

# **Importance of a Familiarization with the Documents of the Secular Franciscan Order**

*Michael Higgins TOR*

## **I. Background and Introduction**

The spark that Francis ignited in the early 13<sup>th</sup> century in Europe affected lay men and women in practically every country in that part of the world. Early in his conversion experience, Francis identified himself with the penitential movement in Italy. This is a movement which finds its roots in the third and fourth century of the Church and was indicative, then as now, of the desire that lay people have for holiness and for a vibrant spiritual life. Attracted by Francis' preaching and example, many lay people responded with joy to the message that they too are loved by God and that they too can live lives full of the Spirit of God through an embrace of the Gospel. Those who followed this challenge and embraced Francis' teachings in the midst of their temporal occupations and in their own homes became known as the Third Order of Saint Francis, known today as the Secular Franciscan Order (SFO). From its inception there were also men and women in this movement who, without wanting to join the First or Second Order, desired to live their lives in community as vowed religious. This desire blossomed into the development of the "regular" branch of the Third Order. Today, in addition to the Third Order Regular friars, the TOR includes more than fifteen congregations of male religious and over 400 congregations of women religious throughout the world.

The documents that guide the Secular Franciscan Order are similar to the fundamental documents that guide any other order or congregation in the Church. These include: a rule of life, constitutions, and statutes.

It is important to recognize and appreciate the importance of these documents for a religious family. They express the spiritual roots of the institute, its identity or self understanding, and spell out how the daily life of its members is to be lived. The documents are complementary and are intimately intertwined. With this in mind, the following brief definitions and comments are presented:

**Rule:** The word “rule” (Latin: *regula*, Greek: *kanon*) literally means a standard by which something can be tested. In the case of religious or secular institutes it establishes the spiritual foundation and identity of the community. It is the norm which all the other documentation of the institutes - constitutions, statutes, etc. - are measured. Approbation of rules for religious and secular institutes in the Church is reserved to the Holy See.

**Constitutions:** The term “constitution” designates the fundamental law determining the governance, legislation, and administrative processes of a religious or secular institute. The “constitutions” spell out how the rule of the institute is to be lived out by its members at every level. It attempts to make the spirit of the rule concrete, real, and livable.

**Statutes:** The “statutes” of an institute are linked to and expand its constitutions and can be understood to be a supplementary collection of norms that guide the specific areas of the life of the community.

Canon 587 of the Code of Canon Law points out that there is an important distinction between constitutions and statutes. The constitutions of an institute must be “approved by the competent authority of the Church and can be changed only with its consent” (Canon 587, 2). Statutes and other supplementary norms “established by the competent authority of the institute are to be suitably collected in other codes, which can moreover be fittingly reviewed and adapted according to the needs of places and times” (Canon 587, 3). In essence this means that the constitutions of a religious or secular institute or any changes to the constitutions must be approved by the Holy See. However, statutes and other norms can be created and amended by “the competent authority of the institute.” This distinction allows for some flexibility on the part of a religious or secular institute as it drafts guidelines for its daily life and witness.

As was mentioned above, it is also important to keep in mind that the rule, constitutions, and statutes of institutes are complementary and are intimately intertwined. The rule is the foundation upon which the constitutions and statutes are constructed and provides the spiritual framework for their expression. With this in mind, it is easy to understand the connection between the documents:

A rule of an institute is a document of the Church and must be in conformity to Canon Law.

The constitutions of an institute are expressions of its rule and its prescriptions and directives and must be in conformity to the rule and to the Canon Law of the Church.

The statutes and other norms of the institute must be in conformity to the constitutions of the institute - which, in turn, are in conformity to the rule and to the Canon Law of the Church.

These comments seem to be self evident, but they are often ignored. As a point of reference, it can be stated that a statute cannot - or should not - contain anything that would be in conflict with a statement of the rule or the constitutions of an institute. One document builds on and is dependent on the other.

It is clear that an understanding and appreciation of the documents of the Secular Franciscan Order is not only important for Spiritual Assistants - *it is essential*.

## **II. Development of the Rule of the Secular Franciscan Order**

### **A. The Person and Example of Saint Francis**

The first “rule” of the Franciscan movement was Saint Francis himself. The brothers and sisters would look to him for a guide for how to live their lives. How are we to pray? Look at Francis and pray as he does. How are we to serve and work in the Church? Look at Francis and minister as he does. How are we to live? Again, look at Francis and live as he does. These questions were asked and answered differently by the men who were living and working in the company of the Poverello, by the sisters who were living with Clare at San Damiano and by the many men and women who were “living in their own homes” while trying to embrace a more vibrant Christian life in their own lives. To these various groups, which would eventually evolve into the three Franciscan orders, Francis wrote an encouragement or exhortation to embrace fully their dedication to God and to one another.

The document, which has been variously titled “The Volterra Letter,” “The First Letter to the Faithful,” and, more recently, the “Earlier Exhortation to the Brothers and Sisters of Penance” is used as the prologue to the 1978 rule of the Secular Franciscan Order and its first chapter as the prologue to the 1982 rule of the Third Order Regular. The original date of the exhortation is unclear, but it can most likely be dated prior to Lateran IV which was held in 1215. A date between 1212 and 1215 seems probable.

