodes* as a hendiadys meaning no more than *ministri*, and he compares *minister et custos* in *Reg. pro eremitoris* §9; but the latter cannot be a hendiadys since the two singular nouns are picked up together by a plural pronoun (*eos*).

⁷⁴ Not 'over which', unlike Jordan of Saxony with his 'prioratus *super* prouinciam Lombardie'.

In 1221, for instance, when the various ministers had been allotted the friars they wanted, Anthony (St Anthony of Padua) was left unclaimed; he begged Gratian 'qui tunc in Romaniola ministerium fratrum gerebat' to accept him (*Legenda Assidua*, ed. cit. 34-35). Since Golubovich's scheme requires him to postulate one province covering the whole of northern Italy in 1221, he has to make Gratian minister of Lombardy (*Bibliotheca* II 216). Why, in that case, was he designated by reference to the much smaller territory of Romagna?

Golubovich similarly has to lump the whole of the christian East together as the province of Terra Sancta or Syria (*Bibliotheca* II 221). He makes Elias its first minister, as reported by Jordan of Giano.⁷⁵ The second minister is supposed to be Lucas, but all that is known about him is that he was at the papal curia towards the end of 1220 in connection with the affair of a priest in Constantinople who was said to have made profession in his hands. In Honorius III's letter on the subject, on 9 Dec. 1220, he is called 'magister fratrum minorum de partibus Romanie', i.e. the Latin empire;⁷⁶ *magister* may well be a curial misnomer for *minister*, but it is a gratuitous assumption that Francis appointed him minister of the Holy Land shortly before he and Elias left Acre (*Bibliotheca* I 97). The third minister is said to be Benedict of Arezzo, but he seems to have been remembered rather as 'minister Antiochie' (ibid. I 145, 148).

It seems probable that ministerial districts were initially just areas in which there was a minister and 'his friars'; we have no reason to assume that they were invariable in number or extent. Elias is alleged to have said that, as the Dominicans had twelve priors provincial like the twelve apostles, he wanted to have seventy-two *ministri* under him like the seventy-two disciples.⁷⁷ He probably did not achieve this goal, but he certainly multiplied *ministri*⁷⁸ and, if we

⁷⁵ Elias was appointed 'minister prouincialis ultra mare' or 'minister Syrie' in the tenth year of Francis's conversion (i.e. 1217) and returned with him to Italy (*Chronica* §9 and 14). Francis returned from his expedition to the Holy Land some time in 1220 or early 1221 (on the difficulties of dating his return cf. Moorman, *History of the Franciscan Order* 50).

⁷⁶ C.Eubel, *Bullarii Franciscani Epitome*, Quaracchi 1908, no. 6.

⁷⁷ Thomas of Eccleston, *De adventu minorum in Angliam* IX, ed. A.G.Little, Paris 1909, 50-51.

⁷⁸ We know that he appointed three ministers in *Tuscia*, two in *Marchia Anconitana* (Salimbene, *Cronica*, ed. G.Scalia, CCCM CXXV, Turnhout 1998, 150-151), and a separate minister for Scotland (Eccleston, *De adventu*, ed. cit. 50). Looking back from the vantage-point of a later time, Salimbene remarks that 'provinces were smaller than they are now' (ed. cit. 155), an inevitable consequence of the proliferation of *ministri*.

may trust Eccleston, he did so to such an extent that they became too numerous to constitute a viable decision-making body at general chapters; one of the reforms introduced in 1239 after his deposition was therefore to fix the number of ministerships (*administrationes*) at thirty-two (*De adventu*, ed. cit. 54).⁷⁹

Narrative sources concerning the early expansion of the Order give the impression that Francis's concern was to send friars into the provinces of the world (in the everyday sense of 'province'), not to divide the world into specifically Franciscan provinces.⁸⁰

Jordan of Giano's language is particularly interesting. In 1217 Francis 'misit fratres in Franciam, in Theutonium, in Hungariam, in Hispaniam et ad alias prouincias Italie ad quas fratres non peruenerant' (§3). In 1221 it occurred to him 'quod ordinis edificatio in Theutonium non uenisset' (§17), and later in the year 'frater Cesarius, minister Theutonie primus, conuocatis fratribus suis ... in Augusta ... misit inde fratres ad diuersas prouincias Theutonie' (§23). In 1230 'ministratio Theutonie in duas est diuisa, una Rheni et altera

⁷⁹ For *administratio* = 'ministership' cf. Jordan of Giano §52 (in 1227 Albertus de Pisa was absolved 'de administratione Theutonie').

⁸⁰ When Francis had seven friars he sent them 'ad diuersas prouincias' (W.W.Seton, *Blessed Giles of Assisi*, Manchester 1918, 56-58). At the first chapter at the Portiuncula 'constituebat fratres per diuersas prouincias qui populo predicarent et fratres alios in suis prouinciis collocarent'; eleven years after the Order's beginning 'electi fuerunt ministri et missi cum aliquot fratribus quasi per uniuersas mundi partes ... qui recipiebantur in quibusdam prouinciis ... de quibusdam uero expellebantur' (*Legenda trium sociorum*, ed. T.Desbonnets, AFH 67 [1974] 131, 136-137). At the chapter at which friars were first sent 'ad quasdam prouincias ultramarinas' Francis said that if he was putting friars to work 'in longinquis partibus' he should set an example by going 'ad aliquam longinquam prouinciam'; he used to ask the friars to pray that God would guide him to the best place 'non solum cum ad longinquam prouinciam iret sed etiam cum iret per adiacentes prouincias', and on this occasion, he bade them pray 'ut det michi eligere illam prouinciam que sit magis ad laudem domini ...'; he then announced 'Eligo prouinciam Francie in qua est catholica gens' (R.B.Brooke, ed., *Scripta Leonis, Rufini et Angeli*, Oxford 1970, 226; cf. *Legenda Perusina*, ed. J.Campbell, *I fiori dei tre compagni*, Milan 1967, 216-218). When he met Ugolino in Florence the cardinal begged him to remain 'in circuitu istius prouincie', but Francis replied that it would shame him to send friars 'ad remotas et longinquas prouincias, me autem permanere in istis prouinciis'; God had not sent the friars 'solummodo propter istas prouincias' but 'propter profectum et salutem animarum omnium hominum totius mundi' (*Scripta Leonis* 232; *Leg. Perusina* 224-226). In all this the word *prouincia* clearly does not have any specifically Franciscan sense. Cf. also 1 Celano §77 where Francis is said to have travelled 'per Marchiam de Ancona', preached 'in eadem ciuitate', and then moved on 'cum domino Paulo quem ministrum constituerat omnium fratrum in eadem prouincia' (*Analecta Franciscana* X 57-58).

Saxonie' (§57). In 1239 Elias was deposed, various measures adopted, and 'in eodem capitulo prouincie sunt distincte' (§65-67).

By 1262, when Jordan was writing (*Chronica*, Prol.), Franciscans were using the word *prouincia* in much the same way as the Dominicans,⁸¹ to denote a specifically Franciscan territory; it is significant, then, that he does not use it like this until he reaches 1239 (the *prouincie* which were *distincte* at the chapter can only be *Franciscan* provinces). Before that it means a region to which friars may be sent, and several such regions may fall within the domain of a single minister (the minister of Theutonia sent his friars *ad diuersas prouincias Theutonie*); and though a particular minister's domain is naturally identifiable by its geographical location (*minister Theutonie*), its existence as a Franciscan territory is not a geographical datum, it derives from the fact that it has a minister—in 1230 it is not the territory as such that is divided, but the ministership.⁸²

Jordan was perhaps premature in switching to a more modern use of *prouincia* in 1239—Eccleston is undoubtedly more accurate in saying that it was the number of *administrationes* which was fixed then; nevertheless Jordan's instinct was sound: the measures adopted in 1239 constitute a decisive move away from ministerial districts understood primarily in terms of ministers with their friars and towards something more like Dominican provinces. If, as Eccleston tells us, the chapter determined that there should be sixteen ultramontane and sixteen cismontane *administrationes*, it must in some way have marked out their dimensions, they must have been, in Jordan's word, *distincte*; and they were given a new consistency of their own by the decision that provincial ministers should be elected by their subjects, not appointed by the minister general.⁸³ the

⁸¹ Cf. Eccleston, *De adventu*, ed. cit. 50: 'Demandatum est a ministro generali fratre Helia ut prouincia anglicana diuideretur in duas, ut esset scilicet una Scotie et alia ut prius Anglie'; Eccleston was writing at much the same time as Jordan.

⁸² Writing some twenty years later, in 1283, Salimbene recalled a lector he had when he was a novice in Fano 'in Marchia Anconitana in qua tunc duorum ministrorum regimina habebantur' (*Cronica*, ed. cit. 151). Golubovich has things the wrong way round when he speaks of the institution of provinces in 1217 'e quindi de' superiori detti Ministri provinciali' (*Bibliotheca* II 215).

⁸³ We do not have the acts of the 1239 chapter, but Jordan mentions the election of ministers as one of the measures introduced then, and shortly afterwards he reports the election of a new minister of Saxony (§65, 69); Eccleston similarly reports the first election of a minister of England (*De adventu*, ed. cit. 108). It is to the 1239 chapter, then, that we must attribute the constitution 'Ordinamus quod ministri prouinciales conuocato capitulo a subditis eligantur, confirmandi per generalem ministrum' (§9.10 in the 1260 constitutions, ed. M.Bihl, AFH 34 [1941] 293).

friars in a ministerial district would no longer be just the friars of a particular minister, they would have an acknowledged corporate identity of their own as an electoral constituency.

It was not by coincidence that Franciscan structures were thus brought closer to those of the Dominicans: the 1239 chapter also introduced the practice of holding diffinitors' as well as ministers' general chapters; this was one of the most distinctive features of Dominican government, and it was surely under Dominican influence that the Franciscans adopted it, though this could have been mediated by Gregory IX who was present at the chapter.⁸⁴ If it was he who steered the Franciscans in the direction of a more Dominican style of government, we may suspect that he also tried to keep the Dominican term *prouincia* at bay by suggesting the use of *administratio* instead.

Resistance was futile. *Prouincia* was probably current by 1247 when it features in the revised *Formula* which Innocent IV tried to give the Damianite nuns;⁸⁵ it is used routinely in the 1260 constitutions and can sometimes only be taken in a specifically Franciscan sense.⁸⁶ As a curious step on the way we may note that in Hugh of Digne's commentary on *Reg. bull.* §8 it serves in effect to 'translate' *administratio*: formerly, Hugh points out, *custos* was applied indiscriminately to all superiors, 'Unde hoc loco minister generalis custos uocatur et inferius ministrorum prouincie custodie nuncupantur';⁸⁷ *prouincia* here has its original primary sense, the 'area of competence' of a magistrate (in this case the *administratio* of a Franciscan minister).

⁸⁴ Eccleston, *De adventu*, ed. cit. 86-87. According to him only one *capitulum generale diffinitorum* was ever held; it was so rowdy that the *ordinatio* requiring them ('facta ... coram papa in absolutione fratris Helie') was annulled by the following chapter.

⁸⁵ The word does not have to be taken in a specifically Franciscan sense when he refers to the provincial minister 'illius prouincie in qua monasterium situm fuerit' (I.Omaechevarría, *Escritos de Santa Clara*, Madrid 1999, 243), but even so it looks as if Innocent used it because it had become normal to treat *prouincia* as the common noun appropriate to the territory of a *minister prouincialis*. However, Innocent sometimes used the word *administratio* instead (e.g. Eubel, *BF Epitome* nos. 622, 697, 713); for the shift in meaning from an office to the territory of an office-holder cf. *episcopatus* (primarily the office of bishop, then by extension the diocese of a bishop).

⁸⁶ E.g. if a friar is moved to another *prouincia* and dies there 'libri scripti uel empti de elemosina ad illam prouinciam reuertantur ad quam dicta elemosina pertinebat'; visitators are told what to do if they find anything 'ualde notabile in prouincia corrigendum'; the business of the provincial chapter includes 'ordinatio eorum que ad necessitatem uel honestatem morum prouincie uidebuntur pertinere' (§6.25, 8.20, 10.17; AFH 34 [1941] 73, 287, 303).

⁸⁷ D.Flood, *Hugh of Digne's Rule commentary*, Grottaferrata 1979, 174. Flood dates the commentary to 1252 (*ibid.* 50-54).

3. Derivatives of 'prouincia'

Having launched the concept of a religious *prouincia* in 1221, the Dominicans soon appreciated the usefulness of the adjective *prouincialis* to distinguish between priors of provinces and priors of convents. It is not clear when the next step was taken, of treating *prouincialis* as a noun which could stand on its own as an alternative to *prior prouincialis*; but it is suggestive that substantival *prouinciales* could still be used in 1222, as in 1220, to mean the people in a province (Prim. Const. II 13a, 16a), but a few years later it was apparently felt necessary to require *comprouinciales* to offer suffrages for a dead prior provincial.⁸⁸

The procedure for electing the Master, introduced in 1236, probably said that the scrutators were to be 'tres de prioribus prouincialibus qui inter alios prouinciales primitus habitum nostre religionis susceperunt' (MOPH III 8.11-12, Prim. Const. II 11, const. II 4);⁸⁹ but here *prouinciales*, coming straight after *prioribus prouincialibus*, is better analysed as an adjective whose noun is implied than as a fully-fledged noun in its own right.

If only we could be sure of the text there might be a clear instance of substantival *prouincialis* meaning 'provincial prior' in the section on Most General Chapters which was also introduced into the constitutions in 1236: the poorly attested chapter-acts of 1236 contain the clause 'Prouinciales autem cum duobus fratribus a capitulo

⁸⁸ Prim. Const. II 36c, datable to 1225/8 (AFP 71 [2001] 110-111). For this use of *comprouinciales* cf. Pecham, *Ep.* 524 (ed. C.T.Martin, Rolls Series, London 1884, 686); where the archbishop refers to the people of his province as *comprouinciales*.

