

Chapter I Brief History of the Secular Franciscan Order (SFO)

1. Introduction

The SFO is a *penitential* Order that comes under the name of a movement born in the Church as the result of the ecclesiastical penitential discipline. From the beginning of the Church a penitential doctrine and a practice – doctrinal and ritual – was outlined, which can be summarized in these terms: the baptized who commits sin can obtain pardon provided “he does penance” and “is converted”. The sinner who wanted to be converted, to change his life, to give up sinning, entered into the Order of Penance or of Penitents and remained there until he carried out the expiation determined by the church community together with the bishop. Alongside the “compulsory” penitents there arose, in time, the “voluntary” penitents, who desired a life of greater perfection.

The SFO is a *secular* Order, and this value of secularity always appears with the passing of time in such a way that in the Middle Ages it was recognized as one of the three Orders existing in the Church: *The Order of Clerics, the Order of Monks, and the Order of Penitents*. This Order of Penitents does not refer to all the faithful of the Church but only to those Christians who have decided to belong to one of the existing different forms of voluntary penitents.

The SFO is a *Franciscan* Order. Our aim is to try to know how a part of these secular penitents seek the help of Francis and his friars and follow the norm of life given them by Francis of Assisi. So, this penitential secular Order is animated by and immersed in the charism of Francis and forms part of the great Franciscan Family.

Francis is the man of penance. He was a penitent in the gospel sense; the first friars were called “penitent friars of Assisi”¹; and the Franciscan Third Order was known as the Order of the Brothers and Sisters of Penance.

2. Pre-Franciscan Period

2.1. Obligations of the Penitents

Today it is difficult to reconstruct the situation of the Order of Penance in the period before Francis of Assisi and his companions. We can say that there were bishops who spoke of the Penitential Movement and other personages who had a great influence on the spirituality of the Penitents. These persons would help, at least in part, to bring about the Gregorian Reform. Through preaching and the practice of poverty after the manner of the Apostles, they were to give to the Christian people a form of gospel life.

We can summarize the obligations of the penitents in these few lines.

- the habit: simple, of wool only, not expensive and dark in colour, characteristic of penance or of a hermit, often with the sign of the TAU on the mantle or hood; a staff, a haversack and sandals;
- the profession: made with the clothing of the habit; a written document was requested²;

¹ They asked: “Where are you from?” Or: “What order do you belong to?”. They answered simply: “We are penitents and we come from the city of Assisi” (AP, 19).

- the tonsure: the public sign of the penitent; they could not cut their hair and they wore beards³; a special penitential blessing was recited over the women⁴;
- prohibited: public spectacles, banquets⁵, commercial work (for fear of fraud and speculation)⁶; exercise of administrative or juridical public functions; military service⁷;
- fasts and abstinence, twice or three times a week, in the *feriae legitimae*⁸,
- participate in the Eucharist, especially on the solemnities of Christmas, Easter and Pentecost⁹;
- dedication to the works of charity in hospitals, hospices for pilgrims and also leprosariums;
- repair of churches and voluntary help in building cathedrals.

2.2. From the Gregorian Reform to Francis of Assisi

The reform of the Church was not completed with the pontificate of Gregory VII. After his death other popes continued it, both in the struggle over investiture and over the reform of the clergy. A secular clergy was poorly prepared¹⁰, either in formation or in pastoral service, in preaching and in instructing the people. Much of what was done was the work of the monks.

The unpreparedness of the laity allowed entry into the Order of Penance, in the second half of the Twelfth Century, of the heterodoxy of a number of itinerant preachers, among them the Waldensians¹¹, and the influence of the heretical Cathar teaching.

The uncertain situation, created by the grafting of the new wandering preachers onto the traditional forms, did not hinder the appearance of groups or fraternities who adopted a penitential *Propositum vitae*, with obedience to the authority of the fraternity and a commitment called *professio*. These fraternities are documented in Belgium, Italy, Holland, Germany and also in Spain. Some of these penitents would adopt a common life, as happens in the rural communities. Particularly known among them was that of San Desiderio, near Vicenza¹². The Brothers of the Holy Spirit, in 1195, placed their property in common and wanted to imitate Christ and the

² In Spain, in the case of the profession of women, the profession was requested “in scriptis”, as stated in the X Council of Toledo (*Mansi*, XI, 36).

³ In canon 6 of I Council of Barcelona (540), (*Mansi*, IX, 109) and canon 7 of VI Council of Toledo (638) (*Mansi*, X, 665).

⁴ Canon 21 of the Council of Epaon (517) (*Mansi*, VIII, 561).

⁵ I Council of Barcelona (540) (*Mansi*, IX, 109).

⁶ *Ibidem*.

Valdo retires from commerce, but Omobono of Cremona (+ 13-XI-1197) remains in office, and is canonized fourteen months after his death by Innocent III, 12 January 1199.

⁷ Nicholas I allows some penitents to carry arms in the fight against the pagans. Also Gregory VII grants permission to a Spanish penitent to fight against the Arabs. This principle was applied afterwards to all the crusades.

⁸ The Council of Agde (506) advises not to admit young people to penance, because of their tender age (*Mansi*, VIII, 327, c. 15). The Council of Orleans (538) requests the same (*Mansi*, IX, 18).

⁹ Council of Agde (506) (*Mansi*, VIII, 327, c. 18). Vulfredo of Bourges mentions it in *Epistola pastoralis*, PL. 121, 1140-1141. And the Synod of Magonza requests that they receive communion at least twice a year: at Easter and Christmas (*Mansi*, XXII, 1010).

¹⁰ “The priests were too much like the mass of the faithful”. Cahiers de Fanjeaux, n. 11, Privat, Toulouse 1976, *La religion populaire en Languedoc du 13 s. à la moitié du 14 s.*

¹¹ Valdo and his followers seek to live the Gospel, claim the right to preach and take it upon themselves, and live a life of material poverty that truly charms the Christian people, so that an English cleric, at the end of the Twelfth Century, described the Poor Men of Lyons as: simple and illiterate men, without fixed abode, without property, that had all in common as the apostles and, naked, followed the naked Christ” GEREST, C., *Comunidades y movimientos en el cristianismo en los siglos XI y XII*, en “Comunidades de Base”, por Casiano Floristán, Madrid, p. 179.

¹² The families who live in their houses place in common their work, their goods, furniture and implements for production and harvesting. cfr. MEERSSEMAN-E. ADDA, *Pénitents ruraux communautaires en Italie au XII s.*, en “Revue d’Histoire ecclésiastique” XLIX, 1954.

Apostolic Community radically. The fraternities of the Humiliati in Lombardy divided the day between work and prayer, with a semi-monastic life, and also built monasteries and churches such as the one of Viboldone, outside Milan, in 1195. The *Propositum* of the Humiliati has two parts: a longer one, exhortative and very evangelical, and a second part, shorter and juridical, that indicates the practices to carry out and gives guidelines for a fraternal life¹³. There were also fraternities that arose in particular circumstances, in orthodoxy but with a penitential spirit. Some of these groups also joined some Order of knighthood.

Having arrived at this point, we can say that the “Penitential Movement” or the “Order of Penance” continued to exist and the concept of penance was maintained, but more of the ritual kind, of gestures and external signs, than of the biblical kind and of the primitive Church. The result is obvious, because moral and existential personalities were lacking as spiritual guides to help the movement with their life and word.

3. Penitents at the time of Francis of Assisi

3.1. Revival of the Penitential Movement

We have pointed out that, between the end of the Twelfth Century and the beginning of the Thirteenth, rural fraternities existed, outside the city walls, and there were also hermits, recluses ... The movement was lively, even if the Waldensian and Cathar influence had entered among the penitents. The heart of the people was sound, but spiritual guides were lacking.

Francis and his companions, called at first “the penitents of Assisi”¹⁴, with their life and itinerant preaching, would have a particular influence on the revival of the Order of Penance. Many of the “voluntary penitents” will ask the Saint of Assisi and his companions for a form of life that will contain the whole Franciscan spirituality. They will continue to be called “Brothers and Sisters of Penance”, but at the end of the Thirteenth Century the name “Third Order of Saint Francis” began to prevail.

Francis began his conversion as a “penitent”, as “donated” to the church of San Damiano: “he begs him (the priest) to allow him to stay with him to serve the Lord”¹⁵. And Jordan of Giano presented Francis in his Chronicle as a man of penance: “In the year of the Lord 1207, Francis... began a life of penance in a hermit’s habit¹⁶... In the year of the Lord 1209,..., having heard in the gospel what Christ said to his disciples... he changed his manner of dressing, and put on what the friars wear now, becoming an imitator of gospel poverty and a diligent preacher of the Gospel.”¹⁷. Ida Magli affirms that Jordan “presents this penance of Francis not as a common and transitory penance, but as a state, *modum poenitenti*”¹⁸.

¹³ In 1178 some weavers and peasants of Lombardy form a group of Penitents, called “Humiliati”. This group included clerics, single women and married people. Innocent III will receive them into the Church and divide the group into three Orders: clergy, single women, and married people who will assume the name of Third Order of the Humiliati. Innocent III approves, in 1201, the “Propositum” of the Third Order of the Humiliati; in 1208 the “Propositum” of the Poor Catholics; in 1210 and 1212 he approves that of the Poor Lombards; and in 1212 another “Propositum” of other Penitents directed by the Poor Catholics is approved.

¹⁴ *AP*, 19.

¹⁵ *I Cel*, 9.

¹⁶ Cf. *I Cel*, 21; GIULIANO DA SPIRA, *Vita di San Francesco*, 15, AF. X, p. 342.; *Legenda choralis Carnotensis*, AF, X, p. 583.

¹⁷ GIORDANO DA GIANO, *Cronaca*, 1-2, FF, 2323-2324.

¹⁸ MAGLI Ida, *Gli uomini della Penitenza*, Garzanti 1977, pp. 42-43.

Francis became then an “oblate” or “converse”, one of the penitential forms known also in Assisi. The converse juridically was a true religious, he belonged to the forum of the Church, and did not depend on the civil jurisdiction, but on the ecclesiastical: “he told the messenger that he had been made free by God’s grace and, since he was a servant of almighty God alone, was no longer bound by the magistrates. The magistrates ... told his father: ‘Because he is in the service of God, he no longer falls within our power’ ... He (Pietro, his father) made the same complaint before the bishop of the city”¹⁹.

Francis lived, at least for two years, in the Order of Penance: “While he was completing the church of San Damiano, blessed Francis wore the habit of a hermit: a staff in his hand, shoes on his feet, and a leather belt around his waist... Two years after his conversion, some men began to be moved to do penance by his example and, leaving all things, they joined him in life and habit”²⁰.

It will be difficult to know the journey that Francis made to arrive at this decision to enter the Order of Penance, but who was his guide and spiritual accompaniment: bishop Guido of Assisi? The Benedictine monks of Subasio? Personal knowledge gained in his trips to France? How did he learn and deepen the spirituality of this movement?... Certainly it influenced him greatly and there are traces of it in his spirituality.

When the first companions came together they recognized themselves as “penitents”: They were asked “Where are you from?”. Or: “What Order do you belong to?”. They answered with simplicity: “We are penitents and we come from the city of Assisi”²¹.

Thomas of Celano in his first Life wrote: “Many people, well-born and lowly, cleric and lay, driven by divine inspiration, began to come to Saint Francis, for they desired to serve under his constant training and leadership... To all he gave a norm of life and to those of every rank he sincerely pointed out the way of salvation”²². And The Anonymous of Perugia completed it in some way by adding Francis’s companions themselves as guides: “Similarly, married men said: ‘We have wives who will not permit us to send them away. Teach us, therefore, the way that we can take more securely.’ The brothers founded an order for them, called the Order of Penitents”²³.

Meersseman, the authority on the Penitential Movement, says that around 1215 in many Italian cities there was a florescence of penitents, an increase in numbers, also with married persons who, as the already quoted Anonymous of Perugia specified well, observed the norms and church laws of the Order of Penance, and “that is precisely what the historians call the Penitential Movement”²⁴. The same Meersseman adds: “The unexpected increase of urban Penitents has to be attributed, as we know, to Saint Francis of Assisi, who himself lived as a brother of Penance before

¹⁹ *The Legend of Three Companions (TC)*, 19.

²⁰ *TC*, 25 and 27. But Thomas of Celano recounts that before having the first companions, Francis changed the form of the habit after hearing the gospel of the mission (Cf. *I Cel.*, 22).

²¹ *AP*, 19; Cf. *TC*, 37.