A later version of the exhortation was written by Saint Francis after Lateran IV and reflects elements of the council’s teachings. The text of the document, entitled “The Second Letter to the Faithful” or the “Later Admonition and Exhortation to the Brothers and Sisters of Penance” can be dated approximately to 1220 or 1221.

B. *Memoriale propositi* - 1221

The *Memoriale propositi* was given to the Third Order of Saint Francis by Cardinal Ugolino in 1221 as part of his ongoing project to provide canonical structure to the Franciscan movement and its various expressions. The text is based on a similar *propositum*, or “way of life,” given to the Humiliati by Pope Innocent III in 1201. The document provides a distinct set of instructions on how the tertiary vocation is to be lived and establishes clearly delineated obligations for the members of the order. This first ecclesiastically approved rule for the Third Order was given papal approval first by Pope Honorius III and later by Pope Gregory IX in 1228, the former Cardinal Ugolino. Its articles and directives form the nucleus for the next rule, *Supra montem*, in 1289.

C. *Supra montem* - 1289

The *Memoriale propositi* served the Third Order well as long as the Franciscan movement was relatively young and restricted mainly to Italy. As the impact of Saint Francis and the Franciscan movement grew - aided tremendously by the preaching and missionary outreach of the friars - it became clear that the rule had to be reworked and expanded in order to meet the growing number of tertiaries throughout Europe. It is likely that the rule was adapted by local fraternities and cultures before it was officially edited and approved by the Church. Pope Nicholas IV, the first Franciscan pope, formally approved the revisions of the *Memoriale propositi* on August 17, 1289, when he gave his papal approbation to *Supra montem*.

The rule was used by the secular members of the Third Order as their rule of life until the later part of the nineteenth century when Pope Leo XIII approved a revision that was more in keeping with the Church's devotional life of that time. *Supra montem* was also embraced by a number of groups, both male and female, who wished to live a "regular," vowed, life in community without being members of the First or Second orders of Saint Francis. This caused some trouble for the groups because the rule does not deal directly with the profession of religious vows, living under authority of a superior, or daily life in community. As a result, some of the early Third Order "Regular" communities were suppressed, some were directed to adopt one of the approved rules for religious (such as the Augustinian or Benedictine rules), some were united with the First or Second orders of Saint Francis, and some persisted in living a regular life with *Supra montem* as their rule.

It is interesting to note that *Supra montem* was approved in the city of Rieti, just a short distance from the hermitage of Fonte Colombo where Saint Francis wrote both the Rule of 1221 and the Rule of 1223 for the Friars Minor.

*Supra montem* was the rule followed by the Secular Franciscan Order and the friars of the Third Order Regular for over six hundred years. The SFO was given a different rule by Pope Leo XIII in 1883 and the Third Order Regular was given the rule *Rerum condicio* by Pope Pius XI in 1927.

#### D. *Misericors Dei Filius* - 1883

Pope Leo XIII, who was a member of the Third Order and the Bishop of Perugia before his election, had a tremendous love for the Franciscan way of life and wanted to make it available to all the faithful. He proposed a new rule for the Order that softened the challenges present in *Supra montem* in hopes that it would attract more attention and members. It was addressed to the four "obediential" Franciscan Third Orders, organized in local Fraternities, and confirmed the Franciscan friars as Spiritual Directors of the fraternities. The rule was a noble ambition but, in many respects, it reduced the Secular Franciscan Order to a pious union of the faithful under the direction of the friars. The General Constitutions of 1957, promulgated by a decree of the Sacred Congregation for Religious, applied the Rule of Leo XIII to all four Franciscan Third Orders, and recognized Provincial Fraternities of the Third Order based on the Provinces of the friars

#### E. *Seraphicus Patriarcha* - 1978

Vatican II challenged religious orders and congregations to rediscover and embrace the founding charism of their respective institutes. “The promulgation of *Perfectae Caritatis* in 1965 initiated the process. The decree was implemented by the norms set forth in *Ecclesiae sanctae* in 1966 which called upon institutes to renew their life including their legislation.” This, among other things, helped coalesce a general feeling that *Misericors Dei Filius* was an inadequate instrument to express the rich Franciscan heritage that tertiaries felt was their birthright. The Third Order embarked on a process to update or replace the Rule of 1883. After ten years of hard work done by seculars with the active participation of spiritual assistants, Paul VI approved the text in 1978 - one of the last of his official acts before his death. In effect the Rule unites the “four Third Orders of St Francis” into the one Secular Franciscan Order that is structured in local, regional, and national Fraternities. These in turn form the international Fraternity of the SFO. It is also important to point out that with this rule the friars are no longer the “directors” of the fraternities on any level, but rather Spiritual Assistants. As Carl Schafer points out, “the Rule stresses secularity, unity, autonomy, apostolic activity and the changed role of the friars.”