⁸⁹ AGOP XIV A 4 (14th cent., our only manuscript of the primitive constitutions) is on its own in having *inter alios prouinciales priores*. Otherwise the text varies little between the chapter-acts (known only from Gui's later manuscripts), Porto 101 (written in 1241/2, our only manuscript of Raymund of Penyafort's constitutions), and later manuscripts of the constitutions—as a sample of these I have taken AGOP XIV L 1 and the first text in BL add. 23935 (the most authoritative manuscripts of Humbert's constitutions), BNF lat. 5592, Provins Bibl. Mun. 58, Kraków Dominican provincial archives K XIII 21, Cambridge Univ. Lib. L1.2.9 (all from the 13th century); BL add. 23935 (second text), Vat. lat. 7658, Florence BN conv. soppr. G.3.451 and J.9.24, Siena Bibl. Com. F.VI.3, Wrocław Bibl. Univ. IV F 174 (14th century); Cremona Bibl. Govern. 44, Nürnberg Stadtbibl. Cent. VII 3, Siena G.XI.36, Vienna Österreichische Nationalbibliothek 1507, Wrocław Bibl. Univ. IV O 39, Würzburg Univ. Bibl. M ch.o.16 (15th century), and also the first printed edition of the constitutions (ed. Vincenzo Bandello, Milan 1505). According to Gui's manuscripts and Taegio an unsuccessful inchoation was made in 1289 which implies a text with *inter alios priores prouinciales* (MOPH III 250.12-16; B f.359^v, R f.152^v), but this is not supported by Magl. XXXVII 326 (the text is not in AGOP XIV A 1).

prouinciali electis tale capitulum (sc. generalissimum) celebrandi habeant potestatem' (MOPH III 8.1-2); but this section is missing in AGOP XIV A 4 (and it is not in the Sack Friars' constitutions), and the text incorporated into const. II 10 by Raymund of Penyafort has *priores autem prouinciales*, not *prouinciales autem*.⁹⁰

Raymund seems to have retained *prouinciales* (referring to members of provinces) from Prim. Const. II 13a and 16a (incorporated into const. II 4 and 3), but it was soon ousted from II 3 in favour of *comprouinciales*, which probably implies that in II 4 it was being taken to mean that it was provincial priors who should be informed of the Master's death.⁹¹

The chapters of 1244 and 1245 inchoated and approved a measure allowing the provincial's socius to take his place if he himself could not attend a *capitulum prouincialium* (MOPH III 28.25-29, 31.10-14);⁹² it was dropped in 1246. The 1246 chapter inchoated a provision (which was dropped in 1247) for the provincial chapter to nominate someone who 'uices prouincialis gerat' if need be; according to Gui's manuscripts and Taegio it also entrusted the revision of the lectionary 'prouinciali Francie' (MOPH III 35.17, 36.3-5; B f.186, R f.76).

In 1247-1249 the constitution on the election of conventual priors (const. II 2) was emended to include the requirement that a convent asking for the confirmation of a prior 'numerum et nomina eligentium scribat prouinciali' (MOPH III 39.13, 41.32-33, 43.7),⁹³ but on the whole *prouinciali* did not get into the actual text of the constitutions.⁹⁴

In 1251 there is another reference to 'prouinciali Francie' (MOPH III 59.32); but an inchoation with 'si uero eumdem uicarium

⁹⁰ Porto 101 and all the other texts in my sample have *priores autem prouinciales*.

⁹¹ AGOP XIV L 1 and BL add. 23935 are the earliest manuscripts I know in which this divergence between const. II 3 and 4 is found, but I hesitate to ascribe it to Humbert's deliberate choice: his revision of the constitutions was insufficiently radical to launch a completely new textual tradition, so the agreement between AGOP XIV L 1, add. 23935 and all later manuscripts is just as likely to signify that the change in const. II 3 had already occurred before Humbert.

⁹² Gui's manuscripts have *priorum prouincialium* in 1244 and *prouincialium* in 1245, but AGOP XIV A 1 has *prouincialium* both times. Taegio quotes the text with *prouincialium* under 1244 and *prouinciale* under 1245 (B ff.171^v, 178^r; R f.70^v, 73^v).

⁹³ Taegio quotes the text with *priori prouinciali* under 1247, but with *prouinciali* under 1248-1249 (B ff.189^v, 195^v, 197^v; R ff.77^v, 78^v, 81^v).

⁹⁴ It is not in the updated text in Porto 101 or in AGOP XIV L 1 or BL add. 23935 (first text) or in any other manuscript I have consulted except Cambridge Univ. Lib. L1.2.9; the second text in BL add. 23935 has *scribat priori prouinciali*.

in prouincialem eligi contigerit was approved in 1252 with *in priorem prouincialem* (MOPH III 57.23-24, 61.6);⁹⁵ it was not confirmed in 1254.

Substantial *prouincialis* thus made its first undoubted appearance in the constitutions in 1255 when a text inchoated in 1252 was confirmed to the effect that if people assigned to work outside the Order do not observe the Order's rules on things like fasting they are deprived of all suffrages until they have done sufficient penance to merit their restoration 'per magistrum uel prouincialem suum' (MOPH III 61-62, 67.27-33, 72.27-33; const. II 13).

In due course *prouincialis* (sbst.) gave birth to its own abstract noun, *prouincialatus*, which made its official début in 1272, when a procedure for entrusting limited magisterial authority to a vicar during an interregnum was inchoated: he was not allowed to move people from one province to another except in the case of someone who was not already a provincial prior being requested *pro prouincialatus officio*. This was approved in 1273, but not confirmed; a new text, containing the same clause, was inchoated in 1274, approved and confirmed in 1275-1276 and so entered the constitutions (MOPH III 163.24, 166.32, 173.5, 178.29, 183.4; const. II 4).

Prouincialatus recurs in a constitution created in 1283-1286 on the possessions of provincials who die *in prouincialatu*, including things acquired *tempore prouincialatus* (MOPH III 222.24-30, 227.26-33, 231.11-177; const. II 3).

Despite these encroachments, the newer terminology did not affect the survival, indeed the preponderance, of *prior prouincialis*; and even this did not harden into a fixed compound such as major-general: granted how easily they could have been changed by copyists and editors, the persistence of other forms suggests a continuing sense that the title proper was *prior*, qualified when necessary by the addition of an adjective or genitive (*prouincialis*, *prouincie*).

Prim. Const. II 3 gave the diffinitors of the provincial chapter the right to suspend the prior provincial 'ab officio prioratus', and this passed unchanged into const. II 7 and remained there until the clause was dropped in the Gillet constitutions of 1932.

Raymund's constitutions provided a distinct formula for occasions when profession was made to 'priori cuicumque' rather than to the Master in person, in which obedience was promised 'tibi N. priori talis

⁹⁵ AGOP XIV A 1 only has the inchoation, Bologna 1535 and AGOP XIV A 2 only have the approbation. Taegio quotes both the inchoation and the approbation as having *priorem prouincialem* (B f.203^v, 207^v; R ff.83^v, 85^v).

loci uice N. magistri ordinis' (const. I 15); *prior* applies indiscriminately to conventual and provincial priors. The first constitutions to make specific mention of priors provincial were those promulgated in 1268.⁹⁶

In 1264-1266 the Order adopted a formal procedure for the *electio* of conventual and provincial priors;⁹⁷ the senior voter was to declare in the name of all the electors 'Eligo talem in priorem talis conuentus, uel talis prouincie si prior prouincialis eligatur' (MOPH III 124.4-12, 127.24-32, 132.7-15). This survived unchanged until the Gillet constitutions substituted the options 'in priorem huius conuentus N.' and 'in prouincialem huius prouinciae N.' (§336).⁹⁸

Raymund retained one instance of *prior prouincie* from the primitive constitutions (Prim. Const. II 4a, const. II 3): after the death or removal of the provincial the vicar remains in charge 'donec prior eiusdem prouincie sit electus et confirmatus'.⁹⁹ This survived the middle ages fairly well.¹⁰⁰

As a mere adjective qualifying a title, *prouincialis* could come before as well as after *prior*. Prim. Const. II 16a evolved to combine up-to-date terminology with a fossil from the past: 'Prouincialis autem prior eandem habeat potestatem in sua prouincia uel regno quam et magister ordinis'; this was not altered by Raymund or Humbert in const. II 3,¹⁰¹ and, though *uel regno* soon disappeared

⁹⁶ The Gillet constitutions of 132 still spoke of profession being made 'priori cuicumque', and the formula still said 'priori talis loci'. Although the modern constitutions say that profession can be received by the Master, the provincial (in his own province) or the prior (in his own convent) (LCO §193), the only options offered in the actual formula are 'tibi fratri N.N. magistro', 'tibi fratri N.N. priori prouinciali prouinciae ..' and 'delegato' (§199).

⁹⁷ *Electio*, unlike modern 'election', referred to the actual choice which resulted from the scrutinies, not to the process as a whole.

⁹⁸ MOPH III 124.7-9, 127.27-29, 132.10-12. AGOP XIV A 1 gives the full text only for 1264, and Bologna 1535 has the chapters of 1264 and 1265 in the wrong order 'quia scriptor errauit', as Gui points out in an autograph note on f.59^v; but neither there nor in manuscripts of the constitutions are there any variants which affect the point at issue here.

⁹⁹ The original text of Porto 101 was erased; Creytens conjecturally restored the missing phrase from Prim. Const. (AFP 18 [1948] 50), and the wording is confirmed by the acts of the chapters which added an extra phrase in 1241-1243 (MOPH III 20.18, 22.32-33, 25.4).

¹⁰⁰ The updated text of Porto 101, Florence BN G.3.451, the second text in BL add. 23935, and Siena G.XI.36 have *prior prouincialis eiusdem prouincie*; Nürnberg Cent. VII 3, Wrocław IV 0.39 and Würzburg M ch.o.16 have 'quousque prior prouincialis eiusdem prouincie', and Cremona 44 and Bandello's edition of 1505 have 'quousque prior prouincialis illius prouincie'. Elsewhere *prior eiusdem prouincie* was retained.

¹⁰¹ It is found in Porto 101, AGOP XIV L 1 and BL add. 23935 (first text).

from the text,¹⁰² *prouincialis prior* went almost unchallenged until the age of printing.¹⁰³ Raymund himself seems to have been responsible for 'prouinciales ergo priores .xii. prouinciarum' in const. II 4;¹⁰⁴ the particle varies in later texts (both *igitur* and *autem* are found as well as *ergo*), but the word-order was generally left unchanged.¹⁰⁵

Before we leave the subject of titles, there is one more point which is of some interest, though I can only raise it in the form of a question.

Franciscan terminology evolved rapidly in such a way that it needed a means of distinguishing between major superiors, so *ministri* became either *generalis* or *prouinciales*; other words came into use for lower superiors (*custos*, *guardianus*). The Dominicans, by contrast, reserved *magister* to the highest superior and needed to distinguish between provincial and conventual *priores*; since it was therefore superfluous to call the Master *generalis*, why and when did the adjective become attached to his title? I do not know the answer, but is it just a coincidence that the first appearance of *magister generalis* in the edited acts of general chapters occurs during the schism when there were two rival Masters claiming jurisdiction over the whole Order?¹⁰⁶ In such circumstances there was some point in each obedience insisting that its *magister* was *generalis*.

¹⁰² Something, presumably *uel regno*, was erased after *prouincia* in Prague, Univ. Knihovna VIII B.23 (a 13th-century manuscript whose text is too incomplete and idiosyncratic to be included in my sample), and Cambridge Univ. Lib. L1.2.9 has *prouincia* over an erasure where presumably *prouincia uel regno* once stood. The other 13th-century manuscripts I have looked at never had *uel regno*, nor is there any trace of it in later manuscripts or printed editions of the constitutions.

¹⁰³ Of the manuscripts I have looked at, only Siena G.XI.36 and the two Wrocław manuscripts have *prior autem prouincialis*, which is also the text printed by Bandello in 1505.

¹⁰⁴ This was adapted from 'predicti ergo priores prouinciales predictarum octo prouinciarum' in Prim. Const. II 10a.

¹⁰⁵ A fragment of a late 13th-century text found in Graz, Univ. Bibl. Inkunabel II 7441 has *priores igitur prouinciales*; of the manuscripts in my sample only Cremona 44, Nürnberg Cent. VII 3, Vienna 1507 and Würzburg M ch.o.16 have *priores ... prouinciales*. Bandello printed *prouinciales igitur priores* and, though I have not checked all the intervening editions, the word-order seems not to have been changed until the late seventeenth century.

¹⁰⁶ The first instance I have found of *magister generalis* in an actual capitular decree (after an admittedly very cursory search) comes in the acts of 1468 (MOPH VIII 310.33); but in the headings and introductions to the acts *magister ... generalis* first appears in 1396 in the Avignon obedience (MOPH VIII 57.5) and *generalis magister* in 1405 in the Roman obedience (MOPH VIII 112.19-20), and one or other is used fairly regularly thereafter. The usage must have been well established by 1501 when the general chapter apparently dropped *magister* entirely and referred to letters 'reuerendissimi generalis' (MOPH IX 24.6).

VI: THE ORDO PROVINCiarUM

1. *The development of the 'ordo' as such*

In his instruction 'De officio diffinitoris capituli generalis' Humbert says that 'in diffinitionibus non debet multum curare de ordine loci uel uocis nisi communiter hoc aliis placuerit obseruari';¹ this implies that there was a fixed *ordo loci*, even if, in Humbert's view, there was no need to insist on it in the diffinitory (as distinct, no doubt, from occasions where it should be taken seriously, such as when the capitulars were assembled in choir or in the refectory).

