

Some comments on the text of the Bull *Ioannes Episcopus Servus Servorum* of 5 May 1319 in the context of the loss of the Holy Land

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Abstract

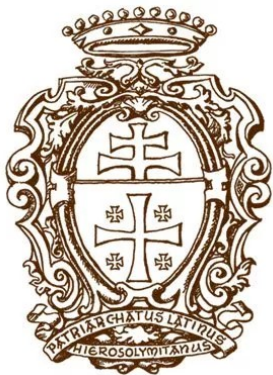
The Bull *Ioannes Episcopus Servus Servorum* of 5 May 1319 has often been interpreted as having separated the links between the Order of Saint Lazarus and the Latin Patriarchy. A careful analysis of the text of the Bull taken within the context of the political situation in the Outremer confirms that while the Order was being placed under the protection of the Holy See and exempt from all local and ecclesiastical authorities, the Patriarch of Jerusalem was allowed to retain his protectorship.

Introduction

The situation of the Crusader Orders changed radically in the three decades following the fall of Acre in 1291. As Orders originally predicated in the Holy Land with their temporal power based under the sovereignty of their Grand Masters and the spiritual protection of the Papacy, their expulsion from the Outremer caused them to lose much of their patrimony as well as much of their rationale. The Order of Saint John of Jerusalem (the Hospitallers) moved to Cyprus and, in 1310, conquered Rhodes from the Byzantine Empire converting this island as their sovereign territory. The Knights Templars were targeted with accusations of heresy by Phillip IV of France and eventually in 1312 abolished by Pope Clement V with the Bull *Vox in excelso*. Clement V was the first pope of the Avignon exile, who originally in 1265 owed his election to King Phillip IV. The situation of the Order of Saint Lazarus was similar, although as a much smaller and more specialized order, they were not as tempting a target as the Templars. In 1308, King Phillip IV bestowed his protection on the Order and they were headquartered in France in their castle of Boigny,

a few miles from Orleans in the Loire valley.¹ With this protection, the Order in France fell *de facto* under the control of the Kings of France.

The protectorship of the Patriarchy of Jerusalem



Previously, the Order of Saint Lazarus had been under the protection of the Patriarch of Jerusalem. This relationship was established early in the 12th century.² The *Assizes de Jérusalem*, bearing the seals of the king, the patriarch and the viscount of Jerusalem, make a number of references to the *Fratres hospitalis Sancti Lazari*. The *Livre de Jean d'ibelin* (*Chapitre CCLXI*) states that “*Le patriarche de Jerusalem a cinq arcevesques suffragans, ce est assaveir: Et si a treis abaece suffragans: l’abaece de Nostre Dame*

la Grant, l’abaece de St Anne, l’abaece de St Ladre. Et si a suffragant l’arcevesque des Ermis, qui est ou reiaume de Jerusalem, et l’arcevesque des Jacopins et le maistre de St Ladre des Mesisus.” This was subsequently confirmed by Pope Urban IV in 1262 with the Bull *Circa Prelatarum Hierosolymitanorum* when both the Patriarchate and the Order of Saint Lazarus were headquartered in Acre.³ Established with the setting up of the Kingdom of Jerusalem in 1099, the Latin Patriarch resided in

¹ Extrait d’un register du tresor des Chartes du temps du roi Philippe-le-Bel. Des années 1307 & 1308, coté au hat de la couverture XLVIII, & au bas de la même couverte 4. Titre c.xlvii. Letters de Sauvegarde & de protection, accordées à l’Ordre de Saint-Lazare. Transcribed in: P.E.G. de Sibert. Histoire des Ordres Royaux, Hospitaliers-Militaires de Notre-Dame du Mont-Carmel, et de Saint-Lazare de Jerusalem. Paris: Imprimerie Royale, 1772, Pièces justificatives: No. 12, pp.xvii-xviii.

² Le Comte Brugnot. *Assises de La Haute Cours - 1. Livre de Jean d'ibelin*. In: Assises de Jérusalem ou Recueil des ouvrages de jurisprudence. Paris: Imprimerie Royal, vol.1, 1841, chapitre CCLXI, pp.415-416.

³ Urbain IV. *Circa Prelatarum Hierosolymitanorum* (1.xi.1262). Transcribed in: J. Guiraud. Les Registres d'Urbain IV. 2, Paris: BÉFAR, 1901, series 2, vol. 2, p.61.