### III. **The General Constitutions of the Secular Franciscan Order**

As was stated previously, constitutions spell out or define how the rule of the institute is to be lived out by its members at every level. With the approval of the new rule *Seraphicus Patriarcha* by Pope Paul VI in 1978, it was essential that new constitutions for the Secular Franciscan Order be constructed. The work of drafting new constitutions began in earnest in 1984 by the CIOFS Presidency. The first text was promulgated experimentally for a ten year period in 1990. The lived experience of the brothers and sisters in the Secular Franciscan Order - along with comments and suggestions from spiritual assistants - was used to modify the articles of the constitutions. The final text of the General Constitutions was approved by the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life in 2000. Among other things, it calls for a revision of all statutes in the Order in accordance with the new Rule and *General Constitutions* - these include statutes that deal with local, regional, national, and international fraternities and conferences of spiritual assistants.

The *General Constitutions* of the Secular Franciscan Order contains 103 articles in the following three main chapters:

Chapter I: The Secular Franciscan Order (Articles 1-7)

Chapter II: Form of Life and Apostolic Activity (Articles 8-27)

Chapter III: Life in Fraternity (Articles 28-103)

The text covers everything from a general orientation, to entrance into the Order and formation, the fraternity at various levels, elections and procedure of elections, spiritual and pastoral assistance to the SFO, Franciscan youth, and disciplinary matters.

The *Ritual* of the Secular Franciscan Order was updated by liturgists in 1984 in order to reflect the new *Constitutions* and was subsequently approved by the Sacred Congregation for the Sacraments and Divine Worship. It is open to adaptation by the National Fraternity Councils to allow for regional and national traditions.

#### **IV. The Statutes of the Secular Franciscan Order**

The various statutes of the Secular Franciscan Order contribute to the work of the *General Constitutions* and deal with specific areas of the life of the Order. The following are among the most significant:

- A. *Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order*: As the title states, these statutes deal with spiritual and pastoral assistance to the SFO - that is, with our service and connection with the Order. The statutes were revised after a careful and thorough study of previous statutes and of the *General Constitutions* of the SFO. The text was approved by the four Ministers General on March 28, 2002. There have been some suggestions that spiritual assistants throughout the world be invited to review the text in light of their experiences and make suggestions for changes or updates.
  
- B. *Statutes of the International Fraternity of the Secular Franciscan Order*: These statutes provide for the organization and functioning of the international fraternity - that is the Presidency of the Order and international representation from national fraternities. Among other things, the text also addresses issues like general chapters, financial

contributions, and pastoral and fraternal visitations. The text was approved by the General Chapter on November 18, 2002, held in Rome.

- C. National Statutes: Article 29,3 of the *General Constitutions* states that “National statutes should indicate the criteria for the organization of the SFO in the nation. The application of these criteria is left to the prudent judgment of the leaders of the fraternities concerned and of the national council.” This article invites every national fraternity to apply the *General Constitutions* to the specific needs of each country and culture. A great deal of work has gone into the writing of national statutes since the approval of the *Constitutions*.

These three categories do not exhaust the list of statutes that one can find in the Secular Franciscan Order - regional fraternities, local fraternities, and conferences of spiritual assistants can also have their own norms as a way to facilitate their life and work.

## V. Conclusion

The documents of the Secular Franciscan Order - its *Rule*, *General Constitutions*, and various statutes - express the essential identity of the Order and define how that identity is to be lived out by the brothers and sisters who embrace this way of being Franciscan in the world. They also provide the guidelines for how spiritual and pastoral assistance is provided to the Order. It is clear that a familiarity with these documents is essential for those of us who are called to share our lives and energies with the SFO.

## References

“Breve storia dell’Ordine Franciscano Secolare (OFS).” In *Manuale per l’assistenza all’OFS e alla GiFra*, 7-69. Roma: Conferenza degli Assistenti generali OFS, 2006.

Hite TOR, Jordan. "Institutes of Consecrated Life and Societies of Apostolic Life." In *The Code of Canon Law: Text and Commentary*, edited by James A. Coriden, Thomas J. Green and Donald E. Heintschel, 450-88. New York: Paulist Press, 1985.

Schafer OFM, Carl. *History of the SFO*, Franciscan Friars: Province of the Holy Spirit, May 15 2006 [cited October 15 2006]. Available from <http://www.franciscans.org.au/sfo/sfo6/1hscm.htm>.

Jordan Hite TOR, "Institutes of Consecrated Life and Societies of Apostolic Life," in *The Code of Canon Law: Text and Commentary*, ed. James A. Coriden, Thomas J. Green, and Donald E. Heintschel (New York: Paulist Press, 1985), p. 450.

For a more complete overview of this process refer to pages 46-53 in "Breve storia dell'Ordine Francescano Secolare (OFS)," in *Manuale per l'assistenza all'OFS e alla GiFra* (Roma: Conferenza degli Assistenti generali OFS, 2006).

Carl Schafer OFM, *History of the SFO* (Franciscan Friars: Province of the Holy Spirit, May 15 2006 [cited October 15 2006]); available from <http://www.franciscans.org.au/sfo/sfo6/1hscm.htm>.

For a more complete overview of this process refer to pages 53-69 in "Breve storia dell'Ordine Francescano Secolare (OFS)."