Our earliest evidence for such an *ordo* comes from Gerald de Frachet. His *Cronica ordinis*, as it was before he transferred it from his universal chronicle to the *Vitas fratrum* in 1258, is prefaced by a diagram presumably based on the arrangements at some general chapter he attended as provincial:²

Prouincie	Magister ordinis	Prouincie
Yspania		Prouincia
Francia		Lombardia
Romana prouincia		Ungaria
Theutonia		Anglia
Polonia		Dacia
Grecia		Ierosolimitana

With an explicit indication that the two columns correspond respectively to the *chorus dexter* (on the left) and the *chorus sinister* (on the right),³ the same *ordo* occurs on f.46^r of the lost Berlin manuscript formerly belonging to the Venice Dominicans, dating from about 1275 (cf. AFP 65 [1995] 106),⁴ and in the 1277 'census' (QE I i).

¹ Berthier II 341; I take the text from Siena, Bibl. Com. G.XI.36 f.213^v and Berlin, Staatsbibl. theol. fol. 164 f.153^r. Vienna, Österreichische Nationalbibl. 1507 f.138^r has the same except for *ubi* instead of *nisi*.

² BAV Reg. lat. 598 f.94^r; Angers, Bibl. Mun. 668 f.113^r (with *Theutonica* for *Theutonia*).

³ By tradition the first place in the *chorus dexter* belonged to the most senior person, the next in line taking first place in the *chorus sinister*, and so on (cf. the Praemonstratensian customary II 1-2); this is why the *chorus dexter* comes first and is accordingly, if confusingly, written on the left.

⁴ It could well reflect the seating arrangements of the 1275 general chapter in Bologna.

The Berlin manuscript also has a straightforward list, 'Hyspania, Prouincia, Francia, Lombardia' and so on, whose heading, 'Ordo prouinciarum', shows that, at least in the compiler's eyes, the arrangement of provinces in the two *chori* was meant to reflect their status in the *ordo prouinciarum*, just as in his twin lists of the convents of Lombardy the place of each one in the right or left *chorus* is determined by its position in the *ordo conuentuum*. As we should expect, the order of precedence descends from the first place on the right to the first place on the left, then the second place on the right followed by the second place on the left, and so on.

Celestine V's bull of 1 Sept. 1294 dividing the Roman province includes the directive that 'prior prouincialis prouincie Regni primum locum post priorem prouincialem Romane prouincie teneat tam in generalibus capitulis ... quam alias' (BOP VII 50). Because of the Master's death there was no general chapter in 1295, so it was that of 1296 which implemented the creation of the new province and the pope's command that 'eam immediate ordinari post Romanam prouinciam'; it accordingly decreed that wherever provinces are listed in the constitutions⁵ 'ubique post Romanam prouinciam immediate prouincia regni Cicilie nominetur' (MOPH III 279.29-30).

In practical terms the rank allocated to the *prouincia Regni* should have meant that its provincial sat on the left, opposite the Roman provincial; to preserve the *ordo prouinciarum* the Hungarian provincial should have moved to the right, the German provincial to the left, and so on down to the Greek provincial on the left and the provincial of the Holy Land on the right. In fact, though, the arrangements made for the division of five more provinces in 1298-1303 show that no one changed sides.

In 1298-1301 Aragón was placed after Greece *in dextro choro*, Poland was left next to Germany *in dextro choro*, and Bohemia was placed after the Holy Land *in choro sinistro* (MOPH III 287.23-34, 295.10-22, 301.4-15). This means that the provinces on the same side as the *prouincia Regni* had simply moved down a place.

In 1301-1303 the new provinces of Provence and *Lombardia superior* were placed beneath Aragón *in choro dextro*, Germany beneath the Roman province *in choro dextro*, and Saxony beneath Bohemia *in sinistro choro* (MOPH III 302-305, 312-314, 317-319).

⁵ Gui's text has *in ipsa nominatione prouinciarum*, and Taegio also has *nominatione* (Bologna 1979 f.14^r, AGOP XIV 52 f.7^r); AGOP XIV A 1 has *in ipsa numeratione prouinciarum*, and Magl. XXXVII 326 lacks the whole passage.

The insertion of the *prouincia Regni* inevitably meant that one side had one more province than the other; to restore the balance between the *chori* it was necessary to add two provinces to the other side. The fact that two provinces were added to the right side, and that Germany retained its traditional position next to the Roman province, shows that the *prouincia Regni* was correctly placed on the left, but the provinces beneath it were not re-aligned to preserve the *ordo* as a whole. The capitulars of these years were apparently more interested in the order of provinces within each *chorus*.⁶

The arrangements specified in 1298-1303 seem clear enough, but evidently the failure to specify where the *prouincia Regni* was supposed to go caused some confusion, as before long we find it seated next to its parent province on the right. Most of the later manuscripts of Gui's catalogue of Dominican convents include an appendix headed 'Priores prouinciales sic sedent in capitulo generali', presumably based on his observation of the provincials' chapter of 1307.⁷ Shorn of his comments, the arrangement is this:⁸

In dextro choro	In sinistro choro
Prior Hispanie	Prior prouincie Tholosane
Prior Francie	Prior Lombardie inferioris
Prior Romane prouincie	Prior Ungarie
Prior regni Cicilie	Prior Anglie
Prior Theutonie	Prior Dacie
Prior Polonie	Prior Terre Sancte
Prior Grecie	Prior Boemie
Prior prouincie Aragonie	Prior Saxonie
Prior Prouincie	
Prior Lombardie superioris	

As before, no one has changed sides, but this time it is the provinces *in dextro choro* which have lost rank.

⁶ Two letters from the 1290 general chapter list the diffinitors in two different ways, neither of which corresponds to the *ordo*: Spain, Provence, France, Lombardy, Germany, the Roman province, Hungary, Poland, England, Greece, Dacia, the Holy Land (MOPH V 150); Spain, Provence, France, Lombardy, the Roman province, Hungary, Germany, Poland, England, Dacia, Greece, the Holy Land (MOPH V 155). The only safe inference is that the diffinitors took Humbert's advice and did not bother too much about the *ordo prouinciarum* when they were at work.

⁷ Gui was the provincial's socius at this chapter (Delisle, *Notices et extraits* XXVII 179).

⁸ I take the text from Toulouse, Bibl. Mun. 490 f.86^v.

However, the arrangement found in the Roman provincial's 'vademeccum', datable to the 1330s, has the *prouincia Regni* on the left again (AS Perugia, corp. rel. soppr., S.Domenico 66 f.3):⁹

Magister ordinis fratrum predicatorum		
Chorus dexter	Prouincie	Chorus sinixter
Yspania		Tholosana
Francia		Lombardia inferior
Romana		Regni Sicilie
Theutonia		Hungaria
Polonia		Anglia
Grecia		Dacia
Aragonia		Terra sancta
Prouincia		Boemia
Lombardia superior		Saxonia

This conforms to the apparent intentions of the 1303 chapter. As before, it seems clear that what mattered was a province's place in its own *chorus*, not its status in the *ordo prouinciarum* as a whole. Since the *prouincia Regni* had only been given a position in the latter, opinions could evidently differ as to which *chorus* it was meant to be in.

The creation of new provinces required changes to any constitutions which referred to the number of provinces or mentioned them by name, not least const. II 5 which was the only place where they were all listed. The 1296 chapter decreed that the *prouincia Regni* should always be named immediately after the Roman province (MOPH III 279.29-30); and in 1301-1303 the whole list in const. II 5 was revised, with new provinces coming at the end: 'Ubi dicitur Hyspanie Prouincie, deleatur Prouincie et dicatur prouincie Tholosane, Francie, Lombardie, Romane prouincie, regni Cicilie, Ungarie, Theotonie, Anglie, Grecie, Polonie, Dacie, Ierosolimitane prouincie, Aragonie, Boemie, et prouincie Prouincie, Lombardie superioris et Saxonie'.¹⁰

On the face of it, these changes display a concern to give new provinces a place in the list which reflects their status in the *ordo*

⁹ On this manuscript and the dating of its various parts see E.Panella, 'Un vademeccum dei provinciali romani', MD NS 28 (1997) 361-411.

¹⁰ MOPH III 303.13-17, 304.13-15, 305.1-2, 312.17-21, 313.20-22, 314.6-7, 318.3-8, 319.3-5 and 31-33.

prouinciarum, as determined by the pope in the case of the *prouincia Regni* and by essentially chronological criteria in the case of those created in 1298-1303.¹¹ However, it is difficult to take the revised list in const. II 5 seriously as an *ordo* since the 1303 chapter patently failed to implement it as such: it did not adjust the two *chori* to take account of the *prouincia Regni*, it could not possibly hope to preserve the relative statuses of Provence, Upper Lombardy and Saxony by placing the first two together *in choro dextro*, and its text of const. II 5 promotes Greece ahead of Poland which gives it a rank it did not enjoy in any of the actual arrangements we have encountered.

Because only eight provinces were originally expected to hold annual provincial chapters, they alone are listed in Prim. Const. II 1, in the order 'Yspania, Prouincia, Francia, Lombardia, Romana prouincia, Ungaria, Theutonia, Anglia'. This corresponds to their placing in the thirteenth-century *ordo* and, allowing for the insertion of the *prouincia Regni* and variations in nomenclature, it survived into later editions of the constitutions.

The other four provinces are listed in Prim. Const. II 5 and II 10 in the order 'Ierosolimitana, Grecia, Polonia, Dacia', which does not correspond to their placing in the *ordo*. They were listed differently, but still not in accordance with the *ordo*, when the constitutions were changed again in 1239-1241 to give these provinces the same rights as the rest in the election of the Master: 'Polonia, Dacia, Ierosolimitana, Grecia' (MOPH III 11.8-11, 14.32-36, 18.20-25). This occurred just in time to be integrated into Raymund's

¹¹ Segovia was the oldest house in Spain, so the new province of Spain retained the status of the old province, and Aragón went to the bottom of the list. Poland contained Kraków and so retained its status; Bohemia, being born of a lower province than Spain, came below Aragón. The Toulouse convent secured the old province of Provence's status for the province of Toulouse; regardless of their parents' ranks the new province of Provence came below Bohemia because it was founded later. Lower Lombardy took Lombardy's place because it contained Bologna; Upper Lombardy, born of a province which came beneath the old province of Provence, was placed below the new province of that name. Teutonia contained Friesach and therefore retained its status; since it ranked lower than Lombardy its offshoot, Saxony, came last of all. The basic principles were stated in connection with the proposed division of provinces in 1287-1289: 'Prouinciis diuisis ... illa prouincia ubi primo fuit conuentus fratrum retineat locum suum consuetum in capitulo generali, relique uero post prouinciam Grecie in choro dextro et Ultramarinam in choro sinistro habeant locum suum, ita quod nouus prouincialis Hyspanie sit primus post prouincialem Grecie in choro dextro et nouus prouincialis prouincie Prouencie sit primus in choro sinistro post prouincialem Terre Sancte et similiter omnes prouinciales alii collocentur' (MOPH III 238.15-22, 243.22-29, 249.24-31).

revision of the constitutions which was also confirmed in 1241 (MOPH III 18.26-28), and its effect was to make it unnecessary to include a list of provinces in const. II 4 (on the election of the Master). The essentials of Prim. Const. II 5 were merged with those of II 1, so Raymund's const. II 5, for the first time, contained a single complete list of provinces.

The list in Porto 101, written in 1241/2, corresponds exactly to the *ordo*: 'Hyspania, Prouincia, Francia, Lombardia, Romana prouincia, Ungaria, Theotonia, Anglia, Polonia, Dacia, Grecia, Iherosolimitana'. But we have only this one manuscript of Raymund's constitutions, and only one manuscript of the primitive constitutions; neither text is guaranteed, and later fluctuations suggest that the order in which provinces were named was in any case not seen as particularly significant.

In Humbert's text of const. II 5 the last four provinces are listed as 'Grecia, Polonia, Dacia, Hierosolimitana',¹² which is out of step with Porto 101 and with the *ordo*, but the text was revised on this basis in 1301-1303. However, the acts of 1298-1301 imply a text like that of Porto 101 at least to the extent of having the provinces of Greece and Jerusalem in the last two places: 'Ubi dicitur Grecie Ierosolimitane addatur Aragonie et Boemie' (MOPH III 288.6-8, 295.29-31, 301.22-24).

Of the nineteen manuscripts of the post-Humbert constitutions I have consulted, discounting other eccentricities, eleven agree with Humbert in reading 'Grecia, Polonia, Dacia, Hierosolimitana'. The original thirteenth-century text of Cambridge Univ. Lib. L1.2.9 was erased to make way for the corrections required in 1303, and the new text follows the same order as the chapter-acts of 1239-1241 ('Polonia, Dacia, Ierosolimitana, Grecia'); with *Terra Sancta* for *Ierosolimitana* this is also what we find in three early texts from the Polish province.¹³ Two later manuscripts from the Polish province have 'Polonia, Dacia, Grecia, Ierosolimitana',¹⁴ which is in line with Porto 101 and the pre-1296 *ordo prouinciarum*. Cremona Bibl. gov.

¹² Cf. AGOP XIV L 1 f.39^v; BL add. 23935 f.78^r.

¹³ Two are in 13th-century manuscripts: Kraków, Arch. Prow. OP K XIII 21, and Prague, Univ. Knihovna VIII B 23 (*Terre sancte* is missing or no longer legible, but there is a gap which would accommodate it); Warsaw, Bibl. Narodowa Ros. Baw. 13 is a 15th-century manuscript, but its text dates from before 1316.