²² *I Cel.*, 37. Saint Bonaventure writes: “For set on fire by the fervour of his preaching, a great number of people bound themselves by new laws of penance according to the rule which they received from the man of God. Christ’s servant decided to name his way of life the Order of the Brothers of Penance. As the road of penance is common to all who are striving toward heaven, so this way of life admits clerics and laity, virgins and the married of both sexes” (LM. 4,6).

²³ *AP*, 41; Cf. *TC*, 60.

²⁴ MEERSSEMAN, *Disciplinati e Penitenti nel Duecento*, Perugia 1962, p. 45; Cf. IDEM, *Dossier de l’Ordre de la pénitence au XIII siècle*, Fribourg 1961.

In this way today the thesis of K. Müller and P. Mandonnet at the end of the last century has been abandoned, who considered that, from a “group of penitents” meeting around Francis of Assisi, some separated, against the will of Francis, and founded the “Friars Minor” and the “Poor Ladies”. Cf. MÜLLER, K., *Die Anfänge des Minoritenordens und der Bussbruderschaften*, Freiburg 1885; MANDONNET, P., *Les origines de l’Ordo de Poenitentia*, Fribourg 1898.

founding his religious order”²⁵. In 1276 Bernard of Bessa wrote: “The Third Order is of the Brothers and Sisters of Penance, shared by clerics, laity, virgins, widows, and married couples. Their purpose is to live uprightly in their own homes, to devote their attention to works of piety, and to flee the world’s allurements. Therefore, you might see among them nobles, and even knights, and other people great in the world’s estimation, dressed in proper cloaks of black fur, humble in both their clothing and mounts, so modestly associating with the indigent that you would not doubt they are truly God-fearing. From the beginning a brother was assigned to them as a minister, but now, in each region, they are released to their ministers, but who, as confreres begotten by the same father, are still encouraged by the brothers with counsel and assistance ... Thus the Lord made his servant, Francis, grow into a great nation, thus He gave him the blessing of all nations”²⁶.

3.2. Francis and the Penitents

It seems that Francis was interested in the penitents not only since 1221 but also much earlier. The reflection is made through his writings, in particular in the one that is called “Letter to the Faithful” in its two versions that, according to the latest studies, would regard not directly all the faithful but specifically those who were following him, that is, the Brothers and Sisters of Penance. But still more important is the consideration made by Esser on the first version or *recensio prior* of the Letter to the Faithful, considered until now as the first draft but, after meticulous analysis of the document, it has come to be considered as the first *propositum vitae* given by Francis to the penitents²⁷. Even if other documents are lacking, Esser says that, looking directly at the penitential movement, “it is very clear that we are faced with an instruction addressed to persons who have embraced a movement of Penance ... a movement to which Francis and his fraternity were strongly linked and associated with... the receivers are not to be looked for among the Friars Minor. So it must be a matter of the *fratres et sorores de poenitentia in domibus propriis existentes*...those to whom Francis gave a *forma vivendi*, according to the testimony of the first biographers”²⁸.

This document contains the teaching that Francis gave in his itinerant preaching, and, says Esser, is before 1221²⁹. It also shows Francis’s concern for the penitents. “The two versions, in their unicity, show that Francis was deeply interested in the Brothers and Sisters of Penance and followed their development with a greater sympathy than some historians are till today prepared to admit”³⁰. Does this norm of life, pointed out by the first biographers of the Saint, correspond to the first version of the Letter to the Faithful? Esser thinks so, even if we do not have documents to prove it. This fact, says Iriarte, shows us “the authentic witness of the conscience of the Founder that the Saint had”³¹.

²⁵ *Idem, Disciplinati...*, p. 46.

²⁶ BERNARD OF BESSA, *Liber de laudibus*. FA:ED III p.64.

²⁷ Cf. ESSER, Kajetan., *Un (documento) precursore dell’Epistola “ad fideles” di San Francesco d’Assisi* (Codex 225 of the Guarnacci Library of Volterra), in *Analecta TOR*, 1978, p. 39.

²⁸ ESSER, K., *o.c.*, p. 38.

²⁹ “We can admit without doubt that our document predates that date (1221), perhaps even by some years.” ESSER, K., *Un documento dell’inizio del Duecento sui Penitenti*, in AA.VV. *I Frati penitenti di San Francesco nella società del Due e Trecento*, Roma, Istituto Storico Cappuccini 1977, p. 96.

³⁰ ESSER, K., *Un (documento) precursore...*, p. 45.

³¹ IRIARTE, L., *Historia Franciscana*, Ed. Asis, Valencia 1979, p. 516.

3.3. Francis and his friars as guides of the Penitents

Between the end of the Twelfth and the beginning of the Thirteenth Century there was a reawakening of the laity, shown in the demand for the gospel and with entry into the Order of Penance. The same IV Lateran Council was the first council that was concerned with the laity in a special way³². The first canon says: “If, after having received baptism, someone has fallen into sin, he can always be saved through penance. Not only virgins and the continent but also married persons if they serve God with right faith and good works, merit to reach eternal beatitude.” And secularity, lived as aspiring to a gospel radicalism in the Church and with the Church, is what distinguishes the lay followers of the son of Pietro Bernardone.

At that time, the situation of the groups of penitents was in crisis, between the gospel and church criteria on the one hand and on the other hand the propositions of the Waldensians and Cathars, who lived evangelical poverty while opposing the bishops and priests, preaching rebellion and neglect of the sacraments. They lacked harmony between gospel life, ecclesiastical hierarchy and sacramental life.

Francis and his friars presented a life and preaching in accordance with the Gospel, with the invitation to respect priests and theologians, because they have the power to give us the Eucharist without which “you will not have life in you.” Without naming or saying anything against the Waldensians and Cathars, Francis and his friars lived the Gospel as they did, but also, and here is the difference, they respected priests and theologians and asked people to approach the sacraments: confession and the Eucharist. For this reason, as Esser writes, “Burcardo, Provost of Ursperg, explains the rapid spread of the minorite Order as a reaction to the contemporary heretics. The Friars Minor were like the catholic corrective to them”³³. But at the same time Francis affirms that the laity have a place in the Church and have the possibility of reaching sanctity through their lay state and by living the gospel as lay persons. Only much later, with Saint Francis de Sales and Vatican II, will we hear a similar word regarding the laity.

Francis is the man of catholicity. He did not call for reform, but with his life he introduced it into the Church and in accord with it. The same would happen with respect to society. He never imposed anything, but his life changed so many things. Francis is the man of gospel dialogue and he made the experience of the ever desired reform a reality, first of all in himself. Here also, Francis did not follow the ways of the monks or the clergy but he had his own stamp, authentically evangelical.

Francis would not be the founder in the strict sense of the Order of Penance because the Movement existed for centuries, but his personality, charism and animation, with that of his companions, gave life and splendour to this Order. The penitents asked Francis and his companions to be their guide and to give them a rule of life, so that Francis can be considered, or better is considered, as the founder of this Order, as Nicholas IV names him in the bull *Supra montem* (18 August 1289): “The present manner of living Penance was instituted by blessed Francis”. But still earlier, in 1238, Gregory IX wrote to Agnes of Bohemia telling her that Francis founded three Orders: “that of the Friars Minor, that of the Enclosed Sisters and that of Penitents”³⁴. Another

³² Cf. AA.VV., *Nueva Historia de la Iglesia*, Ed. Cristiandad, Madrid 1983, t. II, pp. 270-71.

³³ ESSER, K., *Origini e inizi del Movimento e dell'Ordine francescano*, Jaca Book 1975, p. 52.

³⁴ Iriarte says, “a witness (Gregory IX), so much more to appreciate as he portrays the one to whom the principle initiative belongs in starting the Franciscan institutions”. IRIARTE, L., *o.c.*, p. 5515. It seems to me that we must still plumb the depth not only of the quality of friendship between Francis and Cardinal Hugolino but also of the understanding that the latter had of the charismatic spirit of the Saint of Assisi and his quick use of the charismatic movement of Francis in favour of the Holy See.

Minor chronicle speaks of Francis as the founder of three Orders: Friars Minor, Poor Ladies and Penitents³⁵.

Francis knew how to see the lights and shades of his century also in the Penitential Movement, which he himself entered, and he continued to help it with the gift of a gospel norm of life rather than a juridical one: the first version of the “Letter to the Faithful”. The Spirit worked in this movement and in the Church through Francis. Afterwards a more juridical help would arrive to resolve many problems that arose with the civil authorities of the Communes, and also with the ecclesiastical Hierarchy. In this he had the collaboration of Cardinal Hugolino, and in 1221 the *Memoriale propositi* or *Regula antiqua Fratrum et Sororum de Poenitentia* was published. The document of 1228, when Hugolino was already Pope Gregory IX, has come down to us. In *Memoriale propositi* the penitential-gospel spirit proposed by Francis remains but, somehow, closed in a cage of juridical norms.

3.4. Origin and foundation of the Franciscan Penitents

It is difficult to be precise about the date, even if the tradition speaks of 1221. First of all, this is because it is not a true “foundation” but a flanking and an animation of an existing Penitential Movement. The fact that the IV Lateran Council spoke about it means that there was a reawakening, in which the Friars Minor certainly participated. Francis would present to the penitents a whole program of life that, before arriving at the first version of the so-called *Letter to the Faithful*, approached very much the way of life proper to the friars (there is also a parallel reading between the Rules for the friars, the Letters to the Faithful and the Testament of Francis).

The features of the penitential life were:

- form of gospel life
- fraternal life
- life of “disappropriation” (it seems to be a richer and more adequate concept than “poverty”)
- life of prayer and penance
- relation with the Hierarchy
- life of manual work and begging
- penitential preachers and promoters of peace
- perfect joy
- welcome
- relation with the poor of society
- approach to the laity

The laity began to ask the friars for advice and a norm of gospel life while remaining in their homes. Other legends reaffirm this when they say that in the neighbourhood of Cortona a woman, having sought out Francis for advice about the way “to serve the Lord” and after a word from Francis, made the decision together with her husband, who said: “My lady, let us serve the Lord and save our souls in our own house”³⁶. And the Legend of Perugia tells us that Francis, at Greccio, said, rejoicing, to his friars: “There is no large city where so many have been converted to penance; and still, Greccio is only a small town”³⁷. The Fioretti tell us that the inhabitants of a town (Cannara in some codices, in others those of Savurniano and for Canonici those of Alviano), after Francis’s

³⁵ Minor Chronicle of Erfurt, Cf. *FF*, 2657-2659.

³⁶ *2 Cel*, 38.

³⁷ *LP*, 34.

preaching, wanted to follow him and leave everything: houses, fields, family ...; then the Saint told them: “Don’t be in a hurry, and don’t leave. I’ll arrange what you must do for the salvation of your souls’ And then he got the idea of starting the Third Order for the universal salvation of all”³⁸.

The lay followers of the counsel of Francis and his friars spread all over Italy (the friars would spread the penitential laity into the ultramontane zones, in the footsteps of Francis of Assisi) and the Order of the Brothers and Sisters of Penance was born. The translation of the Anonymous of Perugia made by Beguin is more explicit: “The friars then regrouped it into an Order that bears the name of Penance, and they had it approved by the High Pontiff”³⁹. The friars were those first responsible⁴⁰ for the organization and promotion or creation of the so-called Third Order. Beguin’s translation is much more consonant with the work done by the friars with the seculars than is the official tradition: “Thus was born what is called the Order of Penitents, approved by the High Pontiff”⁴¹.

According to tradition, the blessed Lucchesio and Buonadonna of Poggibonsi, in Tuscany, were the first Franciscan tertiaryaries⁴². Can’t we speak, in some way, also of Jacopa dei Settesoli or of Prassede of Rome⁴³ as Franciscan tertiaryaries, or of John Veliti of Greccio and Count Orlando of Chiusi della Verna as Franciscan penitents?

4. Juridical discipline of the Franciscan Penitents

4.1. From *Recensio Prior* to *Memoriale Propositi*

We have said that today, according to the opinion of some franciscanologists, the so-called first version of the “*Letter to the Faithful*” is considered to be the first form of life for the penitents guided by the Friars Minor and given by Francis to the penitents who took counsel from him and his friars: “The receivers of this writing, as also the relations of the receivers among themselves, cannot be referred to all Christians in general, but must be understood as individual persons and as communities united in a particular way to Francis who had given them a *forma vivendi* very much like the form of life of the Friars Minor”⁴⁴.

