

# *The 1499 Constitutions of the Hungarian Observant Franciscan vicariate\**

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The Observant Franciscan monasteries founded in the Kingdom of Hungary in the Middle Ages were under the jurisdiction of the Bosnian vicariate until 1448. Organization along these lines happened in 1339 for facilitating the conversion of Balkan heretics and Orthodox Christians. The independent Hungarian Observant vicariate emerged in 1448, when Pope Nicholas V gave his permission for Hungarian monasteries to operate independently of the Bosnian vicariate. The increase in the number of convents was mainly due to the foundation of new ones. Another factor was that between 1444 and 1467, the Conventual Franciscans had to relinquish eight of their monasteries to the Observants including such significant settlements as those in Buda, Pest and Esztergom. We even know of instances in which the Observants took over houses from other religious orders. A key reason for the expansion of the Observant movement in Hungary was the support of the royal power and numerous aristocrats as well as noble families. The secular and religious leaders of the country recognized that these friars with their strict vows of poverty, experience in preaching and easy mobility were ideal candidates to oversee the religious direction of the Christian population. What is more, they were able to accomplish tasks that other religious orders had difficulty with or were altogether incapable of fulfilling. These tasks included the aspiration to convert Orthodox Christians and to counter the advancement of the Hussites and the Turks. The activities of Observant Franciscans in these fields were in harmony with the political aims of the papacy. The dynamic expansion of the vicariate meant that by the second half of the 15th century it was the country's largest monastic community. By 1475, all the ten custodies already existed, with some fifty monasteries altogether. Around 1510, the number of monasteries increased to seventy, and they had 1500–1700 friars.<sup>1</sup>

\* This study was aided by funding from the János Bolyai Research Scholarship (BO/00099/14/2).

1 J. Karácsonyi, *Szt. Ferencz rendjének története Magyarországon 1711-ig* [The history of the order of St. Francis in Hungary up to 1711], I–II. Budapest 1922, 1924; M. M. de Cevins, *Les Franciscains observants hongrois de l'expansion à la débâcle (vers 1450 – vers 1540)*. Roma

At the end of the 15th century, a comprehensive reorganization took place. In 1499 the *capitulum vicariale* held in the monastery of Atya<sup>2</sup> accepted new constitutions, which precisely determined the structure of the vicariate and its workings. It is worth mentioning that we do not know of any chapter decrees which predate 1499, which is striking in light of the fact that many chapter decrees from 1499 until the 1560's have survived.<sup>3</sup> To this day a systematic examination of the Atya Constitutions' genesis, sources, textual tradition and influence has not happened. The Constitutions don't have a modern critical edition. An edited version from 1827 is based on a single manuscript.<sup>4</sup> In a monograph on the history of the Hungarian Observant Franciscans, Marie-Madeleine de Cevins expressed the importance of the Atya Constitutions and the need for its comprehensive analysis.<sup>5</sup>

The 1499 Constitutions were comprised of two parts. In the first, we learn about the ranks of the superiors: the vicar, the custodians, the guardians and the visitors.<sup>6</sup> The second regulates the everyday lives of the friars through the explanation of the Rule.<sup>7</sup> In many places within the text, for example immediately at the beginning, in the prologue and at the end, there is an insistence that we are dealing with new constitutions (*constitutiones novae*).<sup>8</sup> At the same time the work also stresses the need to maintain old customs. The chapter dealing with the vicar's position states that the vicar must not change the Observant family's old customs

2008. There are many other published studies. (For a review see: A. Molnár, "Egy válság anatómiája" [Anatomy of a crisis], *BUKSZ* 20/3 (2008), 216–224; Idem, "Observants in Hungary. Critical Notes on a Recent Study", *Archivum Franciscanum Historicum* 102 (2009), 227–242.); B. F. Romhányi, "Az obszerváns ferencesek és a Délvidék védelme" [Observant Franciscans and the defense of the Southern Hungary,], in *Európa védelmében. Kapisztrán Szent János és a nándorfehérvári diadal emlékezete* [Defending Europe: Saint John of Capistran and the remembrance of the victory of Belgrade]. Ed. P. Kálmán and L. Veszprémy, Budapest 2013, 15–23; idem, "A konstanzi zsinat és a ferences obszervancia magyarországi megjelenése" [The Council of Constance and the appearance of Franciscan Observance in Hungary] in "*Causa unionis, causa fidei, causa reformationis in capite et membris*". *Tanulmányok a konstanzi zsinat 600. évfordulója alkalmából* [Studies in honour of the 600th anniversary of the Council of Constance]. Ed. A. Bárány and L. Pósan, Debrecen 2014, 210–218. See also B. F. Romhányi's study in the present volume.

2 Today Šarengrad, Croatia.

3 *Leges ecclesiasticae regni Hungariae et provinciarum adiacentium* [henceforth: *LERH*], I–III. Ed. I. Batthyány, Claudiopoli 1785–1827. III: 647–649 [1505], 650–653 [1507], 667–669 [1515]; *Egyháztörténelmi emlékek a magyarországi hitújítás korából* [Memories of church history from the time of Hungary's renewal of faith] II. Ed. V. Bunyitay, R. Rapaics, J. Karácsonyi, Budapest 1904, 462–530 [1531–1567]. For the decrees of the Chapter of Buda in 1539 see: B. Kertész, "Magyarországon készült 16. századi ferences kézirat a Bajor Állami Könyvtárban" [A Franciscan manuscript written in Hungary in the 16th century of the Bavarian State Library], *Magyar Könyvszemle* 128 (2012), 225–226, 232–233.