¹⁴ Wrocław, Bibl. Uniw. IV F 174 is from between 1318 and 1323; Wrocław, Bibl. Uniw. IV O 39 is from the 15th century.

44 (from the fifteenth century) has 'Yerosolimitana, Grecia, Polonia, Dacia' as in Prim. Const. II 5 and 10. The fourteenth-century text in BL add. 23935 has 'Polonia, Grecia, Dacia, Terra Sancta', which is, so far as I know, unique.

As I have already mentioned, Humbert's revision of the constitutions was not radical enough to initiate a new textual tradition, so the manuscripts which agree with Porto 101 could have preserved an older reading; but scribal accident is also possible, and it is certainly the most likely explanation of later manuscripts agreeing with Prim. Const.¹⁵ or the chapter-acts of 1239-1241 (whose text should never have been in the constitutions at all).

Conversely it cannot safely be inferred from the comparative success of 'Humbert's' text that he imposed an innovative list of provinces on much of the subsequent tradition; his most necessary emendation, in const. I 16, had no such success,¹⁶ and there is no obvious correlation between manuscripts which have his text in I 16 and those which have 'his' text in II 5.¹⁷ It is unclear why he might have wanted to re-arrange the list of provinces anyway, so it is entirely possible that 'his' text in II 5 is simply the one he inherited from an earlier manuscript, and that it owes its subsequent success not to his influence but to its frequency in the older tradition.

All this must make it doubtful whether the text of Porto 101 in const. II 5 is more than a possible reading among others; it would be hazardous to assert without further ado that it reflects a deliberate choice made by Raymund of Penyafort, let alone that his choice was either determined by the *ordo prouinciarum* or instrumental in its formation.

There is a manifest continuity in the *ordo prouinciarum* from the late 1250s to the 1330s, even if after 1296 it became distorted in

¹⁵ Raymund of Penyafort re-arranged the constitutions in a way which would have made it impossible simply to update earlier manuscripts.

¹⁶ The absurd situation had accidentally arisen in which the same offence was listed both as a light fault and as a grave fault; Humbert attempted to remedy this by emending the light fault, but this had little effect on the subsequent tradition (cf. Tugwell, in L.E.Boyle-P.M.Gy, edd., *Aux origines de la liturgie dominicaine*, Rome 2004, 356-357).

¹⁷ Of my nineteen manuscripts one lacks the faults entirely, one has an idiosyncratic text, three have Humbert's arrangement of the 'minor' provinces in const. II 5 and his emendation in I 16, two have his text in I 16 but not in II 5, six have his text in II 5 but not in I 16, six do not have his text in either place.

practice; it must have become considerably more confused during the schism when the Order was split into two obediences, each holding its own chapters. The lists of capitulars attached to some surviving chapter-acts from 1421 to 1505, after the schism was over, are inconsistently arranged;¹⁸ some approximation to the thirteenth-century *ordo* can be recognized, and more recently created provinces generally come last or at least near the end, but it is uncertain to what extent these lists were meant to correspond to a formal *ordo* since the same sequence was not maintained even in the acts of single chapters at which there were both provincials and diffinitors to enumerate (e.g. MOPH VIII 182-183, 353-354; IX 1-2).

The lay-out of the procurator's register begun in 1469 appears to be deliberate, but it shows scant regard for the traditional *ordo*.¹⁹ The first Masters' registers to survive intact, those of Leonardus de Mansuetis (1474-1480), begin with a less startling list of provinces (AGOP IV 3 f.3^r, 4 f.2^r); it is impossible to say whether it was original to Mansuetis,²⁰ but, allowing for the erection of new provinces, such as Scotland in 1481 and Ireland in 1484,²¹ and the establishment of a single *prouincia Utriusque Lombardie* in 1531 with the consequent disappearance of the two separate provinces (BOP IV 493-494 no. 77), it persisted unchanged until 1552.²²

¹⁸ They also display a high level of absenteeism. Only two diffinitors are named in 1494 (MOPH VIII 416); we may hope that the list is incomplete!

¹⁹ AGOP IV 2, edited in MOPH XXI 17-32. Each province had a number of pages allotted to it from the outset, and its placing cannot be explained by the date of its first entry. England, for example, with only one entry dated 1472, precedes the Roman province whose first entry is dated 1469; *Superior Lombardia's* first entry is dated 15 July 1469, yet it precedes its parent province (since 1403 renamed *prouincia sancti Dominici*, MOPH VIII 111.31-32) whose first entry is dated 29 April 1469 (MOPH XXI 18-19, 24, 27).

²⁰ The only earlier register we have is Raymund of Capua's for 1386-1399, and it was already incomplete when it was copied in 1752 (AGOP IV 1, ed. MOPH XIX), and it presumably always lacked provinces which were not represented in the Roman obedience. Such provinces as there are are arranged in a way which is compatible with either *ordo*, the older one or Mansuetis's. Nothing can safely be inferred from the discrepancy between the procurator's register and those of Mansuetis, since procurators' registers only adopted Mansuetis's *ordo* in 1532 (AGOP IV 23, 24; IV 19 and 22 have provinces in alphabetical order).

²¹ MOPH VIII 369.5-19, 383-384. Ireland's independence was quashed at the demand of the English (cf. T.Flynn, *The Irish Dominicans 1536-1641*, Dublin 1993, 5), but Masters' registers continued to list it as a separate province.

²² See AGOP IV 6, 7, 8, 10, 11, 12, 13, 15, 17, 18 and 30.

If we treat this list as a genuine *ordo prouinciarum*²³ and divide it into two *chori*, we can get some idea of how it evolved from the old *ordo*:

Prouincia Hyspanie	Tolose
Francie	Sancti Dominici
Romana	Regni
Theutonie	Trinacrie seu Sicilie
Hungarie	Polonie
Anglie	Grecie
Aragonie	Dacie
Prouincia Prouincie	Terre sancte
Lombardie superioris	Boemie
Dalmatie	Saxonie
Portugalie.	

There are familiar sequences. The first four provinces on the right (Spain, France, Rome, Germany) and the first three on the left (Toulouse, Lower Lombardy, *prouincia Regni*) are the same as in the 1330s. The next four provinces have apparently changed sides to accommodate Trinacria (Sicily), so Hungary and England are still together but on the right, and Poland and Greece have correspondingly shifted to the left. The remaining provinces have not changed sides, so Aragón, Provence and Upper Lombardy are still together on the right, with Dacia, the Holy Land, Bohemia and Saxony on the left. Two new provinces come at the end, Dalmatia whose creation was inchoated in 1378 (MOPH IV 441.17) and confirmed by the pope in 1380 (BOP II 297-298), and Portugal which was detached from Spain in 1418 (BOP II 533-534); but, to keep the two sides more or less balanced, they have both been added to the right *chorus*.

The most surprising feature is that Trinacria, whose independence was confirmed in 1378 at the last general chapter before the schism (MOPH IV 442.4-5), is given a place next to its parent province, *prouincia Regni*, in the left choir. During the schism it obviously had no opportunity to acquire a regular place at chapters of the whole Order, but there is nothing in surviving lists of capitulars from before 1474 to suggest that it was given preferential treatment (MOPH VIII 183, 209, 226, 301, 320-321); even in the acts of 1478, a chapter at

²³ This is probably legitimate even though the list originally presents itself simply as *ordo prouinciarum in registro*.

which Mansuetis presided, its representative is placed with those of Dalmatia and Portugal at the end of the list (MOPH VIII 334). In 1481 its diffinitor, together with those of the other two newest provinces, is given a modest boost by featuring ahead of Bohemia and Greece (MOPH VIII 354), and it is perhaps no accident that its provincial, Salvus Cassetta, was elected Master then and that the capitulars of the next chapter, held in 1484 after Cassetta's death, are listed in accordance with Mansuetis's *ordo* (MOPH VIII 374-375); after that, though, Trinacria sinks back towards the bottom (MOPH VIII 394, IX 2).

Lists of capitulars continued to be inconstant except in their refusal to conform to Mansuetis's *ordo*, and the list of provinces in const. II 5 maintained its independence and its textual uncertainties, aggravated by the insertion of new provinces at the whim of copyists, so the situation at the beginning of the sixteenth century was much more confused than it was before the schism.

Vincenzo Bandello, elected Master General in 1501, took the opportunity presented by the invention of printing to standardize and correct the text of the constitutions. His edition, a scholarly piece of work, was published in Milan in 1505 and approved by the general chapter in the same year (MOPH IX 46.5-8). The provinces are listed in const. II 5 in the following order:

Hyspania, Tholosana prouincia, Francia, Lombardia inferior, Romana prouincia, Regnum Sicilie, Ungaria, Teuthonia, Anglia, Polonia, Dacia, Grecia, Hyerosolimitana prouincia, Aragonia, Bohemia, prouincia Prouincie, Superior Lombardia, Saxonia, Dalmatia, Trinacria, Portugallia, Scotia.

No certainty is possible without a detailed study of Bandello's manuscript sources (if they can be identified), but it looks as if he deliberately revised the text to give the first twelve provinces the places they had in the thirteenth-century *ordo prouinciarum* and to arrange the provinces founded after 1300 in descending order of seniority. If so, his only mistake was to put Dalmatia before Trinacria (its erection was only inchoated in 1378 when that of Trinacria was confirmed, MOPH IV 441-442).

If he did emend the text of const. II 5 like this, he must have attached some significance to the order in which provinces were listed; but he seems to have made no attempt to translate it into practice: the diffinitors of the 1505 chapter are, for once, listed in

accordance with Mansuetis's *ordo* (MOPH IX 24-25),²⁴ and this was also retained in the new register which Bandello started in 1505 (AGOP IV 17).

As already noted, Cajetan's surviving register (AGOP IV 18, ed. MOPH XVII) and those of his successors continue to use Mansuetis's *ordo* up to the middle of the century,²⁵ and lists of capitulars from the same period resume their customary disorder and inconsistency—only that of 1525 is compatible with Mansuetis's *ordo* (MOPH IX 194-195), and, with but one other exception (in 1507, MOPH IX 61-62), Trinacria heads back towards the bottom of the list (MOPH IX 93, 124, 157, 178). However, the effect of Bandello's text of const. II 5 (or the concern for historical accuracy which it embodies) was perhaps beginning to be felt: the chapters of 1530 and 1542 suffered from absenteeism as usual, but, by accident or design, the order in which provincials and diffinitors are listed in their acts is compatible with Bandello's version of const. II 5 except that Trinacria justly comes before Dalmatia (MOPH IX 216-217, 291-292).

At last the chapter of 1553, at which Ususmaris was elected General, took matters in hand and issued an official *ordo prouinciarum*:

Declaramus conformiter ad ea quae in actis uetustissimorum capitulorum generalium reperta sunt quod deinceps in capitulis generalibus et ubique prouinciae nostri ordinis seruare debeant infrascriptum ordinem iuxta quem tenebunt loca sua:

Prouincia Hispaniae	Prouincia Tholosana
Prouincia Franciae	Prouincia utriusque Lombardiae
Prouincia Romana	Prouincia Regni
Prouincia Ungariae	Prouincia Teutoniae
Prouincia Angliae	Prouincia Poloniae
Prouincia Daciae	Prouincia Graeciae
Prouincia Terrae Sanctae	Prouincia Aragoniae
Prouincia Bohemiae	Prouincia Saxoniae
Prouincia Trinacriae	Prouincia Dalmatiae
Prouincia Portugalliae	Prouincia Scotiae
Prouincia Bethicae	Prouincia Germaniae inferioris
Prouincia sancti Thomae	Prouincia Calabriae
Prouincia s.Crucis Indiarum	Prouincia sancti Iacobi de Mexico
Prouincia s.Ioannis baptistae del Peru	Prouincia s.Vincentii de Chiappa
Prouincia s.Antonini de Nouoregno	

²⁴ The list is uniquely complete, not because each province actually sent a diffinitor, but because the pope had authorized Bandello to appoint people to stand in for absentees (cf. M.Tavuzzi, *Prierias*, Durham NC 1997, 48).

²⁵ The last is AGOP IV 30 (1550-1552).

Mutatis mutandis the sequence of provinces is the same as in Bandello's constitutions except that Provence is accidentally omitted and Trinacria comes before Dalmatia; recent creations are added at the end in chronological order (MOPH IX 346-347).²⁶ The *ordo* took immediate effect: the list of capitulars in 1553 (including a diffinitor from Provence) is arranged compatibly with it (and not with Mansuetis's *ordo*), and the new Master's register is laid out in accordance with it, with Provence coming between Bohemia and Saxony (MOPH IX 338-339, AGOP IV 31).

Dalmatia successfully challenged its 'demotion' beneath Trinacria, so the next chapter, that of 1558, confirmed the 1553 declaration 'hoc addito quod restituimus prouinciae Dalmatiae locum sibi in praecedenti capitulo praereptum a prouincia Trinacriae'; the same chapter also assigned a place between the provinces *Sanctae Crucis Indiarum* and *Sancti Iacobi in Mexico* to the province of Ireland which had in principle been created by the pope (yet again) in 1536 (MOPH X 10-11).²⁷ Giustiniani, the newly elected Master, arranged his register accordingly (AGOP IV 32). There was no new edition of the constitutions between 1553 and 1558; in that of 1566 Dalmatia has the place allotted it by Bandello (before Trinacria), and the continuation of the list includes Ireland after Santa Cruz.

Thus was created the *ordo prouinciarum* which remained intact to this day except for the periodic addition, subtraction and amalgamation of provinces.