Afterwards, in 1221, they were given the *Memoriale propositi*, although only the copy reworked in 1228 has come down to us. This “*Memoriale*” is considered to be the first juridical Rule of the Penitents⁴⁵, containing the spirit that Francis left us in his Letters, but also with elements taken from the *Propositum* of the Humiliati of Lombardy, approved by Innocent III in 1201.

³⁸ *The Little Flowers of Saint Francis*, 16.

³⁹ BÉGUIN, P.B., *L’Anonimo perugino*, Franciscaines, Paris 1979.

⁴⁰ “Similarly, both married men and women given in marriage, unable to separate because of the law of matrimony, committed themselves to more severe penance in their own homes on the wholesale advice of the brothers”. TC, 60.

⁴¹ AP, 41.

⁴² The first to call these penitents the “Third Order” seems to have been Bernard of Bessa in his *De laudibus beati Francisci*, c. 7.

⁴³ Thomas of Celano says of her: “among the best known religious women in the City and in Roman circles” (3C. 181), while St Bonaventure writes: “In the city of Rome there was a woman named Prassede known for her religiosity” (LM, 8,7).

⁴⁴ ESSER, K., *L’Ordine della Penitenza di San Francesco d’Assisi nel secolo XIII*, 1973, p. 71.

⁴⁵ The first document that has come down to us that speaks of the penitents as a grouping is a bull of Honorius III, “*Significatum est*” (16.12.1221) sent to the bishop of Rimini, requesting him to protect the penitents from the civil authorities who want to make them bear arms, under oath, for the defence of the city. He even sends another bull: “*Cum illorum*” (1.12.1224). With these apostolic letters, these groups of penitents are recognized as approved. Gregory IX will renew this approbation with the apostolic letter “*Nimis Patenter*” (26.5.1227), addressed to the bishops of Italy, and the letter “*Detestanda*” (30.3.1228), addressed to the Brothers and Sisters of Penance.

The figure of Francis, “the role of the Saint, in the organization of the lay movement, furthered by his work and words, if it did not indeed sprung from them,”⁴⁶ the life and preaching of his friars, and the form of life given to the penitents, would ensure the entry of many into the Order of Penance assisted by the Friars Minor⁴⁷. The *Memoriale* would help these penitents to live the gospel life in fraternity, an incontrovertible and a fundamental point in their life. Each fraternity had its own government, with brothers and sisters chosen by the members of the fraternity. The “council” had the faculty to adapt the articles of the *Memoriale*, with previous notice given to the fraternity.

4.2. Some significant aspects of the Franciscan Penitents

At the base of the spirituality of the penitents, as it appears in the *Letter to the Faithful*, is “to live according to the spirit”. In a list of fifty-seven brothers of the fraternity of Bologna that has come down to us, the social role and each one’s occupation is given. They considered themselves to be members of an Order with privileges and exemptions, some proper to the Order of Penance, others granted to them by the popes. This is confirmation that it was not a matter of a simple confraternity:

- one had to live “in communion with the Church”: the faith of those who asked to enter was examined and, often, in the *Memoriale* the bishop is referred to,
- the fraternity was considered to be the source of spirituality and sanctity,
- the love of God and neighbour would lead many fraternities, who possessed mobile and immobile property, to show their commitment to concrete works of mercy such as hospitals, dispensaries, depositories of foodstuffs and clothes for the poor, for pilgrims ...⁴⁸. Many cities and civil associations would offer to the Franciscan penitents, given their honesty, the government and administration of social and charitable works,
- the penitent did not bear arms⁴⁹ (he was like a “conscientious objector”) and did not swear the oath of fealty⁵⁰. These facts would contribute to the disappearance of the feudal system and the avoidance of rivalry and war, so frequent at that time⁵¹... The governments of the new Communes would oppose this privilege and will impose on the Franciscan penitents the obligation of a civil service for their capacity and honesty ...,
- exemption from the civil forum brought it about that the Franciscan penitent could be judged only by the ecclesiastical judge. He was requested to resolve his disputes within the fraternity, otherwise they were carried before the diocesan bishop,

⁴⁶ COSENTINO, Giovanni, *L’Ordine Francese Secolare*, Ed. Porziuncula, S. Maria degli Angeli 1994, p. 39.

⁴⁷ “Only the movement headed by Francis and Dominic and the apostolate of their Orders ... could approach Christians animated by gospel ideals but who stayed in their homes, and succeed in addressing their energies and filling their religious needs, finally giving new form, consistency and subsistence to the non-monastic gospel life in an “Order” of simple penitents”. POMPEI, Alfonso, *Il movimento penitenziale nei secoli XII-XIII*, in *Atti del Convegno di Studi Francescani*, Assisi 1972, pp. 20-21.

⁴⁸ Gregory IX, with the bull “*Detestanda*” (21.5.1227), permits them to use “the yield of their goods in works of charity, which are not subject to reprisals for the debts and delicts of their fellow citizens, who are exempt from the public offices”. Celestine V (1294) exempts them from paying the communal contributions, as persons dedicated to divine worship.

⁴⁹ Honorius III writes to the bishop of Rimini to defend the penitents of Faenza and its neighbourhood against the magistrates who oblige them to take oaths and to take up arms and follow them to war when requested (“*Significatum est*”, 16.12.1221); also Gregory IX does the same with the bull “*Nimis Patentur*” (26.5.1227).

⁵⁰ The oath of fealty carries the obligation to take up arms in defence of the feudal lord or of the commune. There is also the exemption to distance oneself from public appointments considered incompatible with the penitential life.

⁵¹ Some popes will grant these privileges to oppose Frederick II and other political enemies of the Holy See.

- all penitents were requested to make a will before profession, to avoid conflicts and division in families, and also to avoid the feudal lord's appropriation of the citizen's property if he died intestate,
- during interdict, the penitents had the indult to be admitted to the sacraments, divine office church burial ...
- the Franciscan tertiaries had to seek reconciliation with everyone, to live in peace and to work for peace; they were asked to act justly and to be reconciled with justice through restitution and the cancellation of debts.

4.3. Rules of the Franciscan Penitents

The *Memoriale* of 1228, with thirty-nine articles, is the revised text that we know of the *Memoriale* of 1221⁵². Both in the “*Memoriale*” of Gregory IX and in the Rule of Nicholas IV, with twenty chapters, and also in that of Leo XIII, each of the aspects of fraternal life is detailed: how to receive those who wish to enter the fraternity, use of the habit, how to make the profession... All of these particulars are indicated in each of the Rules reported in Chapter VII.

The spirituality of this penitential movement, that wants to follow the form of life given by Francis, can be synthesized thus:

<i>penitential life:</i>	penance: fasts, abstinence works of mercy
<i>life of prayer</i>	
<i>life in fraternity:</i>	live human values, attentive to persons; bring peace and good to the fraternity, to the family and to the brothers and sisters ...

In the intermediate period between the “*Memoriale*” and the Rule of Nicholas IV there would be very close moments of relation between the Friars Minor and the Order of Penance, as happened during the generalate of John Parenti (1227-1232), but it seems that brother Elias (1232-1239) was opposed to this responsibility, and so it remained until the generalate of John of Parma (1247-1257). During his ministry, Innocent IV, with the bull *Vota Devotorum* (13.6.1247), recommended to the provincial Ministers of Italy and Sicily the visit to the brothers of Penance, although a year later he put under the jurisdiction of the bishops those of Lombardy and in 1251 those of Florence. Saint Bonaventure was opposed to a concession of the friars with the Third Order⁵³. Alexander IV with his letter *Cum illorum* (20.1.1258) confirmed the jurisdiction of the bishops of Italy over the penitents. In 1284 there was a return of good relations between the Friars Minor and the Order of Penance. In this year the “Apostolic Visitor” of the brothers and sisters of Penance was Fr. Caro of Florence, who drew up a Rule for the Franciscans.

The Rule of Nicholas IV, approved with the bull *Supra Montem* (18.8.1289), is the one composed by Fr. Caro. It maintained all the aspects of the “*Memoriale*”, but it introduced the “visitor” and the “instructor”. It asked that all visitors and formators of the Penitents be Friars Minor⁵⁴. The pope imposed this again with the bull *Unigenitus Dei Filius* (8.8.1290), in which he

⁵² Sabatier discovered, in 1901, the “*Memoriale*” in the Codex of the library of the Franciscan friary of Capistrano; Lemmens found it in the Codex of Koenigsberg, in 1913; and in 1921 the “Veneto” Codex was discovered at Florence by P. Bughetti. It seems that they report the “*Memoriale*” reworked by Gregory IX. The “Veneto” Codex calls the penitents “continents”, and begins: “In the Name of the Father and of the Son and of the Holy Spirit. Memoriale of the propositum of the Brothers and Sisters of Penance living in their own houses, begun in the year of the Lord 1221.”

⁵³ Cf. SAN BONAVENTURA, *Determinationes quaestionum circa Regulam fratrum minorum*, p. II, q. 16, en *Op. Om.*, p. 368 ss.

⁵⁴ A great innovation because until this time the bishops had the right to visit the fraternities and often designated secular clerics and even simple laity for this service.

said that Francis is the Founder of this Penitential Order⁵⁵. He ordered the Tertiaries to elect their own ministers in distinct Fraternities. As some penitents opposed the Rule published with the bull *Supra Montem*, he confirmed the validity of the Rule signed by him and that the privileges of the Holy See would have been granted only to those who observed it. This Rule remained in effect for almost seven centuries, during which the loss of autonomy of the tertiaries and their dependence on the First Order was accentuated: with the Bull *Romani Pontificis Providentia*, of 15 December 1471, the Franciscan Pope Sixtus IV conferred on the First Order *superioritas, praeminentia et auctoritas* over the tertiaries.

Other important documents of the secular Franciscans over the centuries are:

- Julius II, with his letter *Cum multae et graves* (16-VI-1506), requested that the Conventuals and the Observants each have the care of their own tertiaries;
- Paul III reworked, in 1547, the Rule of Nicholas IV and placed the tertiaries of Spain, Portugal and the Indies under the jurisdiction of the Minister General of the TOR, but it was only a theoretical innovation, because the relation of the First Order with the Third Order Secular remained unchanged;
- Innocent XI approved the Constitutions and General Statutes with the constitution *Ecclesiae Catholicae* (26-VI-1686).

In the last part of this chapter, when we run through the history of the secular Franciscans in the Nineteenth and Twentieth Century, we will deal at length with the more recent Rules (that of Leo XIII of 1883 and of Paul VI of 1978), as well as with the General Constitutions (those of 1957 and of 1990, updated in 2000).

5. Salient facts of the SFO from the Thirteenth to the Nineteenth Century

5.1. Thirteenth Century

Francis was consistent in his way of operating. As he did with the two Rules of the Friars Minor, which evidence the gospel mentality and texts but few strictly juridical aspects, so he did also with the seculars who sought advice for gospel living. Also for the seculars, the *forma vitae* is the Gospel of the Lord Jesus, even if the structures, the modes and the conditions of life are different ... Francis and his friars presented to the lay penitents, who asked for their advice for living the Gospel in the family and in the world, the contents and style of the Letter called *recensio prior*, different in some aspects, especially juridical ones, from the *Memoriale propositi*.

In the *recensio prior* there was no reference to the structure of the SFO fraternity at any level, neither did it speak of the animation of the fraternity. Its contents were more a charismatic-evangelical commitment. The *Memoriale propositi* channeled the charism and codified it for the life of the Penitents of the Franciscan Third Order.

Many other pontifical documents would be added to the *Memoriale propositi* that helped the development of the life of the SFO, particularly when they arose from the difficulties resulting from the abuses and disorders coming from an effervescent Christian people but also contrasting many times with the criteria and the faith of the Catholic Church. In the first Franciscan century, often the secular Franciscans were confused with the Beguines and the Begards and also with the Fraticelli,

⁵⁵ The Minister General of the Dominicans Fr. Munio de Zamora, at this time organizes the penitents guided spiritually by the Dominicans and calls them the Order of Penance of Saint Dominic. Honorius IV, in 1286, is the first to speak of the Dominican Third Order.

who were rebellious against the Church's authority. The popes had to struggle to save the Franciscan Penitents from this confusion, and also to protect them from the attacks of the bishops, the clergy and particularly the civil authorities.

As it happened with the Friars Minor, many people of different social levels: nobles and commoners, literate and uneducated, clerics and laity, accepted the proposition of gospel life of Francis and his companions to live the Gospel in their own homes. The First Order also collaborated in this diffusion. For promoting vocations, the style of life of the penitents would be important, much esteemed by the citizens who considered them *trustworthy men*. For this reason, many citizens handed over to them the administration of their own property, and in many cities, especially in Romagna and Umbria, the superintendence of elections, markets and communal interests.