4 *LERH* III, 609–635.

5 de Cevins, *Les Franciscains observants*, 72–73.

6 *LERH* III, 610–616.

7 *LERH* III, 616–635.

8 *LERH* III, 609, 635.

and he should not introduce novelty without the acquiescence of the chapter.<sup>9</sup> The significance of the 1499 decrees is well demonstrated by the fact that a similarly far-reaching restructuring never took place in the history of the Hungarian vicariate, either before or after this date.

To my knowledge two codices contain the text of the Atya Constitutions, while a third codex has been misplaced or lost.

The Batthyány Library in Alba Iulia, Romania, houses the first codex. Its description may be found in the library's manuscript catalogue.<sup>10</sup> Róbert Szentiványi, who prepared the catalogue, dated the manuscript as having been written between 1499 and 1516. Transylvanian Bishop Ignác Batthyány used this manuscript as the basis for the edition of the Constitutions.<sup>11</sup> (Hereafter: B)

The second codex is located in the Franciscan Library of Gyöngyös. Its contents were transcribed in the first quarter of the 16th century. The Constitutions were written down in 1512.<sup>12</sup> This volume has no modern description. (Hereafter: Gy1)

The third codex was also in the Franciscan Library of Gyöngyös at the beginning of the 20th century, but it has since been misplaced or lost.<sup>13</sup> At the end of the 19th century, the philologist János Melich published a short summary of the contents of the volume, from which we learn that the Atya Constitutions was also transcribed in 1512.<sup>14</sup> It was also he who edited the more than 400 Hungarian-language glosses which (with the exception of four) were written on the pages of the Atya Constitutions.<sup>15</sup> (Hereafter: Gy2)

Looking at the circumstances surrounding the origin of the work, it is wise to turn our attention to Osvát Laskai, one of the exceptional figures in the history of the Hungarian Observant Franciscans, since in all probability he compiled the Constitutions, and in 1499, during his time as vicar, the Chapter of Atya accepted the work.

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9 LERH III, 612. "*Item reverendus pater vicarius antiquas familiae consuetudines non immutat sine assensu capituli vicarialis, nec novitates aliquas in nostram introducat familiam*".

10 Shelfmark: R. II. 148. Description: R. Szentiványi, *Catalogus concinnus librorum mancriptorum Bibliothecae Batthyányanae*. Szeged 1958, 172–176. The Constitutions: fol. 1r–26r.

11 Kertész, "Magyarországon készült 16. századi ferences kézirat", 219. For Ignác Batthyány see Zs. Jakó, "Batthyány Ignác, a tudós és a tudományszervező" [Ignác Batthyány, scholar and patron of learning], *Magyar Könyvszemle* 107 (1991), 353–375.

12 Shelfmark: Cod. med. Gyöngy. 4. The Constitutions: fol. 1r–29v. For the edition of the Beguine regulation found in the manuscript see: A. Korányi, "Egy XVI. századi ferences beginszabályzat" [A 16th century Franciscan Beguine regulation], in *A ferences lelkiesség hatása az újkori Közép-Európa történetére és kultúrájára*. [The effects of Franciscan Spirituality on Early Modern Central European history and culture] I–II. Ed. S. Óze and N. Medgyesy-Schmikli, Piliscsaba – Budapest 2005, I: 130–142.

13 Kertész, "Magyarországon készült 16. századi ferences kézirat", 225.

14 J. Melich, "A gyöngyösi glosszák kódexe" [The codex of the glosses of Gyöngyös], *Magyar Könyvszemle* 6 (1898), 420–421.

15 J. Melich, "A gyöngyösi glosszák" [The glosses of Gyöngyös], *Nyelvtudományi Közlemények* 28 (1898), 304–324. The offprint of the study contains two photographs from the codex: J. Melich, *A gyöngyösi glosszák* [The glosses of Gyöngyös]. Budapest 1898.

Osvát enrolled at the University of Vienna in 1474, perhaps even before he joined the order. However, we do not know for how long he studied there. In 1493 he was guardian of Szalárd<sup>16</sup> and a visitor of the Esztergom custody. In 1497 he was working as the guardian of the Pest monastery. During this same year, the Chapter of Pest first made him a vicar. The next chapter was held during Whitsun in 1499 in the Atya monastery. It was at this point in time that the Constitutions were formally accepted, and Osvát's position as vicar was extended for a further two years. In 1506, he was again the guardian of the Pest monastery, while one year later he was named head of the vicariate for a third time. The Franciscan friar passed away in 1511, and he was buried in Buda at the Hungarian Observant Franciscans' central monastery.<sup>17</sup>

Osvát is best known as a sermon writer, as is his contemporary and fellow friar, Pelbárt Temesvári (d. 1504).<sup>18</sup> Osvát's collections of sermons appeared anonymously, therefore they were recorded as works of Pelbárt Temesvári, Michael de Hungaria, or simply remained without a name from the 16th century to the beginning of the 20th century. Researchers settled the authorship question authoritatively in 1910.<sup>19</sup>