2. From 'list' to 'ordo': the first twelve provinces

The *prouincia Regni* was given its status by the pope, and thereafter, however bumpy the Order's practice may have been, it is clear enough that in principle new provinces were ranked in accordance with their chronological seniority; the theory applied by

²⁶ *Betica* (1514, BOP IV 311-312), *Germania inferior* (1515, BOP IV 323-324), *Sancti Thomae* (1519, G.Cioffari-M.Miele, *Storia dei Domenicani nell'Italia meridionale*, Naples-Bari 1993, II 237), *Calabria* (1530, MOPH IX 228.32-33), *Sanctae Crucis* (1530, MOPH IX 228-229), *Sancti Iacobi de Mexico* (1532, BOP IV 512-513), *Sancti Ioannis Baptistae de Peru* (1540, BOP IV 585-588), *Sancti Vincentii de Chiapa* and *Sancti Antonini de Nouo Regno* (1551, MOPH IX 327-328). The arrangement in two *chori* and the omission of Provence are both found in the original Acta.

²⁷ On the re-erection of the Irish province in 1536 see Flynn, *Irish Dominicans* 8-10. It had no obvious right to precede Mexico which was created as a separate province in 1532 (BOP IV 512-513).

Bandello and the 1553 chapter would not have seemed strange to the capitulars of 1298-1303. But it is impossible to see how the pre-1294 *ordo prouinciarum* can be construed as chronological.²⁸

Cristianopoulo rightly dismissed as 'inanis' the sentimental idea that Spain was put first because it was Dominic's birthplace,²⁹ but his own suggestion is hardly less far-fetched: on the false assumption that the first eight provinces came into being simultaneously in 1221 and the next four in 1228 he argued that there was no basis for any hierarchical order within these two groups and that the provinces were arranged on a purely geographical basis (ASOP 1 [1893] 49-52).³⁰

On one point, however, Cristianopoulo was right: it is unlikely that the Order originally used any notion of institutional, as distinct from personal, seniority. The only kind of seniority invoked in the primitive constitutions is personal: in the election of a Master the scrutators are to be 'tres de prioribus prouincialibus qui inter alios

²⁸ The status awarded to the segments of divided provinces in 1298-1303 depends on which of them retained the oldest convent; on this basis Provence, France and Lombardy ought to come before Spain, and Germany before Hungary. If having a provincial (a territorial as distinct from a local superior) was the crucial factor, then France ought to come before Provence unless Dominic was counted as 'provincial' there (in which case Provence ought to come before Spain), and England ought to come before Germany.

²⁹ This is how T. Malvenda (*Annalium Sacri Ordinis Praedicatorum centuria prima*, Naples 1627, 333) answers the question why Spain was given first place: 'Aliam rationem primatus discernere non potuimus, nisi quod existimamus delatum id honori S. Patris Dominici, quod ipse in ea Prouincia natus, eandem singulari prosequeretur amore.' He also suggests that it may be because in 1221 (when he believed the Order was first divided into provinces) Spain had more convents than any other province; but by the time of the 1221 chapter Spain had two convents—Barcelona and Santarém come third and fourth in the *ordo conuentuum* (AD 5 [1984] 7) and they were not founded until late 1221 (AFP 70 [2000] 27)—and Lombardy already had six or more (AFP 66 [1996] 155-159).

³⁰ Starting in Spain, at Europe's outer limit, we move on to Provence, then to its neighbour, France, which stretches from the Atlantic coast to Belgium and down to Burgundy; 'ab hoc Franciae et Prouinciae latere oriebatur Lombardia', so Lombardy comes next, then the Roman province, after which we cross the sea to the Balkans (province of Hungary), go from Hungary to Germany, and finally to the sea-girt province of England. But no one would have toured the provinces like this unless he was already guided by the *ordo prouinciarum*; it would have been more natural to go directly from Provence to Italy and take in France after England, or to visit England after France and then head south towards Italy via Germany and Hungary. Cristianopoulo's theory presupposes the very *ordo* whose genesis it is meant to explain. His explanation of Prim. Const.'s arrangement of the other four provinces is more plausible: starting in the East, in the Holy Land, we proceed to Greece, Poland, and finally Scandinavia.

prouinciales primitus habitum nostre religionis susceperunt' (Prim. Const. II 11a); this involves seniority of office (*de prioribus prouincialibus*) and personal seniority in the Order (*qui primitus habitum susceperunt*), but no ranking of provinces as such. An individual provincial's status depends on when he received the habit, not on his province.

The *forma electionis* as we have it goes back to 1236; its prehistory cannot be reconstructed with any confidence, but its way of identifying the scrutators may go back to 1228 or 1225 (AFP 71 [2001] 82-88). This implies that no idea of ranking provinces was yet at work in 1225 when the list in Prim. Const. II 1a (from which the *ordo* of the first eight provinces was derived) took shape.

The only previous occasion for naming provinces in the constitutions occurred when, almost certainly in 1222, the chapter established a procedure for letting the brethren know of the Master's death, beginning with the communities of Paris and Bologna; the Paris convent must then pass the news on to the provinces 'Yspanie, Prouincie, Anglie, Theutonie', that of Bologna to the provinces 'Ungarie, Romane prouincie et aliis quibus poterit' (Prim. Const. II 13a, AFP 71 [2001] 94). If anything like the list in II 1a already existed and the sequence was felt to be important, we should have expected 'Yspanie, Prouincie, Theutonie, Anglie' and 'Romane prouincie, Ungarie et aliis ...'. The discrepancy suggests that the list in II 1a did not, as such, pre-exist the 1225 chapter.

The sequence of items in a list may mean nothing at all,³¹ but if the list in II 1a is not purely random, and if it cannot be taken as an *ordo prouinciarum*, we have to consider whether it might not correspond to the personal seniority of the chief representatives from each province at the 1225 chapter; and this would seem to be a distinct possibility if we look at it in the light of probable capitulars:

Spain. The provincial was undoubtedly Sueiro; we do not know how or when he came to be a Dominican, but there is some slight reason to suppose that he was attached to Dominic's *predicatio* before it was institutionalized in Toulouse in 1215 (AFP 70 [2000] 21-32, 71-73).

Provence. The first provincial was Bertrand, whose successor was probably appointed at the 1225 chapter; it was presumably Bertrand who represented Provence in 1225 (AFP 70 [2000] 37-42). He was prior of Saint-Romain in October 1216 (MOPH XXV nos. 74-76), but there

³¹ A laundry list does not indicate the relative importance attached to different items or the order in which they should be washed.

is nothing to connect him with the period before Dominic's arrival in Toulouse in 1214; he could perfectly well have been junior to Sueiro.

France. The provincial of France was Peter of Rheims; it is perhaps most likely that he was appointed at the 1224 general chapter, but an earlier date is possible (AFP 70 [2000] 34-36). During Reginald's time in Paris only Jordan and Henry were recruited to the Order, though Leo also received the habit with them in February 1220 (Jordan, *Lib.* §66, 74); Peter was not one of the people sent to Paris from Toulouse (*Lib.* §51), so he must have become a Dominican in Paris either between the arrival of the first brethren in September 1217 and Reginald's arrival in the autumn of 1219 (*Lib.* §52, 61), or after Jordan's entry. Either way he would be junior to Sueiro and Bertrand.

Lombardy. Jordan's successor as provincial, attested in Feb. 1223, was Dominic (AFP 42 [1972] 14). Galvano ignores Dominic's provincialate and claims that Ventura became provincial in 1222, ruled the province for two years, and was absolved at a most general chapter in 1224; Ventura was certainly not provincial in 1222-1224, and there was no most general chapter in 1224, but the chronicle of S. Agnese confirms that he was provincial at some time, and there is a gap in his attestation as prior of Bologna between 8 April 1224 and 8 Aug. 1229 (AFP 42 [1972] 14, 17) in which we may confidently locate his provincialate. It is possible, then, that Galvano was right that a provincial was absolved in 1224, in which case that must be when Ventura became provincial; but Galvano's story is so muddled that it is doubtful whether any useful information can be extracted from it. Until 1225 provincials were appointed by the general chapter, and it may be deemed more probable that a change of provincial in Lombardy would be effected at a general chapter in Bologna (such as that of 1225) than at one in Paris; I do not know of any evidence to show exactly when Ventura stopped being prior of Bologna or how long he was provincial, but it is perhaps worth remarking that, in the case of Stephen, Galvano was right about the duration of his provincialate and wrong about its dates. It is therefore an open question whether Dominic or Ventura was provincial at the chapter of 1225. Ventura joined the Order in the early months of 1220 (AFP 66 [1996] 78-79). Dominic is called 'segobiensis' in a story added to the *Vitas Fratrum* in 1260 and presumably submitted by the Spanish province (MOPH I 304); there is a reasonable chance that he was recruited by St Dominic during his visit to Segovia in 1218/9. If Peter of Rheims was an early recruit in Paris he would have been senior to Ventura and could have been senior to Dominic.

Rome. The provincial must be either James of Piacenza or Clarus; James was perhaps received into the Order in the latter half of 1220 (AFP 70 [2000] 46-48), and Clarus was already a member of the Bologna community by the time Roland of Cremona joined the Order in the first half of 1219 (MOPH I 26). Either man could be junior to Dominic of Segovia; Clarus was senior to Ventura, but not necessarily to Peter of Rheims.

Hungary. The provincial of Hungary must have been Theoderic (AFP 70 [2000] 50); if he joined the Order in Hungary, or in Italy not long before the Dominicans first went there after the 1221 chapter, he would have been junior to all the provincials we have so far identified.

Germany did not yet have a provincial in 1225, but we know that Jordan's friend Henry, prior of Cologne, attended the chapter (AFP 70 [2000] 55-59). Since he received the habit on 11 Feb. 1220 (*Lib.* §75) it is unlikely that he was personally junior to all the provincials, but as a mere prior he would probably have ranked below them; on the other hand it is likely that he would have been senior to any other German priors who were present.

England. We do not know who was provincial (AFP 70 [2000] 48-49), but in any case the truce between England and France had broken down in 1224³² so it might have been difficult for him to get to a chapter in Bologna and impolitic for him to attempt to leave the country. If England was not represented in 1225 this could explain both why it is listed last and why, according to Trevet, it did not start complying with Prim. Const. II 1's requirement of annual provincial chapters until 1230 (*Annales*, ed. T.Hog, London 1845, 217). Alternatively, if the province was represented by someone who was not provincial and had joined the Order in England, he would have been junior to Henry since the Dominicans only arrived in England in 1221 (*Lib.* §88), and if he was not even a prior he would have been outranked by Henry on that score too.

There are too many unknown quantities to justify a definite conclusion; but it is certainly *possible* that the sequence of provinces in Prim. Const. II 1 corresponds to the relative seniority of their chief representatives at the general chapter of 1225. This possibility would be enhanced if a similar explanation can be advanced for the lists of provinces in II 13a (from 1222) and II 5b and II 10 (from 1228) (AFP 70 [2000] 37-38, 79-80).

There is no difficulty about the first sequence in II 13a. In 1222 'Spain, Provence, England, Germany' could perfectly well correspond to the relative seniority of Sueiro, Bertrand, Gilbert (presumably still provincial of England),³³ and the senior prior of Germany. The second list comprises just Hungary and the Roman province; if James of Piacenza, provincial of Rome, did join the Order in the summer of 1220, then he would certainly have been junior to Paul of Hungary

³² Cf. M. Powicke, *The Thirteenth Century*, Oxford 1953, 88-92.

³³ Cf. AFP 70 (2000) 48-49. Whether he joined the Order in Bologna or in Paris he would have been junior to Bertrand.

whom we may presume to have been provincial of Hungary in 1222 (AFP 70 [2000] 50).³⁴

There is also no serious difficulty about the sequence in II 5b and II 10, 'Ierosolimitana, Grecia, Polonia, Dacia'. The provincial of Jerusalem was almost certainly Henry the German, who became a Dominican not long after the Order first arrived in Paris (AFP 70 [2000] 61-66). We are completely in the dark about the provincial of Greece. It looks as if Gerald, 'studens Parisius, primus prouincialis Polonie', was appointed provincial by Jordan not long after his reception into the Order in Paris; he is said to have become provincial in 1225, but Jordan had presumably encountered him in Paris in 1224 (AFP 70 [2000] 60-61). Rano, provincial of Dacia, joined the Order in 1225/6 (ibid. 53-54).

It appears, then, that we have a fairly plausible interpretation of the lists in Prim. Const. in terms of the personal seniority of the provinces' chief representatives in 1222, 1225 and 1228.³⁵ Since 1228 is also the latest probable date for the decision that the scrutators in the election of a Master should be the priors (provincials?) who first received the habit, we may take it that the development of an *ordo prouinciarum* occurred after 1228.³⁶ Since the inchoation of 1239 lists the four 'minor' provinces in a way which does not correspond to the *ordo*, it had presumably still not taken shape then; but it had apparently assumed sufficient rigidity by the late 1250s to be unaffected by 'Humbert's' text of const. II 5.

³⁴ Paul was probably in the Order by the latter part of 1219. He was a member of the commission appointed in May 1220 to further the foundation of Diana's monastery (AFP 66 [1996] 142-148); the Hungarian mission to the Cumans was launched because someone (and why not Paul?) remembered Dominic talking about such a mission in 1219 (AFP 68 [1998] 70-72, 95; further work on manuscripts has confirmed the reading I preferred there in my edition of Suipert).

³⁵ Since there was a diffinitors' chapter in 1239 and we do not know who the diffinitors of the four 'minor' provinces were, let alone how they compared in seniority, it is impossible to tell whether the order in which their provinces were listed in the inchoation of that year reflects their relative status or not.

³⁶ The fact that the personal seniority of provincials was retained when Prim. Const. II 13a was revised in 1236 does not necessarily mean that this was still the only way in which seniority was reckoned; an outmoded notion of seniority could have survived simply because it was already there in the text. It was vastly more outmoded in 1932, but in the radically revised constitutions promulgated then the scrutators were still 'tres Prouinciales antiquiores in Ordine' (§379), though the order of precedence at the general chapter was explicitly stated to be 'secundum ordinem prouinciarum' (§520-I).