The manner of living of the secular Franciscan was not that of the monk or religious, but that of the Order of Penance, which, precisely being an Order, enjoyed certain privileges:

- The main one seems to have been that of ***exemption from civil authority***. For this reason, the secular Franciscan (tertiary or penitent) was free from the oath to the "lord of the manor", that is, to the "governor of the castle", or to the mayor, and was also exempt from military service;
- Another privilege was ***exemption from the civil forum***. The secular Franciscan, as a member of a true Order, not a simple association of pious laity, could be judged not by a civil court but by an ecclesiastical tribunal;
- They enjoyed also ***immunity from interdict***. The secular Franciscans, as the clerics and the religious, could celebrate the Eucharist and the divine office in their own churches, behind closed doors and without ringing bells, at least provided that the interdict was not nominal.

Even admitting that many became secular Franciscans to enjoy so many privileges more than to live the Gospel, it is true that the civil authority felt weakened. In order to go against the penitential movement, civil authorities burdened the properties and goods of the penitents with taxes and tributes; they prohibited them from leaving their property to the poor and obliged them with threats to pay the debts of others. Against this situation of persecution, the Roman Pontiffs had to counter with bulls and apostolic letters, also because the Secular Order of St Francis, and that of the Dominicans, were a weighty spiritual force for the renewal of the Church and of society, and also, in some moments, an authentic spiritual army in the struggle of the papacy against civil and political powers. In this sense, it is important what Pier delle Vigne, secretary of Frederick II, wrote to the Emperor, in his struggle with the Holy See, seeing the number and the fidelity of the tertiaries: "To deal the last blow to our power and to take from us the submission of the people, (the Minors and the Preachers) have instituted two new fraternities, which embrace generally men and women. Everyone is running to them; you can hardly find anyone who isn't inscribed in one or the other"⁵⁶.

The secular Franciscans, in this ambience as privileged by the Holy See, were an obstacle to the imperial power through their form of life, loyalty to the Church and civil exemption, and they were also a reason for tension between the Holy See and the civil powers and the bishops. During this time Saint Bonaventure (1257-1274) was elected Minister General. He prohibited the friars from occupying themselves with the "penitents". The reasons for not promoting the Order of Penance that he expounded to the doctors of Paris, who rejected the presence of the friars in the university chairs, were these:

⁵⁶ ANDREOZZI, Gabriele, *San Bonaventura e l'Ordo Poenitentiae*, in *San Bonaventura Maestro di vita francescana e di sapienza cristiana*, a cura di A. Pompei, Pontificia Facoltà Teologica "San Bonaventura", Roma 1976, vol. I, p. 359.

- it is necessary that the friars be free, in their pastoral action, to go out to all and not to be tied to only one group;
- it is difficult to defend the secular Franciscans (the penitents) before the ecclesiastical and civil authorities because of the great privileges they have obtained;
- to avoid the scandal of the friars who frequent the houses of tertiaries;
- the accusation of heresy against some penitents;
- it is impossible for the Friars Minor to help the secular Franciscans who, through debts or other crimes, are in the hands of justice;
- it is difficult to bring peace to the Fraternity when there is division in the group, or when the friars are accused of favouring the richer and more powerful members of the fraternity.

It is not easy to justify such a response from Saint Bonaventure, in some way incomprehensible in our times. In the social and ecclesial ambience of his time, the brothers and sisters of Penance were a value: “although not being of the world they had to continue to be in the world, to participate in civil life and in church life and to work for a continual *metanoia*, a continual conversion, an incessant return to God”⁵⁷.

This situation would be resolved before the Rule of Nicholas IV, as is evident from the fact of the presence of Fr. Caro as “Visitor” of the penitents in Tuscany. This reaction of the First Order and the Rule *Supra Montem*, would set things right, particularly in the relation between the two Franciscan Orders, the First and the Third, because from 1275, when the Mendicant Orders had no more need of the support given by the laity, the Pontifical Curia invited the Bishops to take under their control, by way of Visitors, the associations of penitents characterized by economic vitality and thus be able to offer resources to the diocesan administrators.

5. 2. Fourteenth and Fifteenth Centuries

At the beginning of the Fourteenth Century, at the moment of the strained and difficult relation between the First Order and the Fraticelli, the Penitents were considered by some bishops as “Begunes”, “Begards” or “Fraticelli”, which is to say, “heretics”. Clement V investigated and vindicated their orthodoxy, and in 1318 he confirmed the Rule. Also John XXII still had to defend them against different bishops of France in 1318 and 1321.

During the Black Plague, the number of Penitents decreased, but in 1385 there were 244 fraternities assisted by the Friars Minor⁵⁸.

After the suspicion of heresy and spiritual decadence, consequent upon the Western Schism (1378-1417), the Third Order recovered. In the Fifteenth Century the great preachers of the moment, including St Bernardine of Siena, St John Capistran and Fr. Bernardine of Busto, would propagate the Third Order through their preaching. St John Capistran wrote a book entitled *Defensorium Tertii Ordinis* (1440) in favour of the Franciscan penitents. With the help of Pope Eugene IV (1431-1447), he sought to sustain the secular Franciscans of Italy, to whom he wrote a letter that begins with these words, *Noveritis qualiter*. The same Eugene IV had great esteem for the SFO and trusted it for the reform of the Church.

Bernardine of Busto, who wrote the tract “Imitation of Christ in the Third Order”, said of the secular Franciscan Order: “This Order is great in numbers. In fact, all Christianity is full of men and women who sincerely observe its Rule.”

⁵⁷ ANDREOZZI, G., “o.c.”, p. 362.

⁵⁸ 141 in Italy and in the Orient, 23 in Spain, 29 in France, 37 in the Germanic countries and eight in the British Isles. G. GOLUBOVICH cites these statistics, in his *Biblioteca*, II, p. 260.

St Antonine of Florence (1389-1459), careful chronicler of his times, recognized this reality and said: “The doctors do not treat of the Third Order of Saint Dominic as they do of that of St Francis, because the Dominican tertiaries are few around here and there are almost no men. Instead, the Third Order of Saint Francis counts many members of both sexes, also of those who live in hermitages, in hospitals and in congregations”. Precisely because they are many, they do not enjoy the exemptions granted to the Dominican Third Order⁵⁹.

Through the Chronicles of the Franciscan Order we know that the visitors were always appointed by the Friars Minor in conformity with the Rule of Nicholas IV. Evident signs of the activity and florescence of the secular Franciscans were their social and charitable works. During this period as in the preceding, the members and the Fraternities of the SFO practised all the works of mercy: assistance to the sick and to those affected by any illness, also the most repulsive such as leprosy, the plague or typhoid; assistance to the poor, opening also free schools for them all over Europe; frequently, a hospital or a pious work was located beside a fraternity, sustained by the offerings of the secular Franciscans and by the administration of the property that many citizens left them in their wills.

With the bull of Sixtus IV *Romani Pontificis Providentia* (15 December 1471) a very particular epoque of the Secular Franciscan Order came to a close, “that of the active autonomy of the Order of Penance, and another is opened, in which the new name of Third Order assumes entirely its meaning of an accessory, a dependent, a fringe of the First Order”⁶⁰.

5.3. Sixteenth Century

During this time, the Secular Franciscan Order underwent the consequences of the cultural, social and political evolution of the renaissance and of Protestantism and also the consequences of the separation between Conventuals and Observants sanctioned by Leo X (1517), and then the birth of the Capuchins, in 1525. The Secular Franciscan Order (the Third Order) always remained “one and unique”, but the distinction, if not the division, began, of Fraternities according to the Obedience from whom they received spiritual assistance, which thus created an artificial division according to the four Families: Friars Minor (of the Observance), Friars Minor Conventual, Friars Minor Capuchin and Regular Tertiaries, whose Rule was approved by Leo X in 1521.

In the countries devastated by Protestantism and in many Italian cities, the Franciscan tertiaries maintained among themselves and around them loyalty to the Church, even to martyrdom. In Calvinist France fraternities of Penitents came to light, such as at Montpellier and Paris, with a spirit of discipline, rectitude and charity. The “Companies of the Most Holy Sacrament”, particularly attacked by the Huguenots, were formed and intensified.

With the Renaissance and the Protestant Reformation, the Third Order diminished in number and in its quality of life in Italy and in the countries of northern Europe, while it expanded and grew in number in Spain and in Portugal and in the colonies of both these nations. And at the end of 1500, with the help of the First Order and of the popes and bishops and also the civil authorities, the Secular Franciscan Order multiplied in Fraternities and works of charity.

After the Council of Trent, the secular Franciscans gave up social and apostolic activities and set out on a life of charity and piety. In some ways, they became more religious, they lived

⁵⁹ Cf. SANT' ANTONIO DA FIRENZE, *Summa theologica*, Ed. Verona 1740, t. III, tit. 28, c. 5,5.

⁶⁰ ANDREOZZI, G., “o.c.”, p. 181.

more within the walls of the churches and lost the sense of secularity and of living the charism of Francis in the world. Franciscan spirituality entered into the lay Fraternities that flourished again: worship of the Eucharist and the devotion of “Forty Hours” were a sign of a more intense interior life. There was a secular Franciscan renewal in Spain, in Portugal and in the colonies of both these powers, in Naples, in Lombardy, in Flanders, but always of a character that was more devotional than penitential, more as a social honorific title than as an evangelical force for change in the social and church life of its time.

The Sixteenth Century was also a century of saints who, in one way or another, drank from the spiritual waters of Francis of Assisi and from his gospel charism, such as the great organizer Ignatius Loyola, the joyful and tolerant Philip Neri, the educator of young girls Angela Merici, the counter-reformer Charles Borromeo...

5. 4. Seventeenth and Eighteenth Centuries

As already indicated for the Sixteenth Century, also in the Seventeenth Century the Third Order presented devotional rather than penitential characteristics, and was also “fashionable” in the socially elevated circles. The habit of the Tertiaries, which had been a sign of penance, was modified, and the number of great names who entered the Order increased: kings and queens, nobles, ecclesiastics and politicians..., but the quality of Christian and evangelical life diminished, as also did its spiritual depth. Fraternities became very numerous: 11,000 in Lisbon, in 1644, or 25,000 in Madrid, in 1689⁶¹. At the same time, in Belgium the Franciscan Third Order enrolled the aristocracy, overlooking the people, to the point that the poor were accepted only on demand, for fear that they might form the majority⁶². In Rome as in Naples, the nobility were Franciscan tertiaries.

The popes of the Seventeenth Century promoted the Franciscan Third Order for the Catholic restoration and to confront errors. At the same time, the Third Order was a great instrument for the education of the ruling classes. The rich and powerful were utilized to serve the poor, to conduct hospitals, to keep granaries, canteens and pharmacies..., and also to put doctors, advocates and notaries at the disposition of the poor....

When it lives the active and social dimension, the Franciscan Third Order has fruitful moments and members and Fraternities increase; when the vitality is only religious and ecclesial, the numbers fall away.

It is true that in the Seventeenth and Eighteenth Century the penitential sense of the Order was lost, but it is also true that from the Secular Franciscan Order many men and women emerged as founders and foundresses of new religious institutes, who stood to signify the force of the SFO Rule as a form of gospel life, capable of leavening and sanctifying society and the culture at all times.

During the Eighteenth Century there were also juridical controversies over the dependence of the secular Franciscans on the various Franciscan families. The popes resolved them, especially Benedict XIII (1724-1730), acknowledging the faculty of the Friars Minor (of the Observance), the Conventuals, the Capuchins and the Regular Tertiaries, to found and direct the fraternities of the Third Order, but always as a single Order.

⁶¹ Cf. IRIARTE, L., *o.c.*, p. 529.

⁶² Cf. GRILLINI, Giorgio, *Presenza francescana. Appunti storici per un profilo socio-politico del francescanesimo secolare*, Ed. Porziuncola, S. Maria degli Angeli 1995, p. 38.

Difficult moments arose for the Third Order in the second half of the Eighteenth Century and part of the Nineteenth. The Caesarism (autocracy), absolutism and regalism of Maria Teresa of Austria prohibited the Third Order from receiving new members (1776). Her son Joseph II, with an edict of 23 September 1782, suppressed the Third Order in any form, together with the religious Orders that were not under his control. In the same year 1782, the SFO was interdicted in France. In 1790, the Civil Constitution of the Clergy declared all religious associations suppressed including the secular Franciscans, and nationalized their property. During the French Revolution some Tertiaries would pay for their loyalty to the Church with imprisonment and also with their lives. Napoleon, during his government, set about suppressing the Franciscan tertiaries in 1810.