Bearing the collective name of *Biga salutis*, and laying out sermons for the entire religious year in three volumes, *Sermones de sanctis* appeared in 1497, *Sermones dominicales* was published in 1498 and *Quadragesimale Bige salutis* was first available in 1501. After the Lenten sermon cycle a work entitled *Exempla sive miracula* follows, which is a compilation of moral narratives from several sources organized according to the first letters of the examples' title. Progression through the moral examples is facilitated by the alphabetical heading list at the beginning of the writing (*Registrum exemplorum*). These sermon cycles do not contain finished speeches ready to be delivered, but sermon models with which the Franciscan writer wished to help friars and clergymen who preached. Aside from these writings, Osvát compiled a further collection: organized around the Lent cycle, *Gemma fidei* had a single edition in 1507. The sermon collections (aside from a single 17th century edition) were all published in Hagenau, near Strasbourg, at

16 Today Sălard, Romania.

17 For information on the life of Osvát consult the following summaries: R. Horváth, *Laskai Ozsvát* [Osvát Laskai]. Budapest 1932; B. Kertész, "Two Hungarian Friars Minor (Franciscan Observants) in the Late Middle Ages: Pelbart de Temesvár and Oswald de Lasko", in *Infima aetas Pannonica. Studies in Late Medieval Hungarian History*. Ed. P. E. Kovács and K. Szovák, Budapest 2009, 60–78.

18 On Pelbárt Temesvári see Kertész, "Two Hungarian Friars Minor", 60–78, and its works cited.

19 K. Timár, "Laskai Ozsvát és a bibliográfia" [Osvát Laskai and the Bibliography], *Magyar Könyvszemle* 18 (1910), 122–153. Regarding Michael de Hungaria see G. Borsa, "Ki lehetett Michael de Hungaria?" [Who could Michael de Hungaria have been?], *Magyar Könyvszemle* 116 (2000), 374–378; idem, *Michael de Hungaria élete és művének nyomtatott kiadásai* [Life of Michael de Hungaria and printed editions of his work]. Budapest 1997; idem, *Michael de Hungaria: a mediaeval author in Britain*. Budapest 1998; I. Bárczi, "Michael de Hungaria", in *Magyar művelődéstörténeti lexikon* [Lexicon of Hungarian cultural history.], VII. Ed. P. Kőszeghy, Budapest 2007, 405.

printer Heinrich Gran's press, on behalf of Augsburg publisher Johann Rynmann. *Sermones de sanctis* and *Sermones dominicales* each had five editions by 1516, while *Quadragesimale Bige salutis* had three by 1515.<sup>20</sup>

At the turn of the century, Pelbárt Temesvári began work on compiling a dogmatic encyclopedia. The four volume result was a commentary of Petrus Lombardus' *Sententiae in IV libros distinctae* and was titled *Aureum rosarium theologiae*. The first volume saw the light of day in 1503, the second in 1504 and the third in 1507. Osvát Laskai wrote the fourth part due to Pelbárt's death in 1504. It was published in 1508. All four volumes were published in Hagenau, in Heinrich Gran's printing establishment with the backing of Johann Rynmann. The work – meaning all four volumes – managed three further editions by the end of the 16th century, two in Venice and one in Brescia.<sup>21</sup> It is important to note that only the colophon of the fourth volume of the *Aureum rosarium*, but only the 1508 *editio princeps*, names the author.<sup>22</sup>

The Franciscan friar wrote a work about John of Capistrano as well, but this text has either been misplaced or lost. The writer himself mentions the existence of this work in one sermon in the *Sermones dominicales*, and in another in the *Gemma fidei*. From these references we may conclude that the work was divided into three books, one of which contained a documentary list of the miracles of John of Capistrano. Since *Sermones dominicales* first appeared in 1498, the writing about the Franciscan friar already had to be in existence by this time.<sup>23</sup>

Before returning to the Atya Constitutions, it is important to mention another significant document, namely the Hungarian Observant Franciscan chronicle.<sup>24</sup> The work may be divided into several sections, both in terms of its contents and its authorship. The first section, beginning with 1313 up to 1339, when the Bosnian vicariate was organized, is a general history of the Franciscan Order. Its source

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20 G. Borsa, "Laskai Osvát és Temesvári Pelbárt műveinek megjelentetői" [Publishers of the works of Osvát Laskai and Pelbárt Temesvári], *Magyar Könyvszemle* 121 (2005), 1–24; Idem, *Temesvári Pelbárt és Laskai Osvát munkái. Borda Lajos gyűjteménye*. [The works of Pelbartus de Themeswar and Osvaldus de Lasko. Collection of Lajos Borda] Zebegény 2004; Kertész, "Two Hungarian Friars Minor", 69–71, 76.

21 Borsa, "Laskai Osvát és Temesvári Pelbárt", 8; idem, *Temesvári Pelbárt és Laskai Osvát*, 57; Kertész, "Two Hungarian Friars Minor", 66, 72.

22 "Rosarii theologicæ sapientie aurei quartus liber pro elucidatione Sententiarum libri quarti per fratrem Osualdum de Lasko divi ordinis sancti Francisci de observantia tunc provincie Hungarie vicarium (fratre Pelbarto defuncto) consummatus in regia civitate Budensí". I used the following volume: Budapest, Országos Széchényi Könyvtár [National Széchényi Library], RMNy, III. 145. – See Timár, "Laskai Osvát," 122.