It is not difficult to imagine why an *ordo prouinciarum* came to be preferred. The process may have started with provincial chapters finding it more convenient to arrange people according to an *ordo conuentuum*, and it is conceivable that sheer snobbery played a part: before 1245 general chapters were only held in Paris or Bologna, which meant that every second year these two houses also hosted their provinces' provincial chapters;³⁷ each of them was obviously the senior convent of its province and might resent having its status determined by the variable relative seniority of its prior. If so, they were both well placed to preserve their rank by insisting on conventual seniority at provincial chapters.

In any case institutional seniority would have made it easier for the host convent to arrange the chapter's seating in the refectory and in choir,³⁸ and it would enable the provinces' representatives to know in advance where they should expect to sit. In practice the diffinitor for Hungary, say, would probably have been told 'Your place is on the left, next to Lombardy', and this would explain why the *ordo* on particular sides of choir turned out to be more stable than the *ordo* as a whole.

It is harder to guess why the *ordo* of the first eight provinces was apparently based on the purely accidental order in which they were listed in Prim. Const. II 1, while that of the last four does not conform to Prim. Const. II 5; but it is even more difficult to believe that the arrangement of capitulars at some later chapter, which just happened to coincide with the sequence of provinces in II 1 but not that in II 5, somehow became frozen thereafter as an *ordo prouinciarum*, let alone that the *ordo* became fixed because by some fluke there was a run of chapters at which an identical arrangement happened to result from the relative personal seniority of the capitulars.

In the absence of other considerations it is simplest to accept that the *ordo* of the first eight provinces was genuinely inspired by the constitutions; if so, granted that the *ordo* as a whole seems to have taken shape in the 1240s or early 1250s, we should probably also accept that it was based on Raymund of Penyafort's text of const.

³⁷ In the host province the members of the provincial chapter went to the general chapter; even if the text of Prim. Const. II 12 as we have it only goes back to 1228, the practice is undoubtedly older (AFP 71 [2001] 91-93).

³⁸ If precedence depended on personal seniority the seating could not be arranged until all the delegates had arrived and their relative seniority had been worked out.

II 5, notwithstanding our doubts about the representativeness of Porto 101. It remains an open question whether Raymund deliberately changed the order of the last four provinces (and if so why),³⁹ and whether Humbert then deliberately changed it again.

We may still wonder why the Order, having opted in principle for an *ordo prouinciarum*, chose to base it on const. II 5; we may even take a guess at the answer. The first eight provinces could have been arranged in several different ways depending on the criterion used to determine their age;⁴⁰ since there was no obviously correct criterion, const. II 5 could be invoked to solve the problem since, even if it yielded a patently unchronological *ordo*, everyone could at least agree that it was an official text.

³⁹ His manuscript of Prim. Const. may have differed on this point from AGOP XIV A 4, or he may simply have put the last four provinces down in the order in which they occurred to him. If he arranged them deliberately he was perhaps guided by what he considered to be the relative likelihood of them actually sending diffinitors to general chapters.

⁴⁰ If a province came into being when Dominicans first set foot in it, then Dacia would precede provinces launched in 1221. If the establishment of a community was what counted, Germany would come before Hungary and England. If the existence of a superior who could be recognized as a provincial prior was required, Hungary and England would come before Germany, and the status of Provence, Lombardy and the Roman province would depend on whether Dominic counted (Reginald too in the case of Lombardy, perhaps also of France); and what about France with its abbot?

APPENDIX

Prouincia Regni: Gui's list of convents

I include Gui's list of the convents of the *prouincia Regni* here not only because it is relevant to this article but also to illustrate the falsity of two assumptions which are commonly made: that it provides an indication of the state of the Order as it was in 1304, and that the convents in all the provinces are listed in chronological sequence.

When Gui could furnish an *ordo conuentuum* he always does so explicitly. For other provinces he merely provides a list in which the sequence of convents has no chronological significance; the convents of Apulia, for example, are manifestly not arranged in chronological order.

It is true that Gui dedicated a version of his collection of *Dominicana* to the Master of the Order in 1304, but the earliest text of his dedication does not include any reference to the catalogue of convents and monasteries (MOPH XXII 5.5-7 with app. crit.), and the catalogue is not found in the most primitive manuscripts of his compilation;¹ it first appears in Bologna 1535, dating from 1307 (cf. MOPH XXVII 27).

This does not mean, however, that the catalogue can be taken without further ado as reflecting the state of the Order in 1307, since Gui collected his data over a number of years. In Bologna 1535, for instance, he merely lists the convents of the two Lombard provinces, but in other manuscripts he provides an *ordo conuentuum* for *Lombardia inferior*, no doubt based on information he received when he attended the general chapter in Padua in 1308.² The evolution of his text must always be taken into account.

On the other hand some of his material was already out of date in 1307: for example, he originally placed the nuns of Guebwiller in the *termini* of the convent of Basel, which can only have been accurate before the local convent was founded c.1295;³ and he omits the nuns of Bruges who were formally accepted to the Order's care in 1293.⁴ His inclusion of Taranto among the convents of the *prouincia Regni*, though it was abandoned in 1292/3, and his failure to mention Manfredonia, where there was a house in 1294, suggests that he may well have collected his initial information on

¹ The Berlin manuscript has been lost, but Kaeppli notes its contents in *SOPMÆ*, from which it can be seen that it included the catalogue of Masters and provincials, but not the list of convents and monasteries (nos. 623-624 and 626). The list is also not included in Toulouse 488.

² Delisle, *Notices et extraits* XXVII 179-180.

³ Cf. J.B.Freed, *The Friars and German society in the thirteenth century*, Cambridge Mass. 1977, 220.

⁴ Cf. G.Meersseman, *AFP* 18 (1948) 101-104.

southern Italian houses in the early 1290s before the *prouincia Regni* even existed.⁵

We may safely take 1307 as the terminus ad quem for any information contained in Bologna 1535, then, but we must not forget that some of it may already have been significantly out of date.

Gui himself only made one substantive change to his account of the *prouincia Regni*: he stopped calling Siracusa and Agrigento *loca noua* and incorporated them into the list of convents. Since this development is found in Toulouse 489 but not in Bordeaux 780 it must have occurred in 1311 (cf. MOPH XXVII 29).⁶

A 'corrector' deleted Taranto from the list in AGOP XIV A 2 and added some convents which Gui had overlooked, but he does not seem to have been working under Gui's auspices since the corrections did not pass to other manuscripts, nor was the text of AGOP XIV A 2 itself updated in line with Gui's revised text. The additions in Toulouse 489 were made by someone in the middle of the fourteenth century who, inter alia, considerably enlarged the list of English houses, but he did not attempt a systematic update of the whole catalogue. The additions in Barcelona 218, which I think were not all made at the same time, seem not to go beyond about 1320. Additions were made to Bologna 1535 at three different times: first Ortona and Teramo were added, then Caramanico and Atessa, and finally the lists for Sicily and Apulia were brought up to date; these last additions are datable between 1431/2 and 1456 since they include S.Zita in Palermo which became a convent in 1431/2, but not S.Benedetto, Messina, which was accepted by the general chapter of 1456 (MOPH VIII 267.6-9).

⁵ If a list originally compiled for the pre-1296 Roman province was later divided into two to accommodate the *prouincia Regni*, this could explain why Trani appears under both provinces. The convents in the Roman province are not listed in chronological order except at the end: the last eight are Tivoli (1286), Città di Castello (1273), Gubbio (1286), Prato (1282), Foligno (1286) (cf. AFP 70 [2000] 84), Cortona (1298, AFP 72 [2002] 130-131), Cagliari (where there was no formal convent until 1310, but the Pisan Dominicans had a house there before that) and 'Sancti Benedicti de ... ubi monachi facti fuerunt predicatores' which may be a mistaken allusion to the Benedictine nunnery in Orvieto which was transferred to the Dominicans in 1303 (Panella, MD NS 28 [1997] 368-370). This suggests that the original list could have been compiled any time after 1286 and not quite accurately updated in 1304 when Gui attended the general chapter in Toulouse as prior of Castres, or in 1307 when he was the provincial's socius at the general chapter.

⁶ Although Agen 3 in principle represents an earlier version of Gui's compilation it was kept up to date until 1313 (cf. MOPH XXII p. IX), and the catalogue of houses was inserted in its final form. Minerva A.p.4 should have an earlier text (cf. MOPH XXVII 28), but the scribe shows some initiative in updating the catalogue and it was presumably he who decided to drop the description of Syracuse and Agrigento as *loca noua*, thereby accidentally bringing his text into conformity with Gui's own revision.

I present here the earliest version of Gui's text; his own alterations are noted in the apparatus together with later additions and corrections. I have ignored the manuscripts' orthographical quirks.

SIGLA

- A Agen, Bibl. Mun. 3 f. 67^r
 B Bordeaux, Bibl. Mun. 780 f. 40^r
 C Rome, AGOP XIV A 2 (olim conventus Cracoviensis) f. 104^r
 D Barcelona, Bibl. Univ. 218 p. 127
 F Frankfurt am Main, Stadt- und Univ. Bibl. Praed. 82 f. 42^r
 M Rome, S.Maria sopra Minerva A.p.4 p. 70
 P Bologna, Bibl. Univ. 1535 f. 31^r
 U Toulouse, Bibl. Municipale 489 f. 32^r
 V Toulouse, Bibl. Municipale 490 f. 78^r

*In prouincia regni Cicilie
 In insula Cicilie*

- Conuentus Messanensis
 Placiensis
 5 Agustanus
 Panormitanus
 Cathaniensis
 Trapanensis
 (in marg. Loca noua
 10 Ciracusanus
 Agrigentinus)

4-11 Placiensis ... Agrigentinus] *ante singula nomina conuentus add. AU 9 loca noua] loca noua sunt BV, om. ADMU 10-11 in marg. BCFPV, in ipso textu ADMU 11 post Agrigentinus add. Reapanensis alia manu D, primo (loca noua deleta) Nothensis add. et de tribus conuentibus Ciracusanus ... Nothensis ut videtur sunt sui conuentus (?) adnotavit, deinde add. Nota quod Insula Sicilie in .m.ccc.lxxviii. fuit ordinata prouincia, Loca noua Policiensis, Marsaliensis, Calathanisiensis, Leontiniensis, Modicensis, Tauorminensis, Panormitanus qui est obseruancie et intitulator Sancta Cita manu recentiori P*

In Terra Laboris

Conuentus Neapolitanus antiquior Sancti Petri martiris ibidem in Neapoli Gaietanus	15
Beneuentanus Salernitanus Capuanus Aduersanus Suessanus Sumanus	20

In Terra Abrucii

Aquilanus Adrianus Pennensis Teatinus Sulmontinus	25
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In Apulia

Conuentus Barolitanus Monopolitanus Tranensis Fogetanus Barensis Tirantinus Brundusinus	30 35
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14-21 ante singula nomina conuentus add. AU 14 ibidem om. ABDUV 15 Gaietanus] Sagetanus M 18 iuxta Capuanus in marg. in Campania add. manu coetanea C 23-27 ante singula nomina conuentus add. AU 23 post Aquilanus add. in Aquila AU 24 post Adrianus add. in Adria AU 26 Teatinus] Reatinus M 27 post Sulmontinus add. Otorvensis alia manu C, add. Orthonensis, Athesanus, Teramanus alia manu D, add. conuentus Atessanus alia manu U, add. duo desunt alia manu F, add. Orthonensis, Teramanus manu paulo recentiori deinde alia manu Caramanicensis et Atissanus P 29 post Barolitanus add. in Barleto AU 30-35 ante singula nomina conuentus add. AU 30 post Monopolitanus add. in Monopoli AU 32 post Fogetanus add. in Gia AU 33 post Barensis add. in Baro AU 34 Tirantinus deletum habent CD 35 Brundusinus om. F post Brundusinus add. Venusinus, Nucerinus, Manfredoniensis alia manu C, add. conuentus Troianus alia manu U, add. (Tirantinus deleto) Tarentinus, Manfridonensis, Lucerinus, Venusinus, Troianus locus est, in Brundusio locus, in Potencia locus diversis manibus D, add. Liciensis, Neritonensis, Venusinus, Botontinus, Materanensis, Castellanatensis, Manfredoniensis, Martinensis manu recentiori P

*Sicilian convents listed by Gui*⁷1. *Messina*

S.Domenico, Messina, comes first in the *ordo conuentuum* of Sicily included in the Master General's 1586 register (AGOP IV 44 f.87r).⁸ It is first attested in 1231,⁹ but its possession of bulls issued for the Order in 1218 and 1221 has been taken to suggest that the Dominicans arrived there 'verso il 1221' or, more precisely, 'nel 1221, molto probabilmente dopo il secondo capitolo generale'.¹⁰

The crucial evidence is the presence in Messina of a copy of the bull of commendation *Si personas religiosas* dated 11 Feb. 1218 (MOPH XXV no. 86). Two other copies of this bull are known to have been issued at much the same time: one was clearly sent to Paris and remained there, though its specific addressees show that it was meant for use in expanding the Order into south-eastern France; the other, which ended up in Salamanca, was presumably taken to Spain by Dominic in 1218 and first used in connection with his foundation of a convent in Segovia (cf. Jordan, *Lib.* §59).¹¹ The only place in Italy for which a copy could have been made in Feb. 1218 was Bologna, and it does not seem to have stayed there;¹² we may surely infer that the brethren exploited it, as Dominic no doubt intended, to make a foundation elsewhere.