5.5. Nineteenth Century

The suppression of the religious Orders in the Nineteenth Century in Italy and Spain and in many other countries, would impact painfully on the Third Order. At times, the secular Franciscan Fraternities themselves were the object of suppression and persecution; deprived as they were of juridical personality, they lived as private societies and received the guidance of the secular clergy and of exclaustated friars.

This was also the century of the great secular Franciscan priests, such as the sainted Cure of Ars, John Mary Vianney, who initiated a new evangelization of the poor from the confessional, with the sacrament of reconciliation, or the evangelization of the society of workers that developed within the great factories; and so there appeared the circle of the good press, asylums, oratories, orphanages, refuges for beggars, workers' societies, or societies of mutual help: the works of the priests, Bedetti⁶³, Bosco⁶⁴, Guanella⁶⁵, Cafasso⁶⁶, Cottolengo⁶⁷, Piamarta⁶⁸, Murialdo⁶⁹...

A notable revival was effected through the work of Pius IX and then of Leo XIII. During the pontificate of Pius IX, the secular Franciscans entered with full rights into the social question with writings of great mark for renewal, such as the wise "*Christianity and the Question of Labour*" of the secular Franciscan bishop Wilhelm Emanuel von Ketteler (1811-1877), archbishop of Magonza, or his discourse in Magonza cathedral: "*The Contemporary Social Question*". At this time, the industrialist and secular Franciscan Romanet founded the Bank of Compensation for working family men, and Leo Harmel (1829-1915), industrialist and innovator in the social field, founded the first "Savings Bank and Workers' Aid". In the factories of Val de Blois Harmel set up two other banks ("Cassa Assegni Familiari", and "Cassa Mutua Assistenziale"), and a "Centre of Social Studies", and actuated the "Factory Council". Harmel synthesized his social program in four points:

- to safeguard the health of our brother workers;
- it is of strict justice to offer the workers a just salary;
- one must prevent the death of the spirit of the workers;
- one must assure them of material bread and daily food for their spirit.

⁶³ The Servant of God Joseph Bedetti (1799-1889).

⁶⁴ Saint John Bosco (1815-1888), father and master of youth, writer, founder of the Salesian Society and of the Daughters of Mary Auxiliatrix.

⁶⁵ Blessed Louis Guanella (1842-1915), social apostle, founder of the Daughters of Saint Mary of Providence and of the Servants of Charity (Guanelliani).

⁶⁶ Saint Joseph Cafasso (1811-1860), master and formator of priests, apostle of the confessional, consoler and father of prisoners.

⁶⁷ Saint Joseph-Benedict Cottolengo (1786-1842), founder of the Little House of Providence (the "*Cottolengo*"), of the Sisters of Cottolengo...

⁶⁸ John Piamarta (1841-1913), the work of preparation of youth for life, the Pious Society of the Holy Family of Nazareth.

⁶⁹ Saint Leonard Murialdo (1829-1900), founder of the Congregation of Saint Joseph for the education of youth ...

Leo XIII was himself a Franciscan tertiary and found in Franciscan spirituality that just evaluation of work, love of poverty together with respect for property, humble and open fraternity, and promotion of peace that establishes harmony among the different social classes. Leo XIII, the Pope of *Rerum Novarum*, wanted to find in the Franciscan Third Order a support and a solid foundation for social reform. He affirmed: “I want to find in the Order of Saint Francis vigilant support to help me defend the rights of the Church and to bring about social reform. And when I speak of social reform, I think especially of the Third Order of Saint Francis”⁷⁰. And again, Leo: “The Third Order of Saint Francis, reorganized for social action, can bear marvellous fruits”⁷¹. The Pope was convinced that, through the diffusion of the Franciscan spirit, the world would be saved from the poisons spread against Christianity by the Masonic sect and by Marxist ideology.

In order to correspond to the mission that the Pope intended to confide to it, the SFO had to become young, active and disciplined. It had to be adapted to the present times, while conserving all its religiosity of the past. So Leo XIII reformed its Rule, and approved it with the bull *Misericors Dei Filius* of 30 May 1883, in which we read: “*The Third Order is adapted to the many; and both the records of times gone by, and the nature of the thing itself, show how great is its influence in promoting justice, honesty and religion*”.

From a quick comparison with the Rule of Nicholas IV, we note that the latter has been greatly simplified:

- in the first chapter, we note the intention to rejuvenate the SFO, by fixing the date of admission at 14 years. The full habit is no longer prescribed, but the scapular and cord are to be worn under the clothes;
- in the second chapter it does not speak evidently of the external clothing and confirms only the simplicity of dress, both for the brothers and for the sisters. The prohibition of dangerous spectacles remains. The ascetical prescriptions regarding abstinence and fasting are drastically reduced, and also the prayers to be recited daily. Instead, the frequency of confession and communion is intensified. It no longer speaks of the prohibition to bear arms, so as not to make life impossible with the militaristic governments at that time;
- in the third chapter it is established that the visit to the Fraternities be made “officially” and that the visitors be from the First Order or the Third Order Regular.

The list of indulgences was attached to the new Rule. So many! And they were especially those that would make inscription in the Third Order “appetizing” for many devout people.

Sustained and animated by Leo XIII, a series of congresses was launched, in which “fraternal concord”, “concord of spirits”, and “unity” were insisted upon. They also returned to the social theme as the specific field of the Third Order. Pope Leo XIII received in audience the delegates of the Congress of 1900, presided by the Franciscan Cardinal Vives y Tuto, to which sixteen thousand Tertiaries came from all over the world, and he said to them: “... the Tertiaries must apply themselves without delay to the works of *social resurrection* and make the Franciscan institution produce the marvellous fruits that it contains in its essence and that have been evidenced in history”⁷².

⁷⁰ To the Minister General and Definitory OFM, AAVV., *Dizionario francescano*, Ed. Messaggero Padova, 1995, col. 1299.

⁷¹ PERUFFO, A., *Il Terz'Ordine francescano nel pensiero dei Papi*, Roma 1944, p. 188.

⁷² Taken from *Dizionario francescano*, col. 1301, that refers to S. DESCLUX, *Le Tiers-Ordre de saint François*, libr. Canisius, Fribourg (Suisse) 1913, p. 49.

In 1893, Leo Harmel held the Franciscan Congress of France, Belgium and Holland in Val de Bois. Another Franciscan Tertiary, Cardinal Manning, in his conferences, announced his principles: “This accumulation of wealth like mountains is a scandal! No State can subsist for long on such foundations! The Gospel is not preached to empty stomachs!”⁷³.

With this participation in social reform and in the social field, the Order increased in numbers and in the male component.

What were the effects of the Leonine reform? Striking at the level of numerical expansion of the SFO (they spoke of millions of tertiaries in the world!), very modest at the level of the desired contact in the social arena. Mariano Bigi⁷⁴ identifies some causes of this failure:

- the lack of definition of the juridical nature of the SFO and of the nature of its members, which left room for a mentality, rooted in the times, according to which the Third Orders were only a lesser expression of the religious life;
- the contrast between two tendencies, within the Franciscan world itself, between those who wanted to conserve the Third Order’s character tending uniquely to Christian perfection and those who wanted to direct the activity of the tertiaries onto the social level;
- problems of jurisdiction and relations with the diocesan clergy, that were posed for the First Order as a result of the spread of the Fraternities in the non-Franciscan parishes;
- the prophetic, and perhaps premature, character of the grand project of Leo XIII, which did not find the support of an adequate preparation and a suitable formation.

In spite of the apparent failure, a seed had been sown and in the more enlightened spirits the conviction circulated that the Third Order was not “a simple congregation of persons who alone could gain a certain number of indulgences” But it took almost a century to arrive at the reform of Paul VI.

It is noteworthy that in the Nineteenth Century many Franciscan religious Congregations arose that also followed the Rule of Leo XIII, then adapted by Pius XI in 1927. John Paul II gave them a new Rule, *Franciscanum vitae propositum*, of 8 December 1982.

6. Twentieth Century

6.1. A backward step

Pius X called into question the social action of the Franciscan Third Order and entrusted it, as well as the organization of its Congresses, to the First Order. Consequently, the number of male tertiaries fell immediately. The Order lost a large part of its identity and the Fraternities returned to devotionalism rather than being schools of gospel life, as the Code of Canon Law of 1917 requested.

The First Order and the TOR turned their attention to other forms of apostolate, sidelining, in a way, the Third Order, in particular the Fraternities not connected with the friaries; often and in

⁷³ Taken from the book of GRILLINI, G., *o.c.*, p. 44.

⁷⁴ Cf. M. BIGI, “*L’universale salute*”, pg. 142.

many places they replaced the Third Order with Catholic Action⁷⁵, lacking a proper vision of the SFO and of its life and apostolate as projections for the future.

This does not deter us from remembering Benedict XV, who with the encyclical *Sacra Propediem* (6.10.1921) exhorted the bishops to ensure that the Fraternities of the Third Order prosper and that new ones be created where they did not yet exist. Pius XI, with the encyclical *Rite expiatis*, that called to mind the seventh centenary of the death of Saint Francis, requested the bishops to favour and foster the SFO, and he said to the tertiaries, on 30 September 1938, “This should be your life: a life of action”⁷⁶.

In this epoque “Fraternities of Priests” appeared, such as the *Pia fratellanza*, founded by Cardinal Vives y Tuto in Rome, in 1900. Members and ministers of this fraternity included James della Chiesa (Benedict XV) and Eugene Pacelli (Pius XII). There were many of these priests’ Fraternities in Italy, Spain, Belgium, and France (twenty-seven in 1950).

6.2. A new Spring

After the Second World War there was a stronger presence also in the Third Order of those craving for the renewal that they noticed already in the Church and, in particular, in lay fellowships.

The first official signs for the opportunity of a renewal in the legislation of the Franciscan Third Order appeared immediately after the war: on 5 September 1946 the four General Ministers of the First Order and the TOR approved the *Statutes of the International Council of the Third Order of Saint Francis*. This Council, defined as *the head of the Third Order*, was composed of the four General Commissaries (= Assistants), delegated by their respective General Ministers. One of the first initiatives of the Council was to send, at the beginning of 1947, a letter to the General Ministers that pointed out how the Rule of Leo XIII was too much of a skeleton and needed clear and univocal interpretations, to put an end to the subjective ones of different commentators. And so, it showed the need for a legislative revision that would affect both the Rule and the Constitutions of the SFO.

In 1948, after an informal consultation with the Congregation for Religious, the study of possible revisions was begun by the four Commissaries, who adopted the position not to touch the Rule of 1883, but to concentrate on the elaboration of a text of Constitutions. These would have to take account, especially on the juridical level, of the need to harmonize the legislation of the SFO with the Code of Canon Law of 1917 and to regulate the existence and the functioning of the provincial and national Discretories that had arisen in different cultural areas, although not foreseen by the Leonine Rule. If in this first phase the secular leaders of the SFO remained excluded from the work undertaken, very soon events took another turn. In fact, at the end of the Holy Year 1950, the International Congress of the Leaders of the Franciscan Third Order was held in Rome, which already in its preparatory phase saw a very large involvement of the laity. About 1,500 persons were present at the Congress, among whom were also many religious, from fifteen nations and seven linguistic areas and, for the first time, it was organized in an “interobediential” form. The selected theme was the apostolate, being the most opportune when considering the necessities of the time. The reports were then enlarged to a complete vision of what the secular Fraternity was and did in the new times. A reflection was made on how to find actual ways of living the Franciscan charism

⁷⁵ The Tertiaries themselves founded Catholic Action: in 1867, the tertiary Mario Fani and John Acquaderni found the *Italian Catholic Youth*; the tertiaries Toniolo, Pericoli and Meda, in 1909, constitute the *University Federation of Italian Catholics* (FUCI); Armida Barelli, Franciscan tertiary, in 1918, constitutes the *Young Women of Catholic Action*; in 1922, Augustus Ciriaci, another tertiary, organizes the *Mens’ Union of Catholic Action*....

⁷⁶ Taken from the book of GRILLINI, G., *o.c.*, p. 58.

as seculars without changing the nature of the institution, how to maintain relations with the other lay associations, how to coordinate the forces and the works of the Third Order at the level of the bearings that would characterize the life of the secular Order in the second half of the Twentieth Century.