Jerusalem until 1187 when the Crusaders were forced to flee Jerusalem. The Latin Patriarchy then moved to Acre. With the fall of Acre, the Latin Patriarch moved to Cyprus in 1291. After 1374, the Latin Patriarchate transferred to Rome.

The Patriarchs of Jerusalem appointed following the fall of Acre (1291) included:

- Nicholas of Hanapes (b.1225 d.1291 served 1288–1291) was appointed patriarch and papal legate for Syria, Cyprus and Armenia by Nicholas IV. He died during the siege of Acre drowning while trying to flee as the city was being captured by the Mamluks.
- Landolfo (served 1295–1304).
- Antony Bek (d.1311 served 1306–1311) was a favourite of Edward I of England who had secured his appointment as Bishop of Durham in England in 1283. He was appointed patriarch by Clement V in 1306 and as the most senior ecclesiastic in England served as prime investigator in the Templar inquiry in England in 1308.
- Pierre Pleinecassagne (d.1318 served 1314–1318) was appointed Bishop of Rodez in Provence in 1301. He was appointed patriarch by Clement V in 1314.

The last two appointments made by Clement V were most likely titular and non-resident appointments since both incumbents retained their original posts as bishops in England and France respectively. Clement V died in 1314. His death was followed by a more than two-year interregnum, after which the Gascon Jacques-Arnaud d'Euse was elected as Pope John XXII in August 1316 in Lyons becoming the second pope of the Avignon captivity, reigning until 1334.

The Bull *Ioannes Episcopus Servus Servorum*

The Bull *Ioannes Episcopus Servus Servorum* promulgated by John XXII came in the midst of the restructuring of the Crusader Orders in the three decades following the fall of Acre and the loss of the Holy Land. It came in the wake of the abolition of the Order of the Temple. At this point, it was probably still assumed that there would be attempts to reconquer the Holy Land led by the remaining Crusader Orders. Indeed, there was an abortive crusade of peasants from northwest Europe which arrived in

Avignon in 1309 before disbanding. It is likely that at this stage, the situation was still regarded as temporary, and that the Crusader Orders needed some restructuring to enable them to survive the perceived exile. The year 1319 saw also the institution of the *Militiae Iesu Christi* in Portugal and Algarve to replace the Order of the Temple.⁴



Pope John XXII ⁵

The Bull was issued in the third year of the pontificate of John XXII, on the 5 May 1319. There was, at this point in time, no appointed Patriarch of Jerusalem since Pierre Pleinecassagne had died in 1318. His replacement, Raimondo Beguin of the Order of the Dominicans was only appointed in 1324 (died 1329). The Order of Saint Lazarus was thus under the *fons honorum* of the Holy See and under the temporal protection of

⁴ John XXII. *Institutio Militiae Iesu Christi in regnis Portugalliae et Algarbiorum* (14.iii.1319). Transcribed in: L. Tomassetti et Collegii adlecti Romae virorum s. theologiae et ss. canonum peritorum. *Bullarium Romanum*. Augustae Taurinorum: Seb. Franco, H. Fory et Henrico. A. Vecco, 1859, vol.6, pp.277-284.

⁵ Papa Ioannes Vicesimus Secundus. *Wikipedia, the Free Encyclopedia* 2018, https://upload.wikimedia.org/wikipedia/commons/5/59/Papa_loannes_Vicesimus_Secundus.jpg

the French king with Adam de Veau serving as Grand Master (c.1313-1330). The reigning French king was Philip V the Tall.

The 18th century historian, Pierre Edme Gautier de Sibert, wrote that the pope with this Bull “officially proclaimed that the grand master and brothers of the hospital and militia of Saint Lazarus of Jerusalem, formerly dependent upon the Patriarch of Jerusalem, would henceforth be directly subject to the Pontiff of Rome.”⁶ This was interpreted by subsequent authors to imply that the Bull of 1319 had actually withdrawn the dependence on the Patriarchate, a viewpoint perpetuated in the absence of a full transcript of this Bull in the *Bullarium Romanum* series.⁷ The text of the Bull *Ioannes Episcopus Servus Servorum* has now been re-discovered fully transcribed in the 16th century bullarum of the Order entitled *Bullae Antiquorum Privilegiorum per Nonnullos Roman Pontifices - Religioni & Militia Sancti Lazari Hierosolimitani Conselorum*.⁸ The discovery of the transcription of this Bull has allowed for a formal translation and better understanding of the text placed within the context of the political situation of the time.