The original issue of *Si personas* was superseded in Nov. 1219 by a revised version containing the important indication that the Dominicans were 'ad officium predicationis deputati', i.e. not in need of a mandate from the local bishop (MOPH XXV no. 101),¹³ then by *Dilecti filii* of which a copy

⁷ I am grateful for Fr Carlo Longo's help in preparing these comments. In what follows, Cioffari-Miele = G.Cioffari-M.Miele, *Storia dei Domenicani nell'Italia meridionale* I, Naples 1993.

⁸ Cf. M.A.Coniglione, *La provincia domenicana di Sicilia*, Catania 1937, 362. The lists contained in the other registers mentioned by Coniglione (AGOP IV 39 f.96 and IV 42 f.88) do not pretend to represent the *ordo conuentuum*.

⁹ F.Russo, *Regesto Vaticano per la Calabria* I, Rome 1974, 129 no. 740.

¹⁰ C.Longo, in *La Fiaccola, Bollettino domenicano di Augusta*, Numero unico 1992, pp. 9-10; V.J.Koudelka, *AFP* 44 (1974) 64, 74-75.

¹¹ Unless Dominic also took other copies of which we know nothing, the same bull was probably then entrusted to Sueiro and taken to Portugal (cf. *AFP* 70 [2000] 24-31); it may well have been Sueiro who used it again when the Dominicans first went to Salamanca some time in the early 1220s, perhaps in 1222 (cf. R.Hernández, *Archivo Dominicano* 11 [1990] 321).

¹² Borselli lists six bulls allegedly issued by Honorius III in 1217-1218 (Bologna, *Bibl. Univ.* 1999 f.2a^v); *Si personas* is the only one of which he does not say 'habetur in conuentu bononiensi'. Furthermore, the other bulls still exist and they actually belong to the years 1219-1220 (Borselli must have miscalculated the years of Honorius's pontificate); he had perhaps found *Si personas* in Piacenza or Milan where there were issues dated 1219 (MOPH XXV nos. 101, 103).

¹³ The revised text was first used in April 1218 (MOPH XXV no. 91), but this seems to have been a one-off issue for three specific brethren.

was obtained on 13 April 1220 (MOPH XXV no. 121) in view of a foundation in Palencia (cf. AFP 65 [1995] 45), then in Feb. 1221 by *Cum qui recipit* (MOPH XXV no. 143) which (reversing the terms of Lateran IV const. 10) bids the bishops of the church co-operate with 'fratres ordinis predicatorum', and finally, under Gregory IX, by *Quoniam abundavit*.¹⁴

By 1221 Messina's copy of *Si personas* was seriously out of date, so it cannot serve as evidence that the convent was founded in or about 1221.¹⁵ Between November 1219 and April 1221 Dominic obtained multiple copies of the latest bulls of commendation; if it was during this period that the decision was taken to send Dominicans to Sicily—far distant from any place where the Order was already known—they would surely have been equipped with an up-to-date bull. After Dominic's death only a few more copies of *Cum qui recipit* were procured;¹⁶ but even if a Sicilian mission launched after 1221 might have had to make do with a secondhand bull it is incomprehensible that Italy's only known copy of the original version of *Si personas* was used rather than one of the many available copies of *Cum qui recipit*.¹⁷

The evidence obviously does not confirm the not-very-old 'tradition' that the convent of Messina was founded by Reginald in 1218 on his way back from the Holy Land before he ever reached Bologna, let alone that he also founded convents in Augusta and Piazza Armerina.¹⁸ Nevertheless, the presence of an issue of *Si personas* from Feb. 1218 in Messina (and its absence from Bologna) suggests that, for all its fanciful accretions, the 'tradition' may not be entirely mistaken, and that Dominicans were first sent from Bologna to Sicily by Reginald some time between his arrival in Bologna in December 1218 (Jordan, *Lib.* §58) and Dominic's arrival there in August 1219.

2. Piazza Armerina

The circumstances of the first Dominican mission to Sicily are unknown. It could be true that Reginald visited the island when he was returning from the Holy Land to take up his appointment as Dominic's vicar

¹⁴ Cf. Koudelka, AFP 34 (1964) 40-43; Messina possessed an issue dated 10 May 1227 (AFP 44 [1974] 75). There were special reasons for Honorius' two issues of *Quoniam abundavit*, MOPH XXV nos. 122 (AFP 66 [1996] 167-168) and 140 (on which see AFP 66 [1996] 57-58).

¹⁵ *Cum paupertatem*, of which Messina possessed an issue dated 10 Feb. 1221 (AFP 44 [1974] 74-75), did not lose its value; it was re-issued almost unchanged by Gregory IX (BOP I 19-20 no. 5).

¹⁶ Koudelka provides a convenient, if not quite complete, list of the bulls of commendation issued under Honorius III in AFP 34 (1964) 15.

¹⁷ Cf. MOPH XXV nos. 147, 148, 150, 151, 156; AFP 34 [1964] 15 no. 29; *Schedario Baumgarten* I, Vatican City 1965, no. 655.

¹⁸ Coniglione, *Provincia di Sicilia* 1-2; Koudelka, AFP 44 (1974) 63. As Coniglione points out, Augusta itself was not founded until c.1230 so can hardly have had a Dominican convent in 1218.

in Bologna, and if so he may have spotted an opening for a Dominican foundation. But Longo has drawn attention to another possible link between Sicily and northern Italian Dominicans, the presence of a Lombard colony in Piazza Armerina (*La Fiaccola*, art. cit. 11-12); for all we know, the Dominicans could have made a modest beginning there before establishing themselves in Messina. There seems to be no early documentation regarding the convent of Piazza, but it certainly existed by the 1250s¹⁹ and we have no cause to dispute its right to be placed among the first three convents in Sicily.²⁰

The community was transferred to Catania in 1273 (Masetti, *Monumenta et Antiquitates* II 268; AFP 72 [2002] 127-128), but the Piazza convent was soon revived; its prior was appointed vicar of Sicily in 1283 (MOPH XX 65.3-4).

3. Augusta

Augusta comes second in the *ordo* in AGOP IV 44, and there was certainly a convent there in time for it to feature in some miracle stories submitted in response to the appeal made in 1245 (MOPH III 33.16-19; Constantine §120-121). There is reason to believe the Dominicans established themselves there soon after the city itself was founded in 1232 (Longo, *La Fiaccola*, art. cit. 15-18).

4. Palermo

Palermo comes fourth in the *ordo* in AGOP IV 44. The claim that the convent was founded in 1217 is absurd, but the date given in the 1613 report (1300) (ed. S.Forte, AFP 45 [1975] 250) is too late since a prior of Palermo was absolved in 1283 (MOPH XX 64.27). During the uprising against the French in 1282 the French archbishop of Palermo sought refuge in the Dominican convent, and he left his books and other things there when he fled the island (M.A.Coniglione, *Pietro Geremia OP*, Catania 1952, XI, without citing any sources). In the absence of further evidence we cannot say when the foundation occurred.

5. Catania

The convent was founded in 1273 by transferring the community of Piazza there (Masetti, *Monumenta et Antiquitates* II 268; AFP 72 [2002] 127-128).

¹⁹ Its existence is attested by some stories which were in Gerald de Frachet's text of the *Vitas fratrum* by 1258 (cf. MOPH I 93-95), one of which was also known to Humbert who included it in his *legenda* of St Dominic (§61 in the MOPH XVI edition) and accordingly excised it from the *Vitas fratrum*.

²⁰ Piazza comes third in the *ordo* in AGOP IV 44. The 1613 report on the province claims that the Messina convent was 'primus in ordine antiquitatis istius provincie', but it assigns the same date of foundation (1230) to Augusta and Piazza as well (AFP 45 [1975] 249-250).

6. *Trapani*

The 1613 report dates the foundation to 1313, but this is too late to account for its inclusion in Gui's list. I see no way to evaluate other dates which have been proposed (1248, 1272 and 1303) (AFP 45 [1975] 251).

7. *Siracusa*

Gui's evidence suggests the establishment of a *locus* by 1307, but after 1300 (after the foundations which Gui missed and C supplied), and the erection of a convent by 1311. This is compatible with the first of the two suggested foundation-dates, 1308 and 1315, mentioned in ASOP 2 (1895) 292. Earlier dates which have been proposed (cf. AFP 45 [1975] 251) may be dismissed as fanciful. BOP I 399 no. 283, cited without comment in Cioffari-Miele I 25, purports to be a bull of Alexander IV issued on 1 Dec. 1260 offering an indulgence to people who visit the Dominican church in Siracusa on certain days, but the original is said to have been in Viterbo, which is scarcely credible as the resting-place for a bull of no interest outside Siracusa; we may suspect that it is one of the 'bulls' created in BOP by careless editing,²¹ and in any case it is far too suspect to outweigh Gui's precise testimony.

8. *Agrigento*

The 1613 report dates the foundation to 1313 (AFP 45 [1975] 251), but judging by Gui's evidence a *locus* was established there between 1300 and 1307, and a convent by about 1311.

Mainland: Charles II's charter

The earliest list of convents in the mainland part of the province comes in a charter of 20 Nov. 1294 in which Charles II, expressing his appreciation of the Dominicans, assigned perpetual alms 'cuilibet ipsorum locorum et conuentuum'.²² Kaeppli's papers include a photograph of the transcript of this deed in Naples AS mon. soppr. 690 ff.200^v-201^v (a manuscript destroyed in the second world war); there is also a vernacular résumé of the alms due to each convent in AGOP XIV lib. A f.468bis^v. According to the Naples transcript alms were to be given as follows:

Conuentui sancti Petri martyris de Neapoli in dohana Neapoli<s> flor.
auri unum, et cuilibet aliorum subnotatorum locorum et conuentuum

²¹ As I shall show elsewhere, editorial carelessness and confusion resulted in the creation of seven spurious bulls of Innocent IV entrusting nuns to the Order's care, some of them addressed to equally non-existent monasteries.

²² The king's language suggests that he intended to include all the Dominicans' houses, but that he did not make the technical distinction which they made between *loca* and *conuentus*; so we can infer the Order's presence in the places listed, but not necessarily the existence of a formal convent.

eiusdem Ordinis in eisdem iuribus ex prouentibus nostre curie sub distinctione Sicilie, conuentui Beneuentano in predicta dohana Neapol(is), conuentui Gaetano in dohana Gaiete flor. auri unum, conuentui Capuano in baiulatione Capue flor. auri unum, conuentui Auersano in baiulatione Auerse flor. auri unum, conuentui Summano in baiulatione Summe flor. auri unum, conuentui Salernitano in dohana salis Salerni flor. auri unum, conuentui Foggetano in baiulatione Foggie flor. auri unum, conuentui Manfredonie in dohana salis Manfredonie flor. auri unum, conuentui Tranensi in dohana Tran(i) flor. auri unum, conuentui Monopolitano in baiulatione Monopolis flor. auri unum, conuentui Brundusino in dohana Brundusii flor. auri unum, conuentui Venusino in baiulatione Venusii flor. auri unum, conuentui Sulmontino in baiulatione Sulmoni flor. auri unum, conuentui Pennensi in dohana salis Piscarie flor. auri unum, conuentui Theatine in predicta dohana salis Piscarie flor. auri unum, conuentui Adriano in baiulatione Adrie flor. auri unum, conuentui Ortonensi in baiulatione Ortone flor. auri unum. Predictis autem conuentui sancte Marie Magdalene Neap(olis) in predicta dohana Neap(olis) flor. auri tres, conuentui Barolitano in dohana Baroli flor. auri duos, et conuentui Aquilano in baiulatione Aquile similiter florenos auri duos.

The résumé includes two more convents: Sessa (between Gaeta and Capua) and Bari (between Trani and Monopoli). Since it would be easy for a copyist to skip items in such a repetitive list and it is not clear what could be gained by interpolating extra convents in the résumé, we may take it that Sessa and Bari were in the original deed.

Mainland convents listed by Bernard Gui

9. *Naples (S.Maria Maddalena, later S.Domenico)*

The Dominicans were given a site in the city in 1231 (BOP I 36-37 no. 49; Kaeppli, AFP 32 [1952] 312). The tradition that they first went there in 1227 (Malvenda, *Annales* 451; AGOP XIV lib. N p.1191, LLL f.312^v) gains some credence from the fact that the convent had an issue of *Quoniam abundauit* dated September 1227 (AGOP XI 1582).

10. *S.Pietro, Naples*

Founded in 1252 by Charles II of Anjou according to S.Forte, AFP 39 (1969) 456; in any case, the house was one of Charles II's beneficiaries in 1294.

11. *Gaeta*

The Dominicans received a site in 1255, and a convent was established in 1260 (Masetti, *Monumenta* II 268; AFP 72 [2002] 125-126).

12. Benevento

On 10 April 1240 Gregory IX wrote to the prior of Benevento, so there must have been a convent there by then (Reg. no. 5133).

13. Salerno

The Dominicans were given a site in 1272 (M.H. Laurent, *Fontes vitae S. Thomae Aquinatis, Documenta* no. 24), and established a convent there in 1276 (AFP 72 [2002] 128-129).

14. Capua

The Dominicans were apparently there as early as 1253 (Cioffari-Miele I 29), but were then expelled by Manfred; their house was restored in 1267, and a formal convent was established in 1276 (AFP 72 [2002] 128-129).

15. Aversa

There was a *domus* by 1288 (MOPH XX 84.9-10, 90.4). The foundation of a convent was authorized by Charles II in 1291 (Cioffari-Miele I 32), and it was one of his beneficiares in 1294.

16. Sessa

In 1291, but not in 1288, a *domus* of Sessa is named alongside that of Aversa (MOPH XX 103.16). According to the résumé, Sessa was one of the convents for which alms were decreed in 1294.

