

The "Memoriale Propositi" (1221) Ancient and Fundamental Rule of the Franciscan Penitents

MEMORIALE PROPOSITI

by Lino Temperini TOR

Franciscan setting

Francis of Assisi and his followers represent an event of great resonance for the church and society at the time of the Communes, in the thirteenth century.

Francis was born in 1182 in Assisi. After his youthful adventures, dominated by ambitions of glory and wealth, and after seven years of discernment following the war against Perugia, on April 16, 1208 he finally knew his evangelical vocation. (AP 1.3) Having listened to the Gospel during Mass at the Portiuncula, Francis was filled with a divine light and exclaims with enthusiasm: "This I want, this is what I seek, this is what I desire with all my heart." (1C 22)

He began his itinerant preaching in a paraenetic style; exhorting the people to peace and conversion, to the practice of the Christian life.

He is joined by some companions in arms and of youthful celebrations. Together they carry out a triple consultation of the Gospel in the parish church of S. Niccolò in the town square (at the end of April). All will dedicate themselves - like Christ and the apostles - to preaching and bearing witness to the Gospel of salvation. (See Test 14-15)

In the spring of **1209** Pope Innocent III authorizes these "men of Assisi" to preach penance and peace everywhere: "Go with the Lord, brothers, and as the Lord will see fit to inspire you, preach penance to all." (1C 33)

As a rule of life, these first friars of Assisi presented the pope with some inspirational phrases taken from the Gospel.



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“As he was leaving the City, the man of God, with his brothers, set out into the world, greatly surprised at how easily his desire had been granted.” (L3C 53) An immense missionary horizon opens up for them!

The number of friars increased rapidly, becoming hundreds and thousands.

The *Ordo minorum* will have its official Rule in 1223. The Rule of 1221 had not been approved by the Church. It remained as a spiritual document.

In **1211** the Franciscan Penitents (Third Order) began.¹ I'll talk about this later.

In **1212** Clare enters the scene and begins the contemplative Order of the Poor Clares. The Clarian sisters receive the brief inspirational *Forma vitae* (1212) from Francis. (FLCI 6:3-4) In 1219, card. Ugolino, papal legate, proposed to the Poor Clares the *Constitutions*, or "Ugolinian Rule" of Benedictine origin.

The IV Lateran Council (1215) had in fact prohibited the foundation of new religious Orders to better guarantee orthodoxy and curb heretical deviations, which were very frequent at that time.

The Poor Clares received the ecclesial Rule only in 1263 from Urban IV (in 1253 a Rule was formulated for Clare and the monastery of San Damiano. This text of Innocent IV is currently the one preferred by the nuns as it is more nourished by the Franciscan spirit).

- Rule of Innocent IV (9 August 1253): in CA:ED 89-105.

- Rule of Urban IV (18 October 1263): in FF 3316-3364.

¹ The ordinal numbers *First*, *Second* and *Third* Order have no chronological value, i.e. they do not indicate the order in which they were established. This triple structuring of religious Orders had been defined by Innocent III in 1201: bull *Incumbit nobis* in L. Temperini, “*Propositum degli Umiliati*,” *Analecta TOR* 195, (2016): 315-325 (original Latin text with Italian version): the **First Order** only accepts consecrated men (friars), the **Second Order** only welcomes contemplative women (nuns), the **Third Order** includes men and women, single or married, clerics and lay people, living alone or in fraternity (nuns and friars).



The Franciscan Penitents or Third Order

First of all, a question of **terminology**, in dealing with the first followers of Francis in the Order of Penance, should we speak of "Penitents" or "Tertiaries"?

As for terminology, it is equally correct to speak of "Franciscan Penitents" and "Third Order Franciscans" or "Tertiaries"; so do some ancient sources.² The Penitents, in fact, fall within the scope of the Third Order under the provisions of the bull *Incumbit Nobis*, by which Papa Innocent III, on 7 June 1201, approved the "Progetto di vita degli Umiliati".³ For the first Franciscan period, however, scholars prefer to use the terminology of "Penitents".

Another problem to keep in mind, is this: during the thirteenth century, the first century of its existence, the Franciscan Third Order (TOF) was united and included the two orientations *Secular* and *Regular*, governed by the same ecclesial norms and animated by the same spirituality.