23 T. Kálmán, "Laskai Osvát ismeretlen műve" [An unknown work of Osvát Laskai], *Religio* 67 (1908), 697–699; Kertész, "Two Hungarian Friars Minor", 72.

24 The chronicle has no modern critical edition. For an edition based on a single manuscript see: *Analecta monumentorum Hungariae historicorum literariorum maximum inedita*. Ed. F. Toldy, Pesthini 1862 (Reprint: Ed. G. Érszegi, Budapest 1986), 213–315. (The page numbers are inaccurate: 272 is followed by 283.)

is Arnoldus de Serano's work *Chronica XXIV generalium Ordinis Minorum*.<sup>25</sup> The section stemming from 1339 to 1533 presents the history of the Bosnian vicariate, followed in 1448 by the independent Hungarian one. The chronicle's textual tradition up to this point, 1533, is consistent. This version, which could probably be found in numerous monasteries, was continued independently in several ways. As a result, from 1533 the chronicle's textual tradition is not uniform: in the manuscripts, we can find diverse annals-style notations and lists of names as part of the continuation of the history of the order. Researchers concur that the text written up to 1533 was the work of several authors; however, their precise identities remain a subject of debate. The part of the chronicle up to the year 1501 was completed in the first years of the 16th century. Later on, this text was interpolated and expanded upon on numerous occasions.<sup>26</sup> Previous findings held that the task of putting together the chronicle up to 1501 happened at the insistence of Osvát Laskai.<sup>27</sup> Newer research credits Osvát as the compiler of the writing.<sup>28</sup> As for the authorship of the Atya Constitutions, the following may be said. According to the aforementioned chronicle, Osvát was the compiler.<sup>29</sup> Within the writing itself, the following passages allude to the question of authorship.

25 *Analecta Franciscana*, t. III, Ad Claras Aquas (Quaracchi) 1897, 1–575. For the writer and the time the work was written see: *ibid.* VII–IX.

26 A. Tarnai, "A magyarországi obszervánsok rendi krónikájának szerzői és forrásai" [The writers and sources of the chronicle of the Hungarian Observants], *Irodalomtörténeti Közlemények* 77 (1973), 135–147; *idem*, "A magyar nyelvet írni kezdik" *Irodalmi gondolkodás a középkori Magyarországon* [Hungarian language is being written" Literary thinking in Hungary in the Middle Ages]. Budapest 1984, 91–103, 187–198; K. Keveházi, "Egy ferences kódex filológiai problémái" [The philological problems of a Franciscan codex], in *Tanulmányok Karácsonyi Béla hetvenedik születésnapjára* [Studies in honor of the seventieth birthday of Béla Karácsonyi]. Ed. P. Kulcsár, B. Mader, I. Monok, Szeged 1989, 109–120; K. Katalin – I. Monok, "A Csongrád megyei Levéltár ferences kódexe" [The Franciscan codex in Csongrád County Archive], in *Collectanea Tiburtiana. Tanulmányok Klaniczay Tibor tiszteletére* [Collectanea Tiburtiana. Studies in honour of Tibor Klaniczay]. *Adattár XVI–XVII. századi szellemi mozgalmaink történetéhez* [References towards a history of 16th–17th century intellectual movements in Hungary] 10. Ed. G. Galavics, J. Herner, B. Keserű, Szeged 1990, 65–82; K. Keveházi, "Ferences krónika" [Franciscan chronicle], in *Magyar művelődéstörténeti lexikon* [Lexicon of Hungarian cultural history], III. Ed. P. Kőszeghy, Budapest 2005, 84–85. For a summary of the topic go to: B. Kertész, "A magyarországi obszerváns ferencesek krónikájának szerzőségéhez" [To the authorship of the Hungarian Observant Franciscan chronicle], in *Nyolcszáz esztendő a ferences rend. Tanulmányok a rend lelkiségéről, történeti hivatásáról és kulturális-művészeti szerepéről* [The eight hundred years old Franciscan Order. Studies of its spirituality, its historical calling and its role in culture and art.], I–II. Ed. N. S. Medgyesy, I. Ötvös, S. Óze, Budapest 2013, I: 164–166.

27 Tarnai, "A magyarországi obszervánsok", 140; *idem*, "A magyar nyelvet írni kezdik", 94.

28 Kertész, "A magyarországi obszerváns ferencesek krónikájának szerzőségéhez", 164–186.

29 *Analecta monumentorum Hungariae*, 252. "Item secundo *idem* (sc. Osualdus de Lasko) *electus fuit in Athia, anno Domini MCCCCXCIX, ubi omnes constitutiones papales, generales et vicariales in unum laudabiliter, omnibus faciliter ad studendum et observandum comportavit.*"

The introductory sentence highlights the will of the vicar and the agreement of the Atya Chapter:

“In nomine Domini incipiunt constitutiones novae familiae Hungariae ex constitutionibus papalibus, generalibus ac vicarialibus comportatae pro fratrum pacifico statu regularique observantia ex voluntate reverendi patris vicarii, cum consensu capituli vicarialis celebrati in loco nostro de Athya, anno Domini millesimo quadringentesimo nonagesimo nono.”<sup>30</sup>

According to the end of the prologue, the vicar first regulates the superiors' offices with the chapter, then over the course of the twelve chapters of the Rule explains that:

“Primo reverendus pater vicarius unacum capitulo de officiis praesidentium fratrum ordinat, secundo per duodecim regulae capitula discurrendo eam declarat.”<sup>31</sup>

The beginning of the second part of the Constitutions reminds readers that the vicar with the custodians and the chapter explained the twelve chapters of the Rule:

„Secundo denique r(everendus) p(ater) vicarius unacum custodibus et capitulo per duodecim capitula regulae discurrendo eam declaravit.”<sup>32</sup>

Setting aside the citations, we cannot fail to consider that in the work at every step and turn we meet with the statement that the vicar and the chapter regulate together;<sup>33</sup> at the same time, in some instances the text only acknowledges the vicar.<sup>34</sup>

It goes without saying that the two-part, comprehensive work based on numerous sources of the Franciscan Order did not come to fruition at the 1499 chapter as the collective effort of the vicar and the chapter. In all probability, Osvát wrote the Constitutions, as is alluded to in the chronicle, after which he presented the writing at the 1499 chapter.<sup>35</sup> Certainly, we cannot dismiss that during the assembly the text underwent modification before finally being accepted.<sup>36</sup>

Therefore, at the turn of the century, two fundamental documents came into existence at the Observant vicariate. Osvát's purpose in setting down the Constitutions must have been to raise the organizational capability of the vicariate and

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30 LERH III, 609; Szentiványi, *Catalogus*, 172.

31 LERH III, 610.

32 LERH III, 616.

33 For example: “*Item ordinat insuper idem pater vicarius cum capitulo*”. LERH III, 611.

34 For example: “*Item ordinat praeterea reverendus pater vicarius*”. LERH III, 613.

35 Research unilaterally attributes the Constitutions to Osvát. See: Karácsonyi, *Szt. Ferencz rendjének története Magyarországon I*, 359, II, 572; Horváth, *Laskai Osvát*, 15–16; de Cevins, *Les Franciscains observants*, 73; Kertész, “Two Hungarian Friars Minor”, 68.

36 Karácsonyi, *Szt. Ferencz rendjének története Magyarországon II*, 572.

to strengthen its overall position. A few years later the summary history of the Hungarian Observants up to 1501 was finished, which, as I previously stated, was also written by Osvát for all intents and purposes. The latter work was particularly significant in terms of the Hungarian Observant family's self-appraisal.

These aims were most likely connected with the position of the Hungarian vicariate inside the Order and with its relationship to the Hungarian Conventual province. The Hungarian vicariate, which formed in 1448, was under the jurisdiction of the cismontane vicar general for ten years. This situation altered in 1458 at the General Chapter of Rome, when vicar István Varsányi made an agreement with the head of the Order that the vicariate would be placed under the direct authority of the Minister General. After this understanding received papal blessing, the Hungarian Observants had a freer hand in governing their vicariate independently of the cismontane family. The end of the 15th and turn of the 16th century brought further changes, as the Observants attempted to regain their place under the cismontane vicar general's authority. Their motivations in all likelihood derived from their antagonistic relationship with the Conventual province. At this time, the Conventuals were engaged in trying to force the Observants to unite with the Conventual province. This enterprise represented a real and present danger because both the Observant vicariate and the Conventual province were under the direct authority of the Minister General. What is more, among the Hungarian barons, there were those who supported the Conventuals' aims. Taking the aforementioned chronicle as our source, it was in fact Osvát Laskai who began negotiations with the cismontane vicar general about the potential unification of the Hungarian Observants with the cismontane family.<sup>37</sup> The exact date of these negotiations is not clear from the text, but it is certain that Osvát was in Rome at the start of 1499. There, he transcribed Pope Sixtus IV's August 1st 1477 letter of privilege for the Dominicans and the Franciscans.<sup>38</sup> Reunion took place in 1502 under Osvát's successor, vicar Balázs Nyári, when Pope Alexander VI transferred the Hungarian vicariate under the governance of the cismontane vicar general.<sup>39</sup> Taking the chronicle as a source, before the Hungarian Observants were readmitted to the fold, cismontane vicar general Hieronymus Torniello and his predecessor Ludovicus de la Turre asked the representatives of the Hungarian vicariate staying in Rome to let them examine the guiding rules (*modus vivendi*),

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37 *Analecta monumentorum Hungariae*, 252. "Iste ... cepit de unione cum vicario generali laborare, sed usque ad finem deducere non potuit, quia secundum eius statuta post duas suas revolutiones cessit officio vicariatus."

38 The transcription took place on March 23rd, 1499: Magyar Nemzeti Levéltár Országos Levéltára, Diplomatikai Fényképgyűjtemény [Hungarian National Archives, Diplomatic photograph collection.], 275524. (The document is mistakenly dated May 23rd.) Refer to: Karácsonyi, *Szt. Ferencz rendjének története Magyarországon* I, 359 (Sixtus IV's letters of privilege is dated July 26th); Horváth, *Laskai Ozsvát*, 14–15.