Among the concluding votes of the Congress, an outstanding one requested that “besides the local Councils, also those districtual, provincial, national and international are to be constituted as soon as possible”⁷⁷. Also an interesting request emerged from the replies to the preparatory questionnaire of the Congress, that Constitutions be elaborated and published, to comment on and apply the Rule of Leo XIII. Many motives underlay the request: the brevity of the Leonine Rule, the necessity to be aligned with the legislation of the Code of Canon Law, the relations created with Catholic Action, the evolution of the organization of the Third Order itself, and the unity of direction of the whole Franciscan First Order with respect to the Third Order.

A clear and authoritative invitation to renewal came then from the Discourse of Pope Pius XII to the Franciscan Tertiaries of Italy, 1 July 1956. The pope, himself a Franciscan tertiary from the first years of his priesthood, while holding fast to the preceding interventions of the Magisterium, expressed a precise and paternally firm identification of the causes that could have led to a phase of “organic stagnation” and of “spiritual cooling” and designated lucidly, with precise theological reasoning, the program of renewal and the leap in quality that the secular Fraternity had to make to become “a school of Christian perfection, of genuine Franciscan spirit, of daring and prompt action for building up the Body of Christ”. Both the discourse of Pius XII and the material gathered and elaborated on the occasion of the International Congress were used for the drafting of the Constitutions, that were approved and promulgated on 25 August 1957.

The Constitutions of 1957 are one of the most ample and complete texts of the legislation of the SFO; they gather, order and clarify all that had been elaborated on the Third Order previously: from the definition of its nature and purpose to its government, distinguished into external (proper to the First Order) and internal (proper to the tertiaries); from the program of life, spiritually profound, ample and precise, to disciplinary norms.

We can say that this document marks the “situational pivot” of the SFO on the eve of the II Vatican Council. It would place the problems and structures in a different and deeper theological context also of church life, which, in its turn, would make the drafting of a new Rule necessary. Fr. Jaime Zudaire⁷⁸ indicates the conciliar orientations that would have greater incidence also for the SFO:

- the call to be renewed, returning to the sources and with the heart open to the new requests of society and of the Church;
- the theology of the Church, the People of God and ‘Communion’;
- Chapter Five of *Lumen Gentium*: the universal vocation to holiness. This overcame a certain monastic conditioning in the presentation of the evangelical counsels; so it helped to overcome the difficulties embedded in the expression ‘religious in the world’ and to present the vocation of the lay Franciscans to perfection;
- Chapter Four of *Lumen Gentium* and the decree *Apostolicam Actuositatem*: the vocation and mission of the laity in the Church, their capacity to create and guide associations with a religious and apostolic purpose;

⁷⁷ *Acta congressus internationalis moderatorum laicorum Tertii Ordinis Saecularis S. Francisci Assisiensis*, Romae, 17-20 decembris Anni Sacri 1950 habiti, 105.

⁷⁸ Jaime Zudaire, “*L’Assistenza Pastorale e Spirituale all’OFS*” - Napoli 1992, pg. 67.

- the decree *Presbiterorum Ordinis*, in particular numbers 6 and 9: relations with the People of God, and with the laity;
- *Gaudium et Spes*: dialogue between the Church and the modern world, the presence of Christians in the world.

7. Renewal of the Rule

7.1. Preparatory work

We will treat fully of the importance and contents of the renewed Rule in successive Chapters of this Manual. Here we shall present only a synthesis of the procedure followed for its drafting and approval.

The work began immediately after the conclusion of the Council as part of that wider renewal that involved all religious institutes, including the four religious Franciscan families, who also renewed their Constitutions. With various shadings, the Constitutions of the three branches of the First Order intend to affirm the vocation and proper location of the Third Order in the Franciscan Family, and to reconcile its adequate autonomy (but they do not use this expression) with the right and duty of care that belongs to the Franciscan Superiors with regard to the secular Fraternity. The Constitutions of the TOR, when affirming the necessity of the secular component for the fulness of the Franciscan charism, add the special relation that exists between the TOR and the SFO⁷⁹.

The work extended over twelve years. Professor Mariano Bigi, who was also International Vice President of the SFO, in a very valuable article on the history and origins of the SFO Rule⁸⁰, distinguishes three phases in the *iter* (journey) that led to the drafting and approbation of the definitive text of the Pauline Rule.

7.2. First phase (1966-1969)

The first phase opened officially with a letter of 9 March 1966, signed by the four General Commissaries of the Third Order, and that opened the way for an ample consultation and provided the first guidelines for renewal and prospects for the future. The work to be done would include the Rule and the Constitutions as well as the Ceremonial (Ritual). The renewal would commence with the Rule of Leo XIII; the new Rule would have a “more positive, evangelical and Franciscan” character. The renewal, after all, would have to take into account the basic principles of the Ecumenical Council of Vatican II “especially regarding the mission of the laity in the Church”. In one of his articles,⁸¹ Fr. Leon Bédrune writes: “an impressive documentation arrived in Rome”, an evident sign of the great desire for renewal felt in the entire Franciscan world. A first examination of the replies was carried out by a working group composed of the four General Commissaries and by experts of the highest level of the different Families of the First Order. Then an appropriate Commission was constituted. Soon after, laypersons were also called to belong to it. A first outline in Latin resulted from the work of this Commission, and on 20 July 1968 it was sent to the National Councils for consultation. In their outline, the Commission had remained very close to the text of the Rule of 1883. Mariano Bigi comments: “the new wine of the Council’s teaching was contained

⁷⁹ Jaime Zudaire, *Ibidem*, pag. 70 e segg.

⁸⁰ Mariano Bigi, “*La Regola dell’Ordine Francescano Secolare – Origini e storia del testo*”, in VITA FRANCESCANNA, n. 3/2001.

⁸¹ Fr. Leon Bédrune “*Le tappe della redazione*”, in Osservatore Romano del 5 febbraio 1979.

in a wine-skin still strongly impregnated with a ‘religious’ type of spirituality and with devotionism.”

From the critical observations and counter-proposals coming to Rome, the strong desire emerged for greater participation of the “base”, with the request that the new Rule be the fruit of a further ample consultation and participation of the different cultural areas and not only of the initially constituted “Roman” commission. So much fervour for research and desire for renewal are confirmed by the fact that, during this period, in the different cultural areas, inspirational documents appeared that, although diverse in style and contents, presented notable similarities.

7.3. Second phase (1969-1973)

The second phase culminated in the International Congress organized by the four General Commissaries. The Congress was held from 27 September till 3 October 1969 in Assisi. Besides the four General Commissaries and their substitutes, seventeen delegates participated, of different nationalities and coming from four continents (Africa had no representative.)

Mariano Bigi, in the above-mentioned article, describes the work of the Congress thus: “The participants, divided into five language groups (Italian, French, English, Spanish and German) reviewed the synthesis of the replies to the first outline of 1968; then, distributed in three Commissions they discussed respectively: the characteristics of the secular Order of Saint Francis facing today’s world, the essential points of the spirituality and basic laws of the secular Order. In the plenary session of 3 October, all of twenty-five motions elaborated by the Commissions were approved, but only by the lay members – since the religious, although having the right to vote, had declined expressing a vote – and with majorities always greater than two-thirds. In these motions we find in a nutshell much of the contents of today’s Rule.” The unity of the Third Order and the need to tend towards unity of structures was also affirmed in this Congress.

In order to actualize the orientations that emerged in the Congress and to favour further steps in the desired direction, the Commission for the Rule was integrated with the members of the *Praesidium* of the Congress, and charged with preparing a new “basic text”, guided by the motions approved in the sessions of the congress. At the same time, while waiting for the new Rule, “orientative texts” were also elaborated in the various cultural areas, and approved *ad experimentum*. They were called “*Way of life*” (in English), “*Orientations*” (in French), “*Ideario*” (in Spanish), “*Richtlinien*” (in German) and “*Itinerario spirituale del Francescano secolare*” (in Italian).

All of this happened under the vigilant attention of the General Ministers of the First Order and TOR who already on 17 July 1969 had a mandate from the Congregation for Religious to authorize experiments in the different cultural areas, always within the limits of the document *Ecclesiae sanctae*. An extraordinary encouragement came from the discourse given by Pope Paul VI to the participants in the International Pilgrimage of the SFO on 19 May 1971, on the occasion of the celebration of seven hundred and fifty years of *Memoriale propositi* (1221-1971). The Pontiff traced for the Tertiaries a program for a strong and demanding life, affirming that he had a “threefold confidence” in them: first, in their capacity to live and witness gospel poverty, understood as “affirmation of the primacy of the love of God and neighbour, an expression of freedom and humility.... a kindly style of simplicity of life”; secondly, in their capacity, “like St Francis, to love the cross”; thirdly, in their “fidelity to the Church”.

7.4. Third phase (1973-1978)

The third phase began with the constitution of the International Council of the SFO (CIOFS). Already Article 121 of the 1957 Constitutions had foreseen the possibility of constituting councils at levels above the local and the opportunity to extend them to the interobediential level, also contemplating the figure of national presidents and of a “general president”. A first international organism had been named in 1969 by the Capuchin General Minister, who had called Manuela Mattioli to preside over it. With a document of 4 October 1973, the four General Ministers appointed the first International Council of the Franciscan Third Order (CIOFS), which – under the active, qualified and incisive presidency of the same Manuela Mattioli – had given a very notable impulse to the unity of the SFO, to the renewal of its legislation and structure, as well as to its presence in the Church. As components of the new Council, the names of the representatives proposed by each nation or cultural area were confirmed, without reference to the “obediencies” that they belonged to. Among the duties assigned to the Council that of favouring and increasing studies of the new Rule figures expressly. On 17 September 1976, the four General Ministers approved the Statutes of CIOFS.

We quote again Mariano Bigi’s article: “As the first consequence of the constitution of the International Council, its President, Manuela Mattioli, entered by right as a member of the Commission for the Rule; following on that, the CIOFS, being the organism to which ‘the coordination, animation and guidance of the Secular Fraternity of Saint Francis belonged’ (Statutes, Art. 2), assumed and carried to its completion the work of elaboration and consultation that had been begun previously”.

In the meantime, as a result of the work of the Commission, the work had gone ahead, and had passed through all of five successive versions. Finally, on 30 April 1975, it was possible to send to the national Councillors a text of the Project of the Rule, that explained and evidenced – with the support of suitable references to Scripture, the Franciscan sources and the conciliar documents – the essential elements of the “form of life” outlined by the motions of the Congress of Assisi.

7.5. Conclusion of the work and approbation

The replies received, collected and classified in a new *dossier*, were first studied by the General Assistants and then examined by the CIOFS Presidency who met in Assisi in September 1976. For the course of the work, the Presidency appointed a Commission, with the task of bringing to the Project the corrections that had been singled out, while taking into account the observations that had come from the National Councils. The Commission interpreted their mandate extensively, and elaborated a new project, very different in its inspiration and structure from the preceding one. Substantially, the two projects expressed the permanence of “two perspectives and diverse visions: one more markedly theological and spiritual, the other more practical, normative and juridical.”⁸². The two texts were examined by four noted experts in Franciscanism and in canon law, one for each of the Franciscan religious families. Besides each one expressing his opinion, they held a common meeting, and expressed to the Presidency their conclusive opinion in the sense of wisely “recasting the two texts, with respect to the useful assertions of both”.

The complex of all the documentation was examined by the Presidency in a meeting held in Rome during Holy Week 1977. Manuela Mattioli’s proposal was accepted, to edit in that session, without further referrals, a new text utilizing the material at hand that, on the other hand, represented the fruit of long labour and of no less long consultations and examinations. On 27 June of the same year the document was consigned to the General Ministers of the First Order and TOR, who examined it together in a working session of over two days, at Rieti. The same General

⁸² Mariano Bigi, article “*La Regola dell’Ordine Franciscano Secolare*”, already quoted.

Ministers, on 18 October 1977, transmitted to the Congregation for Religious the Latin text of the new Rule, requesting its approbation.

On 24 June 1978, the new Rule was approved and promulgated by Pope Paul VI, with the Apostolic Letter *Seraphicus Patriarcha*.

On 4 October 1978, the four General Ministers consigned the Rule to the Brothers and Sisters of the Secular Franciscan Order, with a letter in which they pointed out the two “hinges” of the desired renewal: return to the sources, and attention to the Spirit in the signs of the times.

After that, the International Council attended to having the translations made in modern languages. In February 1979, the parchment containing the text of the Rule and the Pontifical Letter of approbation were consigned by Fr. Pasqual Rywalski OFM^{Cap}, in the name of the Conference of General Ministers, to Vice President Mariano Bigi, delegated by President Manuela Mattioli, during a solemn eucharistic celebration in the church of Corpus Christi of the Capuchin Poor Clares at Garbatella, in Rome.