17. Somma

According to the seventeenth-century report in AGOP XIV lib. O 456 'questo convento anticamente fu delli Padri di San Benedetto sotto il titolo di S. Honofrio ... Nel anno ... 1292 ... fu dato alla religione nostra'. The house was one of Charles II's beneficiares in 1294.

18. L'Aquila

The foundation was authorized by the general chapter in 1255, but it seems that no formal convent was established until 1276 (Masetti, *Monumenta* II 268; AFP 72 [2002] 128).

19. Andria

There was a *domus* in 1283, and a convent by 1288 (MOPH XX 65.13, 84.1).

20. Penne

There was a *conventus* by 1283 (MOPH XX 65.11).

21. Chieti

An unauthorized start was made in time for its perpetrators to be penanced in 1281; the foundation was authorized in 1282 (MOPH III 215.1-4, 220.6-7), and there was a *domus* there in 1283 (MOPH XX 65.13). It was one of Charles II's beneficiaries in 1294.

22. Sulmona

A foundation in Sulmona was formally authorized by the general chapter in 1279, but the Order seems to have been given a site in 1267, and a convent was apparently placed there in 1273 (AFP 72 [2002] 126-127). It was one of Charles II's beneficiaries in 1294.

23. Barletta

On 19 June 1238 Gregory IX complained about the archbishop of Trani trying to stop people helping the Dominicans 'ad edificandum domum ipsorum de Barulo' (Reg. no. 4430).

24. Monopoli

Monopoli was founded in 1273 by transferring the community of Foggia there (Masetti, *Monumenta* II 268; G.Cappelluti, *L'ordine domenicano in Puglia*, Teramo 1965, 107; AFP 72 [2002] 125).

25. Trani

A will made in September 1227 includes a bequest to be paid within a year of the testator's death 'fabrice domus Predicatorum que de nouo in Trano construitur', the money to be used 'secundum ordinationem fratris Thomasii uel alterius qui pro tempore fratribus preerit' (M.G. Del Fuoco, *Itinerari di testi domenicani pugliesi*, Altavilla Silentina 1992, 74-76).

Cioffari cites a bull of 8 March 1233 addressed 'priori prouinciali Apulie' (BOP I 45 no. 68) as evidence that the Order was present in more than one place in Apulia (Trani and Lucera) with 'una struttura ben definita, molto probabilmente con un vicario per questa regione' (Cioffari-Miele I 33); but in the papal register from which the BOP text derives via 'lib. A' (now AGOP I 101) the letter is actually addressed to the bishop of Castro and 'fratri B. minorum et fratri T. predicatorum ministris in Apulia constitutis' (Reg. no. 1169; edited in ASOP 4 [1899-1900] 57 no. 327). 'Frater T.' may well be frater Thomasius, and the most that can safely be inferred from the non-Dominican title *minister* is that he was some kind of Dominican superior in Apulia, probably still superior of Trani.

There must have been a formal convent by 21 July 1236 when Gregory IX wrote to the subprior of Trani (Reg. no. 3239).

26. *Foggia*

A formal convent was established in 1258; it was transferred to Monopoli in 1273, but there was a revived convent in Foggia by 1283 (Masetti II 268; AFP 72 [2002] 125).

27. *Bari*

The foundation was authorized in 1280 (MOPH III 210.22) and there was a convent by 1283 (MOPH XX 65.14-15). Bari was one of the convents for which alms were decreed by Charles II in 1294 according to the résumé.

28. *Taranto*

The Dominicans had a convent by 1288 (MOPH XX 90.5-6);²³ in 1292 the provincial was authorized to transfer the *locus* of Taranto to Manfredonia if he saw fit (MOPH XX 109.13-14), and in 1293 two friars were sent to accept a site offered by the king, evidently in Apulia (MOPH XX 116.5-9), which can only refer to Manfredonia. It looks as if the house in Taranto ceased to exist; it is not among Charles II's beneficiaries in 1294. At the request of Prince Philip of Taranto a new foundation was authorized by the pope on 2 May 1312, and this was endorsed by the general chapter (MOPH IV 62.1-3; Del Fuoco, *Itinerari* 49); the foundation is said to have been made in 1315 (Del Fuoco 118). Since Taranto was in Gui's list before 1312 the reference must be to the pre-1294 convent.

29. *Brindisi*

Cappelluti cites documentary evidence that the convent was in existence by 1239 (*L'ordine domenicano in Puglia* 82-83); on 26 April 1241 Gregory IX complained about the archbishop molesting the local Dominicans and their friends (Reg. nos. 5996, 5997 and 5999; G.Cioffari, *Storia dei Domenicani in Puglia*, Bari 1986, 109). Eighteenth-century reports claim that the convent was founded by Nicholas of Giovinazzo in 1233 (AGOP XIV lib. A 224), 1230 (AGOP XIV lib. M 185), or even 1223 on the authority of an inscription which was no longer there but had allegedly survived 'until the beginning of this century' (AGOP XIV lib. GGG 23), but there is no trace of any such belief or of any knowledge of the supposed inscription in the seventeenth century; on the contrary, the foundation was dated to 1300 (G.M.Piò, *Della nobile et generosa progenie del P. S. Domenico in Italia*, Bologna 1615, 69; AGOP XIV lib. F 559).²⁴

²³ Kaeppli prints 'conv. (?)'. The only manuscript which contained the relevant passage (Naples, Arch. di Stato, Museo cod. 32) was destroyed in the second world war, but I have checked Kaeppli's microfilm (f. 10^r) and the text undoubtedly has 'cōu tarātiū'; the scribe does not usually abbreviate forms of *conuentus* like this, but what could be meant except *conuentum tarantinum*?

²⁴ Piò says his date of foundation for Brindisi 'si hà per relatione', so it was presumably contained in the report sent in by the province of Apulia in 1613 in response

*Later additions**Insula Sicilie*

Reapanensis in D seems to be an inaccurate version of *Trapanensis* which someone mistakenly believed to refer to a different convent.

30. Noto (P).²⁵ Founded in 1344 according to the 1613 report (AFP 45 [1975] 251).

31. Polizzi (P). The convent was accepted by the general chapter in 1426 (MOPH VIII 199.6-7).

32. Marsala (P). The *locus* was accepted as a convent by the general chapter of 1474 (MOPH VIII 332.3), but the foundation is sometimes said to go back to 1418 (AFP 45 [1975] 260), and its inclusion in P's additions certainly suggests a date well before 1474.

33. Caltanissetta (P). The convent was accepted by the general chapter in 1431 (MOPH VIII 222.10-11).

34. Lentini (P). The *locus* was accepted by the general chapter in 1426, the convent in 1431 (MOPH VIII 199.6-7, 222.11).

35. Modica (P). Widely differing foundation-dates have been proposed: 1361 (ASOP 2 [1895] 290), 1430 (Coniglione, *Provincia di Sicilia* 363), and 1461 (AFP 45 [1975] 253). *Corici* in the acts of the 1431 general chapter (MOPH XI 222.10)²⁶ might conceivably be a corruption of *Modice*, in which case the convent there was formally accepted in 1431.

36. Taormina (P). The convent was accepted by the general chapter in 1431 (MOPH VIII 222.11).

37. Palermo, S.Zita (P). The foundation deed is dated 2 Feb. 1428 (i.e. 1429) (Coniglione, *Pietro Geremia* 54-55; V.Romano, *Pietro Geremia*, Palermo 2002, 153); S.Zita was accepted as a convent by the general chapter of 1431 (MOPH XI 222.10).²⁷

to Master General Secchi's demand (cf. S.Forte, AFP 45 [1975] 238-239); this report is preserved in AGOP XIV lib. F 556-572, perhaps with some later modifications (Del Fuoco, *Itinerari* 24 argues for a date after 1654). When lib. F says that Brindisi was founded 'nelli 1300' this cannot be taken to mean 'in the 1300s' as we might suppose, since *nelli* is also used with exact dates (Andria 'nelli 1398', Acquaviva 'nelli 1471', etc.).

²⁵ Someone seems to have updated P in the mid fifteenth century in two stages. First he crossed out *loca noua*, added *Nothensis* after the two convents originally listed under that heading, and, so far as I can make out from the microfilm, attached a note to these three convents saying 'Sunt sui conuentus', presumably to indicate that they (or perhaps all the convents in the original list) belong to Trinacria; he then inserted his note on the erection of the province of Trinacria and his own list of 'loca noua'.

²⁶ AGOP III 9a has *Corici*, AGOP III 11(2) has *Coricii*, AGOP III 23 leaves a gap.

²⁷ The word which Reichert prints as *serietice* is found in only one manuscript (AGOP III 9a)—the other two, AGOP III 23 and III 11(2), just leave a gap—and he

Terra Abrucii

38. Ortona (CDP). If *Otena* in MOPH XX 116.1 means Ortona, then the *locus* of Atessa was transferred there in 1293; the house was among Charles II's beneficiaries in 1294.

39. Atessa (DPU). There was a convent by 1287, but it was abandoned in 1293 (MOPH XX 77.28, 116.1) and is not among Charles II's beneficiaries in 1294. The convent is said to have been re-established by 1319 and it is apparently documented in 1348 (B.Carderi, *Cartulario aprutino domenicano* I, L'Aquila 1988, 11).

40. Teramo (DP). The provincial was authorized to accept a house there in 1287 (MOPH XX 79.24-25), but it is not among Charles II's beneficiaries in 1294. On 2 April 1304 Benedict XI reminded the bishop of the rights granted to the Dominicans and the Franciscans, but since the bishop is only told to respect them with regard to the Franciscans we can probably infer that the Dominicans were not yet present; the earliest explicit evidence of a Dominican convent seems to be the mention of a prior of Teramo on 15 March 1332 (B.Carderi, *S.Domenico di Teramo*, Teramo 1990, 65-67).

41. Caramanico (P). Boniface IX authorized the foundation on 23 August 1401 (BOP II 423 no. 187).

In Apulia

42. Venosa (CDP). The house is among Charles II's beneficiaries in 1294, but a foundation there was not officially authorized until 1297 (MOPH III 285.24-25).

43. Lucera (Nocera) (CDP). In 1233 Gregory IX and Frederick II agreed that Dominicans should be sent to Lucera as missionaries to the Saracens, but the foundation of a convent there seems only to have been begun in 1300 immediately after the suppression of the Saracen colony (Del Fuoco, *Itinerari* 49; Cioffari, *Domenicani in Puglia* 106-107, 86).

44. Manfredonia (CDP). The Dominicans accepted a site in 1293 and their house was solemnly opened in 1299 (Cappelluti, *L'ordine domenicano in Puglia* 123-124); it is among Charles II's beneficiaries in 1294.

45. Troia (DU). An inscription provides a foundation-date of 1312, but it is uncertain whether the convent was Dominican from the outset (L.Fanfani, *Memorie Domenicane* 38 [1921] 338); its insertion in D as a 'locus' is compatible with its being Dominican in or soon after 1312.

46. Brindisi, *locus* (D). Probably S.Maria Maddalena, given to the Order by Charles II in 1304 (Del Fuoco, *Itinerari* 105-106).

misread it: the manuscript actually has *seriezite*, which can confidently be emended to *sancte Zite*.

47. Potenza, *locus* (D). The establishment of a *locus* in Potenza was authorized in 1608 (MOPH XI 117.5), but this is far too late to explain the addition in D; there was presumably an earlier *locus* in the fourteenth century.

48. Lecce (P). A benefactor's plan to provide the Dominicans with a church and house in Lecce was accepted by the bishop and then, on 26 Nov. 1388, approved by Urban VI; on 28 Oct. 1390 Boniface IX instructed the new bishop to see that the Dominicans were given possession of the church (BOP II 313-314 no. 8).²⁸

49. Nardò (P). Founded in 1300 according to AGOP XIV lib. F 561 and Piò, *Nobile progenie* 69, but there is no evidence to support this. The first documentary attestation of the convent comes in 1442 when Eugenius IV gave permission for funds originally intended for other purposes to be diverted to finance the house's rebuilding. According to an implausible eighteenth-century account it was burnt down in 1387 and the brethren expelled by the bishop because of their loyalty to the Roman obedience (in which case they were out of step with their province, which supported Avignon); the convent's restoration is said to have begun in 1434 under the first bishop to take office since the end of the schism (Cioffari, *Domenicani in Puglia* 66; Longo, *Domenicani nel Salento meridionale* 115-116, 120-121).

50. Bitonto (P). Founded in 1373 according to AGOP XIV lib. F 559 and Piò, *Nobile progenie* 69.

51. Matera (P). The claim that Nicholas of Giovinazzo was sent by St Dominic to found the convent (cf. Del Fuoco, *Itinerari* 19) cannot be taken seriously. Permission for a foundation was requested in 1418 (Cioffari-Miele I 94 n.27), and the general chapter of 1426 accepted 'conuentum Materani de nouo receptum' (MOPH VIII 199.17-19), which must surely be taken to mean 'recently accepted', not 'accepted anew'. The fact that Matera's first appearance in Gui's list is among P's fifteenth-century additions strongly suggests that there was no previous foundation there.

52. Castellaneta (P). Said to have been founded in 1412 (Piò, *Nobile progenie* 69; AGOP XIV lib. F 559).

53. Martina Franca (P). The mid-eighteenth-century *relatio* reports that 'il convento di S.Domenico di Martina ... non ha cognizione e notizia dell'anno della sua fundazione', but notes that Piò dates it to 1400 (AGOP XIV lib. A 179; Piò, *Nobile progenie* 69). AGOP XIV lib. F 561 also dates it to 1400, as does lib. M 184 on Piò's authority.

²⁸ Cf. C. Longo, *I Domenicani nel Salento meridionale, secoli XIV-XIX*, Galatina 2005, 89-90.