39 *Analecta monumentorum Hungariae*, 253–256; Karácsonyi, *Szt. Ferencz rendjének története Magyarországon* I, 338–339, 360–361; de Cevins, *Les Franciscains observants*, 63–68, 152–165.



which likely implied the Atya Constitutions. In total, they found only two points which they considered objectionable.<sup>40</sup>

A central task is to determine the exact sources of the Constitutions. Ludovic Viallet took the first promising steps in this direction when he was able to demonstrate the textual similarity between the Atya regulations and several sources of the Order.<sup>41</sup>

The introductory sentence of the Constitutions, which has already been previously cited, only provides a vague allusion to the sources of the document.<sup>42</sup> However, at the end of the writing, there is a list that provides a more detailed account of the sources that went into producing the document. The listing consists of short-form entries: in the first instance it gives the first letter(s) of the source, and then it names the source itself. In the manuscripts which have survived, the list may be found in the source labelled B.

"Et ut scias, unde istae novae constitutiones sint comportatae, vide literas in margine ista repraesentantes.

- A. Additio nova
- B. Benedictus papa
- C. Clemens papa
- Eu. Eugenius papa
- Ex. Expositio regule
- G. Generalis constitutio
- In. Innocentius papa
- M. Martinus papa
- R. Regula
- S. Sixtus papa
- V. Vicarialis constitutio
- BA. Benedictus cum additione nova
- GA. Generalis constitutio cum additione nova"<sup>43</sup>

According to the introductory sentence, for each listing the corresponding letters indicating sources are parallel alongside the margin. In the Gy1 manuscript, they run the entire length of the Constitutions along the margin, but the source notation at the end is missing. In the B, on the other hand, the marginal letters may be found in the first part of the Constitutions, in the second part, however, there is only one abbreviation, at the end of the work (fol. 25v). As I stated in my account regarding the codices, Gy2 has either been misplaced or lost. Luckily, though, János Melich's study, which also has an offprint, contains two photographs from

40 *Analecta monumentorum Hungariae*, 255–256; Karácsonyi, *Szt. Ferencz rendjének története Magyarországon I*, 362.

41 See the author's essay in the present volume.

42 LERH III, 609. "In nomine Domini incipiunt constitutiones novae familiae Hungariae ex constitutionibus papalibus, generalibus ac vicarialibus comportatae".

43 LERH III, 635.

the manuscript. These pictures allow us to deduce that the marginal letters also existed on the Gy2 copy.<sup>44</sup> From all of this we can conclude that the letters in the margin which refer to sources and span the length of the document were a fundamental part of the text of the Constitutions. In future, the source notation, which includes the Regula as well, and the series of marginal letters will in all probability aid researchers in determining the exact source material that was used.

Establishing the sources of specific portions of the text will lead us to answers about the degree to which certain documents are reflected in the Constitutions' components, as well as to knowing the amount of innovation compared to the sources. The term "Vicarialis constitutio" in the source notation most plausibly refers to decrees reached at the earlier chapters of the Hungarian vicariate. As I mentioned previously, we do not know of a single chapter decision from the period before 1499, so identifying the sources posits the tempting outcome that we will find portions in the Constitutions' text which relate to the earlier decrees, which are at present unknown.

The Constitutions were, to all appearances, held to be a fundamental document by both the writer and the chapter who accepted it. We may come to this conclusion because the text itself emphatically ascribes importance to the necessity of expounding and explaining the Constitutions. The chapter on the role of the custodians lays out in two separate ways how to explain the Constitutions. In the first instance, we learn that the custodian must visit the custody's monasteries at least twice a year, and among other things must explain to the friars the Regula and the Constitutions.<sup>45</sup> Another section adds to this that their explanation must be given in vernacular.<sup>46</sup> The work itself finishes with a prescription that the custodians and the visitors must have the Constitutions read out loud before the assembly of brothers during each visit. Especially the second section, namely the exposition of the Regula, is to receive special attention. Further, it is the responsibility of the guardians to assure that the houses have a copy of the Constitutions, and they are to have it read at least twice annually before the friars.<sup>47</sup> As previously expressed, the GY2 has more than 400 Hungarian glosses which correspond to the text of the Constitutions, which are obviously in conjunction with explaining

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44 J. Melich, *A gyöngyösi glosszák* [The glosses of Gyöngyös]. Budapest 1898. The two pictures are after page 324.

45 LERH III, 613. "*Item ordinat reverendus pater vicarius una cum capitulo praedicto, quod quilibet custos loca suae custodiae teneatur ad minus bis in annum perlustrare ... exponendo regulam ac constitutiones has.*"

46 LERH III, 613. "*Ordinat reverendus pater vicarius insuper, quod quando custos loca suae custodiae visitat, ... exponat in vulgari fratribus constitutiones.*"

47 LERH III, 635. "*Ut vero ... sedulum et devotum Christo exhibeamus famulatum ex harum eruditione constitutionum novarum, custodes (quilibet) ac visitatores quoties sua loca visitant, toties in communitate coram fratribus eas legi faciant, et secundam potissime partem, quae totam tangit communitatem, intelligibiliter divulgari. Omnes consimiliter guardiani praefatae familiae Hungariae in suis locis secum ipsas habere procurent, et bis ad minus quolibet anno legi facere modo praedicto studeant, ne ignorantia sit occasio delinquendi.*"

the text.<sup>48</sup> It is also worthy of remark that the 1505 Buda Chapter's decrees rely upon the Atya Constitutions in several ways.<sup>49</sup>

Naturally, the 1517 *capitulum generalissimum* and Pope Leo X's bull *Ite vos in vineam meam* brought changes to the way the Hungarian vicariate functioned, such as for example, the Hungarian vicar was elevated to the rank of minister. In 1518, in response to the changes, the Hungarian Observants held an exceptional chapter in Újlak<sup>50</sup> at the grave of John of Capistrano under the direction of the Minister Provincial, Albert Dereszlényi. The significance of the Atya Constitutions is well proven by the fact that at this meeting the 1499 regulations were revitalized in light of new circumstances. For example, necessary terminological changes were made: instead of *vicaria* the word *provincia* appears, instead of *vicarius* there is the title *minister*, and instead of *capitulum vicariale* we read *capitulum provinciale* in the work.<sup>51</sup>

The text of the Újlak Constitutions has never been published. As far as I know, three manuscripts may shed light on the textual tradition of the regulations.