The Rule was welcomed with joy and zeal by the Secular Franciscans and its circulation and presentation soon became the object of conventions and studies.

8. New General Constitutions

8.1. Start of the work and consultations

The work of updating the General Constitutions of the SFO, for applying the renewed Rule, was first begun immediately after the International Congress of Assisi (6–10 October 1979) that had approved a motion to that effect.

Already during 1978, some Nations forwarded their own drafts, amply reworked with respect to the Constitutions of 1957 and rich with interesting hints; others formulated to the CIOFS Presidency observations and partial, but not less significant, proposals. After taking these collaborations into consideration, the Presidency, in the meeting of 19-22 December 1989, arrived at the conclusion that, for juridical reasons (waiting for the new Code of Canon Law) and existential reasons (the still incomplete assimilation of the Pauline Rule), the time was not ripe for drafting a new text of Constitutions. Rather, they reviewed some questions that needed urgent clarification.

So the Presidency, in its session in December 1980, decided to entrust their examination to a team composed of religious, experts in canon law, and lay persons. The Presidency requested from them a clarification on the points of “concordance” between the dispositions of the Constitutions of 1957 and the Rule approved in 1978. First information on the subject was presented by the Commission during the meeting of September 1981. The charge of presenting the observations and the modifications to be made to the Statutes of CIOFS was entrusted to the same Commission (following in February 1982), taking into account the suggestions that would have arrived from the International Councillors.

We must say at once, though, that the soul and supporting column of all the work, from the beginning to its conclusion in 1990, was Fr. Jaime Zudaire, SFO General Assistant for the Capuchin Order. He poured out his love for the Secular Franciscans, his competence, his experience, and his sensitivity, with an inexhaustible strength, carrying all the other “workers”.

In the III General Chapter of the SFO, held in Assisi from 22-27 September 1982, some bearings were fixed for the drafting of the new Constitutions:

- it had to begin within six months after the publication of the new Code of Canon Law;
- by 1 January 1983, the Presidency would have to appoint a Commission charged with preparing the new text.

As a first approach to the problems relative to the new General Constitutions of the SFO, the connection between the three normative sources to which the Constitutions themselves had to refer was taken into consideration. They are listed here in chronological order, not in order of importance:

- the Constitutions of the SFO of 1957;
- the renewed Rule of 1978;
- the new Code of Canon Law.

On the relation between the renewed Rule and the Constitutions of 1957, the opinion of the experts was that the latter did not have to be understood as abrogated together with the Rule of Leo XIII. Only the norms of the Constitutions that ended up contrasting with the new Rule had to be considered as automatically abrogated. With regard then to the general bearing of the new legislation, the experts affirmed that one had to take into account the “declericalization” of the SFO which inspires the Pauline Rule: and so the “rights to power” that the Constitutions of 1957 attributed to the priests (Directors and Commissaries) had to be transferred to the laity.

The new Code of Canon Law was promulgated on 25 January 1983. It is worth reporting here a short extract from the discourse made, during the signing ceremony, by Mons. Rosalio Castillo Lara, Pro-President of the Pontifical Commission for the Revision of the Code: “Also new is the statute of Christ’s faithful, which enumerates their more relevant rights and duties in the life of the Church. The operational space of the laity, that is, of those who have not received sacred order, has been greatly enlarged, both in their participation in the triple function of teaching, sanctifying and governing, and in the ambit of their recognized freedom of association”⁸³.

On the effects of this new vision of the laity regarding the new legislation of the SFO, enlightening indications came from the same Mons. Castillo Lara. In an interview on 28 April 1983 that he gave to Fr. Jaime Zudaire and other General Assistants of various Secular Third Orders, Mons. Castillo Lara settled in particular on two criteria followed in the new Code for lay aggregations:

- the introduction of the unique distinction between public and private associations;
- the ample space left to the statutes of the same associations.

Referring in particular to the Third Orders, Mons. Castillo Lara explained that can. 303 represents a true “exception” in the present legislation: in fact it is a unique article that speaks of a particular type of association, precisely the Secular Third Orders, in consideration of their importance and venerability in the history of the Church and of their specific character. The Code has considered as *essential* the following characteristics of a Secular Third Order (regardless of the name that it can assume):

- participation in the spirit of a religious Family;

⁸³ Cf. *Promulgazione e Presentazione ufficiale del Codice di Diritto Canonico*, Città del Vaticano.

- striving for holiness (Christian perfection);
- the apostolic life;
- relation with a religious Institute.”

To more specific questions addressed to him on the theme of *altius moderamen*, Mons. Castillo Lara replied that its contents is not necessarily a “potestas regiminis” (that is, a true and proper jurisdiction), and he added that it belongs to the proper statutes of each Secular Third Order to determine who should exercise such *superior direction* and what is to be the way of exercising it, taking into account the finality to which it is ordered: to guarantee the faithful participation of the tertiaries in the charism of the religious Institute.

Mons. Castillo Lara made it clear at the end that the Secular Third Orders that are to be counted among the public associations come under the legislation proper to these associations:

- their statutes should be approved by the competent ecclesiastical authority;
- their property is considered to be ecclesiastical property and therefore subject to the norms of Book V of the new Code.

To the authoritative precisions of Mons. Castillo Lara were added the opinions of other canonists, who wanted to stress how the Pauline Rule, inspired by Vatican II, had anticipated the lines sanctioned by the Code of Canon Law of 1983. The Code, so as not to *strangle* the life of associations with the imposition of too many structures and too many bonds imposed from above, reduced the norms to those strictly necessary and, applying the *principle of subsidiarity*, codified only what was of its exclusive competence, wanting to make the leaders at the lower levels responsible and to involve them in doing their part in the integration and completion of the legislation for each association.

Following this line, also the Presidency of CIOFS wanted the involvement to include not only the leaders at the top of the SFO (religious and lay), but the entire reality of the Order, in its worldwide dimension. And so, a wide circle of consultations developed, in which both the National Councils and the International Councillors as well as interested and competent individual persons could make interventions.

The Juridical Commission had the task of gathering and coordinating the contributions that arrived from everywhere, and of highlighting the points of convergence and those points where more or less emphasized differences were found.

The Commission presented a “provisional outline” of Constitutions to the Presidency on 27 September 1983. This text was characterized by an excessive mass of aspects considered, so much as to assume, on certain themes, the tone of a tract on spirituality, losing sight of the essential and of what carries effective juridical relevance.

The work of editing had brought out also some *sensitive points*, which made necessary the opinion of expert canonists designated by the respective General Ministers. It was they who lovingly gave precious collaboration to the Commission during the entire development of the work, unravelling knots, responding to queries, overcoming perplexities and keeping the conduct of the Commission and the Presidency on the path of correct juridical experience.

After the examination of the “provisional outline”, the Presidency had entrusted to the Commission the task of proceeding to a more harmonious draft that, while taking the collected material into account, would display it in the form of a working hypothesis, on the subvention of the

opinions expressed by the canonists. The text so edited was distributed with a circular dated 8 December 1983. The National Councils and International Councilors were requested to examine it in the light of their respective experiences and to formulate, by 31 March 1984, their replies to the questionnaires attached to each title of the articulated text.

So we arrived at the IV General Chapter and the I Elective Chapter (Madrid, 29 April - 3 May 1984). It was an event of particular importance in the process of the renewal of the SFO and the consolidation of the International Fraternity:

- the direct election of the General Minister and the Presidency of the International Council was held for the first time;
- the new text of the Statutes of CIOFS were voted on and approved;
- the President of the Chapter, Fr. José Angulo Quilis TOR, consigned to the Secular Order its Ritual (in the Latin text), approved on the previous 9 March by the Sacred Congregation for the Sacraments and Divine Worship. The Ritual contained important anticipations of some aspects that would then find definitive systematization in the Constitutions.

With regard to the theme of the Constitutions, Fr. Jaime Zudaire presented a full report on the work done up to that moment and on the more prickly questions, which still required deeper study. The Chapter took action and fixed the procedure to follow for carrying out the work.

The replies to the questionnaires that we mentioned above arrived from the National Councils and International Councilors. The Presidency examined them, article by article, in two sessions, held respectively at St. Poelten (Austria) in September 1986 and at Rome in September 1987. The National Councils and International Councilors were requested to review the text only on specific points, and to send proposals for modifications and alternative formulations of single articles by 31 March 1988, in view of the General Chapter that would have to discuss and approve the articles of the General Constitutions.

8.2. Approbation “ad experimentum”

The V General Chapter (Rome, 6-15 June 1988) was opened by a presentation of the General Minister, Manuela Mattioli, which we want to report almost in full, both because of the importance of the theme and because, unfortunately, this is the only General Chapter whose Acts were not successfully printed.

Manuela commenced with a historical reference: “The Decree of the Sacred Congregation for Religious (in 1957), which approved the Constitutions of the Third Order Secular of St Francis, accentuates ‘the paternal solicitude of the Roman Pontiffs such as Nicholas IV and Leo XIII who adapted the Rule itself to the changed conditions of life; others, such as Innocent XI, attentively prepared and approved new Constitutions. Leo XIII adapted the Rule to the conditions of modern life’ ... Being aware of the necessity to have new Constitutions, the General Ministers of the four Franciscan Families elaborated them so that ‘the tertiaries would understand more clearly the profound Franciscan principles contained in the Rule (of Leo XIII), in spite of its brevity, and that they would translate them into practice in their life.’ Regretfully, the Constitutions of 1957 have not been sufficiently known and lived.

“Today it is no longer the paternal solicitude of the Pontiffs or that of the General Ministers that is preoccupied with this updating. After the approbation of the Pauline Rule – we will celebrate

its tenth anniversary on next 24 June - we Secular Franciscans ourselves assume the responsibility for adapting the legislation of the SFO.

“So, here we have a new fact in the current, ancient and perennial life of the SFO; an historical moment in which we, here present, are playing a part with Christ and Francis, in an attitude of service, availability and attentive listening to the voice of the Lord, to the voice of our brothers, and to the voice of our own discernment.

“We are not here to follow our own opinions or personal points of view or those of a group. We are here to follow the thinking that the Rule and the Code of Canon Law express in regard to the Secular Franciscans and to apply it to the life of the individuals and of the Fraternities, in the light of the Franciscan charism, and of the contributions of the National Councils, and of our existential and pastoral experiences.

“Docile to the motions of the Spirit, we will endeavour to give to the universal Fraternity a constitution to guarantee its unity in diversity”.

The points over which the capitular debate was most lively regarded:

- the entitlement of the task of animating and guiding the Fraternities at all levels (personalized or collegial authority?);
- the structure of the international Fraternity;
- reasons and procedures for dismissal from the Fraternity and the Order;
- the place and functions of the spiritual Assistants in the Councils of the SFO at the various levels, in the light of can. 303 of the Code of Canon Law;

We wanted to record them because precisely these points and the solutions adopted in 1988 were proposed again in the phase of revision of the General Constitutions in 1990, as we shall see better in the following paragraphs.

The General Chapter concluded with the papal audience, granted to the capitulars on 14 June 1988. In his allocution, the Holy Father recalled above all the universal call to holiness, and underlined that perfection is not a luxury or much less a superfluous aspect of Christian life, but involves all the baptized in a precise response, which becomes indeed a question of salvation. Referring then to the discourse delivered by Pius XII to the tertiaries on 1 July 1956, John Paul II confirmed: “You are also an Order, a lay Order but a true Order; and, furthermore, Benedict XV had spoken of an *Ordo veri nominis*. This ancient term – we can say medieval – of “Order” does not mean other than your strict belonging to the Franciscan Family (...), it means the participation in the discipline and austerity proper to that spirituality, while in the autonomy of your lay condition, which on the other hand often calls for sacrifices not less than those that arise in religious and priestly life.” Referring, finally, to the role of the laity in the Church (let us not forget that the Synod on the Laity had not long concluded!), the Pope stressed: “What counts is not so much numbers but quality. It’s a question then of small groups, humanly poor: what is important is goodwill and loyalty to the Church. They will be – as Jacques Maritain said once, with a happy turn of phrase – bright stars spread in the night of the world”⁸⁴.