The salutation is to the “venerable brothers the archbishops, bishops, and dear sons abbots, priors, deacons, archdeacons, and all ecclesiastical prelates, to whom this letter reaches”. Following the customary salutation, the Bull translates:

“Since the beloved sons, the Master, and the Brothers of the Hospital, and the Military Body of St Lazarus of Jerusalem have no bishop, or a Prelate except for the Roman Pontiff over them, they may enjoy the prerogatives of freedom even in a special way : it is not proper for you to promulgate a sentence of excommunication or interdiction without our order on those

⁶ Sibert, *op. cit.*, p.160.

⁷ Tomassetti et al, *op. cit.*, 24 vols.

http://www.icar.beniculturali.it/biblio/_view_volume.asp?ID_VOLUME=2120

⁸ *Bullae Antiquorum Privilegiorum per Nonnullos Roman Pontifices - Religioni & Militia Sancti Lazari Hierosolimitani Conselorum*. Rome: Antonio Blado, undated but after 1561, pp. 12-13.

persons, either Clerics or Beneficiaries, or on their churches in which you do not have Ecclesiastical power: But if at any time this Master, or Brothers, unjustly oppress our subjects, yourselves, they must be reported by yourselves, or by your messengers to the Roman Pontiff (and) obtain justice regarding the mentioned Master (and) Brothers; and this is why we give orders through Apostolic writings to your Council, that you in no way presume to promulgate a sentence of excommunication or interdiction on the already mentioned Master and Brothers and soldiers, clerics and the Conferred, or messengers or their churches in which you have absolutely no authority : Nor oppress them with undue harassment; but act toward them in a wholesome manner, and that they ought not raise an any complaint against you. If you will have neglected this our order in this concern, we shall not be able to do anything else but make sure to efficaciously uphold the same Brothers in their justice, if they will register again with us a complaint (from you).”

De Sibert further states that the Bull was promulgated in response to an incident or incidents where officers of the Order were threatened by ecclesiastical parties. Savona-Ventura notes that in France, following the fall of the Holy Land, the Order had to fight repeated battles to re-establish right of ownership or tax exemption, for its properties.⁹ This Bull should probably be seen as part of that continuing battle, with John XXII noting that as there is no appointed prelate responsible for the Order (namely the Patriarch of Jerusalem as confirmed in 1262), the Pope will assume that place. Specifically, the pope will provide justice in the absence of an appointed Prelate of the Order. With regard to the Order, it reconfirms that clerics may not take ecclesiastical justice into their own hands.

It is important to note that the phrase that the Order “...of St Lazarus of Jerusalem have no bishop, or a Prelate except for the Roman Pontiff over them” is written in the present tense. The Bull does not negate the previous appointment of the Patriarch of Jerusalem as the appointed Prelate or preclude a later time when a new Prelate (i.e. the Patriarch of

⁹ Charles Savona-Ventura. *The History of the Order of Saint Lazarus of Jerusalem*. New York: Nova Science Publ., 2014, p.43.

Jerusalem) may be appointed. In fact, two titular Patriarchs of Jerusalem had been appointed in the previous decade (Bek 1306-1311 and Pleinecassagne 1314-1318) and subsequent appointments of Patriarchs of Jerusalem were later made by John XXII (Raymond Bequin 1324–1329; Peter Paludanus 1329–1342). In 1342, Pope Clement VI officially committed the care of the Holy Land to the Franciscans and the Franciscan Custos of the Holy Lands held the title *ex officio* under the Papal bull *Gratiam agimus*, unless someone was specifically appointed to the honorary office. From 1374, Titular Patriarchs of Jerusalem held the Roman Basilica of San Lorenzo fuori le Mura as their seat.

Discussion

The Bull of 1319 therefore did not abolish the relationship between the Order of Saint Lazarus and the Patriarchate of Jerusalem, but rather served to protect the Order at a time when they had no appointed prelate and provided for Papal protection at a time when the post of their usual Protector, the Patriarch of Jerusalem, was vacant. It does not appear to be more than a temporary measure in the restructuring of the Crusader Orders following the loss of the Holy Land with the fall of Acre, and the difficulties occasioned by the loss of both temporal headquarters and of prelates who were also dispossessed. It should be read in its historical context.