The first manuscript may be found in the Gyöngyös Franciscan Library, and it has no modern description.<sup>52</sup> The book contains printed and handwritten texts, and the recto of the 363rd page contains the end part of the Újlak Constitutions.<sup>53</sup> According to the table of contents at the beginning of the book, the Constitutions' text began on page 340.<sup>54</sup> Unfortunately, at some undetermined point in time, the writing was removed from the volume, with the exception of the last folio. Thus, at present, after folio 339 the subsequent folio is 363. (Hereafter: Gy3)

The second manuscript is in the safekeeping of the Bavarian State Library in Munich. Its contemporary description appeared in 2012.<sup>55</sup> The majority of the text, including that of the Constitutions, was transcribed in 1535 in the monastery of Sívár.<sup>56</sup> (Hereafter: M).

The third manuscript is likewise in the Franciscan Library in Gyöngyös.<sup>57</sup> The text of the Constitutions was copied in 1538 by the brother Lukács Paksi, the

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48 Melich, "A gyöngyösi glosszák", 304–324.

49 LERH III, 648, 649.

50 Today Ilok, Croatia.

51 Karácsonyi, *Szt. Ferencz rendjének története Magyarországon I: 378–379*; K. König, *Hatszázéves ferences élet Szécsényben. 1332–1932* [Six hundred years of Franciscan life in Szécsény. 1332–1932]. Vác 1931, 67, 380, note 169; de Cevins, *Les Franciscains observants*, 364, 623.

52 Shelfmark: Cod. med. Gyöngy. 3.

53 For a photo of the page, consult: Z. Fáy, *A Gyöngyösi Ferences Könyvtár* [The Franciscan Library of Gyöngyös]. Gyöngyös 2012, 20.

54 Fol. 4r: "*Constitutiones provincie Hungarie ... fo. CCC40 et seq.*"

55 Shelfmark: Clm 9071. The Constitutions: fol. 46r–87v. See Kertész, "Magyarországon készült 16. századi ferences kézirat", 212–233. In the study I identified the Újlak and the Atya Constitutions. See: *ibid.* 218–219.

56 Today Solivar, Slovakia.

57 Shelfmark: Cod. med. Gyöngy. 6. The Constitutions: fol. 1r–40v.

guardian of the monastery of Vámos.<sup>58</sup> Although the manuscript is well known to research,<sup>59</sup> a modern description has not yet been produced.<sup>60</sup> (Hereafter: Gy4) The differences in content between the Atya and the Újlak Constitutions and the total scope of their divergence can only be settled with a critical edition of the two texts.<sup>61</sup> However, we can already state from a comparison of the manuscripts that the text of the two regulations is to a large degree identical.

Among the manuscripts of the Újlak Constitutions, Gy3 and M have a list of sources at the end of the writing. The latter's list is very nearly a duplicate of the listing in B, with the only difference being that M does not have B's final entry.<sup>62</sup> At the same time, Gy3 displays more substantial divergence in comparison to the other two manuscripts in terms of sources and the order in which they are listed:

“Constitutiones hec sunt comportate ex diversis, prout littere in margine representant.

- A. Additio nova
- B. Benedictus papa
- B. no. Budensis nova<sup>63</sup>
- C. Clemens papa
- Ew. Eugenius papa
- In. Innocentius papa

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58 Today Sajóvámos, Hungary.

59 F. Kollányi, “Magyar ferenczrendiek a XVI. század első felében” [Hungarian Franciscans in the first half of the 16th century], *Századok* 32 (1898), 407; Kőnig, *Hatszázéves ferences élet Szécsényben*, 380, note 169. Vince Blahó (1725–1785), historian of the Franciscan Order, wrote the following remark at the beginning of the manuscript in relation to the Constitutions: “*Constitutiones primae familiae fratrum minorum in Hungaria de observantia, iam ut provinciae, ad normam vicarialium statutorum Athyensium anno 1499 conditorum innovatae in conventu Uylakiensi ad s. Ioannem Capistrano, anno 1518, sub primo ministro provinciali, p. Alberto de Deresleny. Descripta manu f. Lucae de Pakos anno 1538, tum guardiani conventus Vamosiensis, prope Miskolcz.*” For the text see: Kőnig, *Hatszázéves ferences élet Szécsényben*, 380, note 169. Regarding Vince Blahó, consult A. Molnár, “A török kori Kecskemét ferences krónikása: Blahó Vince (1725–1785)” [Vince Blahó (1725–1785): Franciscan chronicler of Kecskemét during Turkish times], *Cumania* 18, Kecskemét 2002, 171–206.