With the capitular votation, a new phase opened for the process of the General Constitutions: that of their approbation by the competent authority. The text launched by the Chapter presented a number of hitches due to the multiplicity of languages in which the voted amendments had been presented in the Chapter. Besides, some capitular options had reflected on

⁸⁴ JOHN PAUL II, *Ad eos qui generali Capitulo Tertiariorum franciscalium in speculo viventium interfuerunt coram admissos*: AAS 80 (1988) pp. 1786-1789; *L’Osservatore Romano*, 15 June 1988, p. 4.

the formulation of other articles, which had to be retouched to harmonize the various norms. The Juridical Commission went back to work and the canonists of the General Curias were called on again with regard to specific aspects and precise formulations.

Finally, the text, polished also from the linguistic point of view, could be sent to Card. Hamer, Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (ICLSAL), with a letter of 17 September 1988 and signed by the four Franciscan General Ministers and the General Minister of the SFO. The letter emphasized “the long shared work to which all the National Councilors of the Secular Franciscan Order were called”, and requested that the text be approved *ad experimentum*, keeping in mind “the diverse innovations contained in the new text of the Constitutions, the great spread of the Order in the world, the varieties of culture and of social and ecclesial ambients in which the Secular Franciscans live and operate”.

The Congregation subjected the text to a rather attentive and deep scrutiny. Granting that “the text is edited and presented with great care” and that “the spirit that runs through it is truly excellent”, the Congregation gave a disposition that retouches be made to all of twenty-four commas of the articulated text. The Juridical Commission of CIOFS attended to them and the readjusted document was consigned again to the Congregation, that finally approved it with the Decree of 8 September 1990, Prot. n. T. 69, a) – 1/90.

The official consignment to CIOFS was made on the occasion of the VI General Chapter and the II Elective Chapter (Fatima, Portugal, 13-20 October 1990). The late Fr. José Angulo Quilis, General Minister of the TOR presided, in the name of the Conference of Franciscan General Ministers. He was also the bearer of a Message that the Prefect of the Congregation ICLSAL addressed to the capitulars, connecting the two events, the approbation of the new General Constitutions and the capitular session, to recall the SFO to the role that it is called to carry out in the Church and in the world. “It is certain, in fact – wrote Card. Hamer – that the Secular Franciscan Order, especially today, after the fusion of its four branches headed by the respective Families of Franciscans (Minors, Conventuals, Capuchins and Regular Tertiaries) in a single great organism of world dimensions, represents an army that can be at the vanguard in the Church and in the world, to construct a more human and Christian society”⁸⁵.

“Its numerical strength, its diffusion over all the continents, the attraction of the Franciscan charism, are all elements that confer on the Secular Franciscan Order perhaps a determining influence on collaboration with projects of world importance, such as peace to be built on justice or the solution of problems that afflict humanity, with different shadings, but in all latitudes. But to arrive at this, it is indispensable that all members of the Secular Franciscan Order be conscious of their vocation and mission in the Church and in the world”⁸⁶.

With reference to the Rule of Paul VI, Card. Hamer continued: “It is enough that the individual tertiaries meditate on it and apply its substance, in accordance with the interpretation suggested by the Constitutions just approved, to be sure of the authenticity and validity, in a modern key, of their response to their vocation and mission as committed lay Franciscans. However, allow me to underline that the lay Franciscan is essentially called to follow Christ in the footsteps of St Francis, modelling all his life on the Gospel; he is an apostle of the Gospel, who is concerned with making present the charism that he carries, passing from the Gospel to life and from life to the Gospel; an individual who makes his own the anxieties and preoccupations of all humanity, but

⁸⁵ HAMER, J., Cardinal, *Lettera della Congregazione per gli istituti di vita consacrata e le società di vita apostolica* (Rome, 12 September 1990), in *Atti del VI Capitolo Generale del Consiglio Internazionale dell'OFS*, Allegato 1 (Roma 1996) (<http://www.ciofs.org/doc/ki90lm01.htm#3>).

⁸⁶ *Ibidem*.

especially of the most disinherited and those suffering, collaborating, in perfect docility with the Roman Church, in the mission of saving souls. The lay Franciscan makes prayer and the sacramental life the soul of his being and acting; he lives in the world but in that freedom of spirit that allows him to preach the gospel beatitudes by his example and word. Besides, the lay Franciscan should feel himself engaged in the construction of a more fraternal sharing of life; he should be a true promoter of justice and peace; one who brings joy and hope. The single Fraternities, for that reason, must not be reduced to being simple associations of piety, but will have to rise to the level of true schools of evangelical and Franciscan formation, to turn out passionate spirits, like Francis of Assisi, for Christ and for the Church”⁸⁷.

8.3. Publication and first application

On receiving the General Constitutions, the General Chapter of Fatima, in its conclusions, engaged the elected Presidency:

- to offer to the National Councils some orientations to understand better the innovations introduced by the Constitutions;
- to prepare a guide regarding essential points to be inserted in the National Statutes in order to align them with the Constitutions.

Besides, the Chapter made a specific pronouncement on the theme of the unity of the SFO: “While respecting the configuration in Obediences of the four religious Orders to whom the pastoral and spiritual assistance of the SFO is committed, the Presidency will encourage and promote the overcoming of the corresponding divisions that in the past had characterized the secular Order. The Presidency will give full attention to developing unity within itself and between the international (CIOFS) and the national and regional levels, while urging all the National Fraternities to realize the unity outlined by the Rule and General Constitutions. In recognizing the pluralism of expressions of the one Franciscan charism, the Presidency intends to promote the secular Order as an instrument and agent of communion in the Franciscan Family also through the cooperation of the spiritual Assistants in ‘Conferences of Assistants’ at the general, national and regional level”⁸⁸.

The *editio tipica* of the General Constitutions, in Italian, was printed with the technical and economic collaboration of the SFO of Italy. It included a Presentation of the General Minister of the SFO, in which the important lines of the new legislation were individuated: secularity, unity of the SFO and its autonomy. We report an extract literally, for easy consultation:

“*Secularity*, which characterizes the whole text of the Constitutions, is not a re-reading of the spirituality of the lay Franciscans in a ‘modern’ key. Not at all. It is an awareness of the past, a return to the origins and an evaluation of the purest tradition, if one would only reflect on the importance that the Order of Penance had in its first centuries, to the point of penetrating the entire church reality and the complicated texture of civil society. In an alienated and disoriented world, space is offered to the Secular Franciscans today to renew the great adventure of revealing and proposing a ‘lifestyle’ that is rooted in the fatherhood of God, in the brotherhood of all men and women, in harmony with nature.

The *unity* of the Secular Franciscan Order is also a characteristic present at its beginning and never disputed on the theoretical level. On the practical and organizational level, on the contrary, the successive historical evolution had introduced the distinction between the various branches deriving from the respective Families of Franciscan religious who offer spiritual assistance to the

⁸⁷ *Ibidem*.

⁸⁸ ATTI del VI Capitolo generale del Consiglio internazionale, pg. 98.

seculars. The new Constitutions reaffirm, without repeal, the unity of regulation, structures and formative and operative lines.

And finally, *autonomy*. In the Constitutions the functions of government of the Fraternities at all levels, reserved exclusively to the secular leaders, are exactly delimited from the functions of spiritual assistance and animation entrusted to the religious of the First Order and Third Order Regular. In this distinction, belonging to a single Franciscan Family stands firm and solid, as also does the ‘life-giving union’ that expresses the community of spiritual goods, the unity of intents, the mutual help for bringing to life in our days – in the life of each one and in the mission of the Church – Francis and his ideal of peace and good for everyone.”

At the same time, the Presidency took care of the translation of the Constitutions into the official languages of CIOFS, which at that time were five besides Italian, namely: French, English, Spanish, Portuguese and German. Once the translations were approved by the Conference of General Ministers of the First Order and TOR, they were distributed to the National Fraternities of the respective linguistic areas.

While this work proceeded, which was long and complicated also because of particular linguistic and cultural “sensitivities”, the Presidency put its hands to another task entrusted to it by the Chapter of Fatima: to provide the National Councils with an instrument to help them update their Statutes (if they already had them) or to compose them *ex novo* (if they had never been given internal statutes). The distribution of “Guidelines” was held to be urgent, aimed at filling the spaces left by the General Constitutions to the evaluation and choices of the National Fraternities, and they were provided for with a circular of May 1992.

The period of experimentation of the General Constitutions, initially foreseen as six years, was soon shown to be insufficient: the translation of a text containing all of a hundred and three articles required a long and heavy task, also because the translations in the official languages of CIOFS were not enough, but from these, translation had to pass to the native languages of the single National Fraternities. Various simplifications in the process of the relative approbations were adopted. In spite of that, years passed before every Fraternity had in its hands the legislation to be applied. Besides, by definition, the legislation had to be “experimented” in the different cultures, before its validity could be tested and the possible adjustments could be identified and introduced before the definitive approbation. Also the Statutes of CIOFS had to be adjusted to the dispositions contained in the General Constitutions.

8.4. Updating and definitive approbation

In the VII General Chapter (Mexico City, 9-17 October 1993), the new Statutes of the International Fraternity of the SFO (CIOFS) were approved and the Presidency was authorized to request from the Holy See an extension of three years of the experimental period of the General Constitutions⁸⁹, to expire therefore in October 1999. The request was supported by the Conference of General Ministers and was promptly granted by the Congregation ICLSAL.

Meanwhile, the International Fraternity, with its legislative instruments updated by now, was ever more engaged at all levels in the work of modernizing and strengthening formation at the base, intensifying communication, reorganizing structures, resuming contacts with and revitalizing the Fraternities of the countries of Eastern Europe that had remained for so long in the catacombs... There was a lot of work to do if, as the General Ministers of the First Order and TOR had written in

⁸⁹ ATTI del VII Capitolo generale, Mozione n. 1, pg. 154.

their Letter of “Franciscan resonance” to the post-synodal Apostolic Exhortation, *Christifideles laici*: “We are aware that the reality of many SFO fraternities, which are old, set in their ways and lacking vitality, is hardly encouraging.... Instead we prefer to admire the new vitality, so clearly evident in all the work you have accomplished to implement the legislative and liturgical texts, the organizational structure and the formation of the SFO and of Franciscan Youth”⁹⁰.

This “new vitality” required a change of mentality on the part of both the Secular Franciscans and their spiritual Assistants. Not perchance, the General Ministers in their Letter had recommended to the friars: “The recognition of the responsibility that is due to the seculars must not be transformed into the passive attitude of ‘let things alone’, but must be an active attitude: to promote and collaborate so that they may realize their vocation and their mission”⁹¹.

Also for the revision of the General Constitutions an ample consultation was undertaken, like the one followed on the preceding occasions. The first results were brought to the evaluation of the highest organ of government of the SFO.

The VIII General Chapter and III Elective Chapter (Rome, 7-14 July 1996) gave a mandate to the Presidency to constitute an appropriate Commission to examine the material already collected and to edit the proposals for modification. The same Presidency had to examine and evaluate them and then send them to the National Councils and International Councillors, in view of the next General Chapter.

The Commission, composed of a Brazilian, a Frenchman and a North American, under the presidency of a Spaniard (Prof. Cortés), carried out a valuable work, and put the Presidency in the best position for fulfilling their engagement to present a definitive text of the General Constitutions by October 1999.

The IX General Chapter (Madrid, 23-31 October 1999) passionately discussed the text, which presented both the amendments whose usefulness had emerged from the experimentation, and the *desiderata* of some National Fraternities that had been overlooked in the voting of 1988.

The Chapter had to be concerned also with the difficult situation evidenced in Italy, where a component of the SFO opposed the process of unification promoted by the Presidency of CIOFS, and contested the collegiality of spiritual assistance and the unity of the structure of the secular Order. We have to mention this dispute, because its progress is closely tied in with that of the definitive approbation of the General Constitutions. The dissident component, in fact, sought in every way and with all means to interpose obstacles to their approbation through interventions before the General Ministers and the Congregation ICLSAL, through questions to the Pontifical Council for the Interpretation of Legislative Texts, and finally through recourses before the Supreme Tribunal of the Apostolic Signatory.

None of these initiatives produced the proposed effect and the updated General Constitutions were approved and confirmed by the Congregation ICLSAL with the Decree of 8 December 2000 and promulgated with a circular of the Presidency dated 6 February 2001. To complete the process of updating legislation, the X General Chapter and IV Elective Chapter of the SFO (Rome, 15-23 November 2002) renewed the Statutes of the International Fraternity, adjusting them to the amendments introduced with the General Constitutions of 2002.

⁹⁰ Vocazione e missione dei fedeli laici francescani nella Chiesa e nel mondo - Roma, 18 agosto 1989, pg.12.

⁹¹ *Ibidem*, pg. 37