The fact that the 1319 Bull did not abolish the Patriarchate responsibility for the Order would further explain why in subsequent decades recourse was made to obtain confirmation of leadership appointments from the Patriarchate and the Holy See. Following the death of the master at Burton Lazars Robert Haliday, Geoffroy de Chaddesden, in 1363, approached the Patriarch of Jerusalem, presumably Philippe de Cabassole, and Pope Innocent VI asking for and was granted collation as master of Burton 'in all rights that used to equal Robert Haliday' in spite of the fact that the brethren at Burton had elected Nicholas de Dover as successor.¹⁰

¹⁰ David Marcombe. *Leper Knights*. Woodbridge: Boydell, 2003, pp.81-84.

Similarly, in 1450 following a petition by the William Sutton master of Burton Lazars, Nicholas V acknowledged the existing protectorship of the Patriarch of Jerusalem as established by Urban IV for the Order of Saint Lazarus. In 1262, Pope Urban IV had placed the St Lazarus Hospital in Acre under the sole protection of the Latin Patriarch of Jerusalem (since at that time, the Patriarch was resident in Acre, Jerusalem being again under Muslim rule, and it was clearly confusing to have two bishops in the same city apparently as Protectors). It was unclear as to whether this applied solely to Acre or was a general transfer of authority to the Patriarch of Jerusalem from the local bishop. However, subsequent Papal Bulls including the 1319 bull have clarified this.

In 1450, Nicholas V now decreed the British jurisdiction as separate from the French mother house and to be solely under the direct protection of the Pope, terminating the previous protection of the Latin Patriarch.¹¹ The situation for the French house of the Order of Saint Lazarus remained under the Latin Patriarch of Jerusalem, and, in 1493, confirming this, the French Order appointed two knights to obtain confirmation of the Grand Master's Election from Pope Alexander IV and/or the Patriarchate of Jerusalem, then occupied by Bartolomeo della Rovere (b.1446, d.1494) of the Order of Franciscan Friars Minor.¹²

These subsequent commentaries and rulings on the Order of Saint Lazarus make it clear that the bull *Ioannes Episcopus Servus Servorum* of 1319 was indeed a pro tempore move to provide a clear protection of the Order in the absence of a Latin Patriarch of Jerusalem. The bull of Nicholas V in 1450 recognized the protectorship of the Latin Patriarch by granting

¹¹ *Vatican Regesta 394: 1450*. In: Calendar of Papal Registers Relating To Great Britain and Ireland, Volume 10, 1447-1455. London: His Majesty's Stationery Office, 1915, pp.77-83

¹² *Procuracion donnée par le Chapitre de l'Ordre de Saint-Lazare, à deux Chevaliers, pour aller demander au Pape, ou au Patriarche de Jérusalem, la confirmation de l'élection de François d'Amboise*. Transcribed in: de Sibert, *op. cit.*, Pièces justificatives: No. 23 (bis), pp.lii-lvii.

an exemption to it, with regard to the obedience of Burton Lazars in England to the Pope rather than to the Mother House in Boigny in France (in large part due to the divisions caused by the Hundred Years' War of 1337–1453 between England and France). The substitution of Papal protectorship to the English house was, therefore, as was the case in 1319, a solution to a specific political problem and not a general assumption of Papal protection.

Latin text:

Cum dilecti filii Magister, et fratres hospitalis, et militia Sancti Lazari Hierosolymitani nullum habeant episcopum, vel praelatum praeter Romanum Pontificem supra se, et specialiter prerogativa gaudeant libertatis : non decet vos in eos, vel Clericos, aut Donatos, et eorum Ecclesias in quibus Ecclesiasticam potestatem non habetis, absque madato nostro excommunicationis , vel interdicti sententiam promulgare : Sed si quando subditos nostros huiusmodi Magister, vel Fratres gravaverint vos iniuste, per vos, aut per nuntios vestros ad Romanum Pontificem significari deberent de nominatis Magistro, Fratribus justitiam obtinere; hinc estque universitati vestrae per apostolica scripta mandamus, quatenus in praedictos magistrum et fratres ac milites, clericosque donatos, vel nuntios aut ecclesias eorum in quibus auctoritatem nequaquam habetis, excommunicationis, vel interdicti sententiam promulgare nullatenus praesumatis : nec eos indebita vexatione gravetis; sed erga ipsos vos totaliter geratis, non debeant adversus vos materiam querelandi suscitare. Quod si mandatum nostrum neglexeritis in hac parte, non poterimus transire quin eisdem fratribus in sua iustitia, si apud nos querelam iterum deposuerint, efficaciter providere curemus.