60 Here I must point out that János Karácsonyi familiarized himself with the Újlak Constitutions using a Csíksomlyó (today Șumuleu, part of Csíkszereda [Miercurea Ciuc, Romania]) manuscript. See: Karácsonyi, *Szt. Ferencz rendjének története Magyarországon* I, 379.

61 The beginning of the Újlak Constitutions based on manuscript M (fol. 46r): “*In nomine Domini incipiunt constitutiones provincie Hungarie fratrum scilicet minorum sancti Francisci de observantia ex diversis pro salubri et pacifico statu eiusdem provincie observantiaque regulari comportate et ex commissione ac auctoritate reverendissimi patris ministri generalis per ministrum provinciale ex consilio diffinitorum et consensu patrum capituli approbate etc.*”

62 For the list in M consult: Kertész, “Magyarországban készült 16. századi ferences kézirat”, 219.

63 Neither present in B nor in M.

- P. no. Pakosiensis nova<sup>64</sup>
- Six. Sixtus papa
- Ex. Expositio regule
- M. Martinus papa
- V. Vicarialis constitutio
- G. generalis constitutio
- R. Regula
- BA. Benedictus cum additione
- GA. Generalis cum additione"

At the end of the list the following comment can be read from the same writer: "Ad B. Additio cap. B. posterioris".<sup>65</sup>

The list has three entries which do not appear in B and M. These entries probably refer to chapter decisions made after 1499 and before 1518. There were four chapters held in Buda in this period (1501, 1503, 1505 and 1515).<sup>66</sup> Of these, the documents pertaining to the assemblies for 1505 and 1515 have survived.<sup>67</sup> The "B. no. Budensis nova" entry plausibly refers to one of these decisions. Between 1499 and 1518 they held a chapter in Paks on one occasion, in 1507.<sup>68</sup> Therefore, the entry "P. no. Pakosiensis nova" probably notes the decisions reached there, which have survived.<sup>69</sup> The "Ad B. Additio cap. B. posterioris" notation may refer to the 1515 Buda Chapter's decisions.

The letters indicating sources also run the length of the Constitutions along the margin of the M manuscript. For Gy3 we only have the last page of the writing, but on this too we can see that the letters were present along the margin.<sup>70</sup> It is only with Gy4 that we have neither the list nor the letters along the sides.

In the case of manuscript M, a reader added copious Latin notes and two Hungarian glosses, and another reader added numerous Hungarian and Latin glosses to the Constitutions. The regulation was copied in 1535, so that would mean these notes and the glosses postdate that time.<sup>71</sup> It is obvious that a short exposition, which one of the gloss writers wrote into the manuscript immediately before the Constitutions on a page which was originally blank, was made in conjunction with explaining the work. Testifying to the importance of the prescriptions, and containing biblical and canon law quotations, the text allows us to gather, among other things, that as each province has its own constitutions, so too does the Hungarian province have its own decisions, that is constitutions, the purpose of which in the end is for the brothers better to maintain the Regula. The text further states that the Constitutions are explained often so that the friars can more quickly learn and follow these decisions. To all of this we may add that in manuscript M the

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64 Neither present in B nor in M.

65 Neither present in B nor in M.

66 de Cevins, *Les Franciscains observants*, 622–623.

67 *LERH III*, 647–649 (1505), 667–669 (1515).

68 de Cevins, *Les Franciscains observants*, 622.

69 *LERH III*, 650–653.

70 Fáy, *A Gyöngyösi Ferences Könyvtár*, 20.

71 Kertész, "Magyarországon készült 16. századi ferences kézirat", 220–222.

pages containing the Constitutions are the most soiled, which attest to the text's repeated and lengthy use.<sup>72</sup>

At this point in my paper I will mention that in 1517 the Hungarian Conventual province accepted the Observance, and from this time onwards two Observant provinces existed in Hungary. Confusion arising from the names was eliminated at the Chapter of Burgos in 1523: the Conventual province was named after the Virgin Mary, and the originally Observant province received the name of the Saviour (Salvator). We refer to the former in the short form as the Marian province, while we speak of the latter as the Salvatorian province. Their members are the Marians and the Salvatorians, respectively.<sup>73</sup>

In the course of the 16th century, Hungary experienced a number of fateful events: the advance of the Turk into the country, the division of the kingdom into three parts, and the spread of the ideas of the Reformation. Naturally, these factors determined the fate of the Salvatorian province in a marked manner. Here it is enough to note that up to the early 1540's about two thirds of the Salvatorian province's monasteries were destroyed, and by the 1570's only five Salvatorian monasteries remained intact.<sup>74</sup> Changed circumstances meant that the Constitutions which had been written in 1499 and amended in 1518 had lost some of its actuality. Still, the result of research up to the present leads us to conclude that the Constitutions of Újlak is considered a valuable document until the middle or the third quarter of the 16th century; friars read and explained its text. The significance of the two sources demonstrates that there is need for a critical edition.

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72 Kertész, "Magyarországon készült 16. századi ferences kézirat", 217–218, 222.

73 Karácsonyi, *Szt. Ferencz rendjének története Magyarországon* I, 82–84, 87, 378, 382.

74 B. F. Romhányi, "Ferencsek a késő középkori Magyarországon" [Franciscans in late medieval Hungary], in *A ferences lelkiesség hatása* I, 116–122.