Towards the end of the aforementioned century, the distinction as to lifestyle and socio-charitable activities will become accentuated. So that, by 1323 (the bull *Altissimo in divinis*), the two orientations will constitute two distinct Orders: the Third Order **Secular**, today also called the Secular Franciscan Order (OFS), and the Third Order **Regular** (friars, nuns and sisters of the TOR).

For more on these **acronymns** see L. Temperini, *Una regola per il Terzo Ordine Franceseano*, in *Analecta TOR* 202 (2020), p. 40.

The Franciscan Third Order **originated** from the witness and itinerant preaching of St. Francis after 1208. Men and women, young people and adults, want to live the Gospel with greater commitment, like the Poverello of Assisi. This ecclesial and prophetic innovation takes place alongside the new society that is being established in this period of human history.

Many are filled with enthusiasm, admiring the evangelical life of Francis. To follow Christ more closely; to love God as a friend; to love one's neighbor as oneself, especially the most marginalized; and to love every creature - is the mirror of divine perfections.

This charismatic project involves many people of good will, eager to do more and to become better under the guidance of the Poverello of Assisi, so do the first hagiographers attest. The historical

² See for example Giuliano da Spira, *Vita Sancti Francisci*, 23 (in *Fontes Franciscani* (Assisi: Edizioni Porziuncola, 1995), 1045); *Ufficio ritmico, Antifona alla Lodi* (in *Fontes Franciscani*, 1115).

³ See footnote 1.



sources are numerous and important. For the convenience of readers, they are published in *Analecta TOR* 193 (1215): 247-334.

Seeing so much enthusiasm and asking the Lord for inspiration, in **1211** Francis decides to found the Third Order in order to call everyone to salvation: “for the salvation of all” (*Fior*, chap.16:FF 1846).

The Franciscan Penitents grow rapidly and spread just as did the Franciscan First Order.

Francis offers his penitent brothers and sisters a **plan of spiritual life** in the *First Letter to the Faithful*, chapter one: “Those who do penance”. We are in the year 1215.

Considering the numerical development and diffusion of Franciscan Penitents, there was an urgent need to organize this spontaneous movement and to order it with a canonical rule, according to the norms of the IV Lateran Council (1215).

On **May 20, 1221**, Francis and Card. Ugolino,⁴ future Pope Gregory IX, propose a synthesis of ecclesial norms for the penitential life in the *Memoriale propositi* (the ancient and foundational rule), a juridical and highly spiritual document. The Franciscan soul is provided, as already mentioned, by the *First Letter to the Faithful* of 1215.

In 1289 the first Franciscan Pope **Nicholas IV** will confirmed the *Memoriale propositi* as the official rule of the Franciscan Penitents, declaring that while it was given by St. Francis and therefore it is untouchable, it could be updated.

⁴ Cardinal Ugolino dei conti di Segni (born in Anagni in 1170) was the first cardinal protector of the Franciscans (friars, nuns, tertiaries). He had been named protector by Innocent III and was confirmed by Honorius III. Elected pope with the name of Gregory IX (19 March 1227-22 August 1241), he had the honor of canonizing: St. Francis of Assisi on 16 July 1228; St. Anthony of Padua on May 30, 1232; St. Dominic of Guzmán July 3, 1234; Elizabeth of Hungary on May 27, 1235.



Ecclesial importance of the *Memoriale Propositi*

This **Rule** is particularly important because it puts into ecclesiastical order the movement of Franciscan Penitents, which arose spontaneously under the impulse of the Spirit, in the footsteps of St. Francis and which is spiritually animated by him with the *First Letter to the Faithful* of 1215. Indeed, this inspirational document deals precisely with “**Of those who do penance**”.

It is the Rule of the Church for men and women who want to share the charism of St. Francis without becoming Friars Minor or Poor Clares, but live according to the Gospel in their family, in the world of work, or in communities not bound by so many canonical norms; who want to better focus on the active apostolate and to works of mercy.

It is a special and prophetic Order: men and women, lay and clerics, celibate/single and married. For the first time, young people and women enter the fraternities of Penitents with equal rights, into an Order that represents a great innovation in the Church and in social life. A journey of evangelical perfection is coming to life even for the laity, men and women!

The legislative promoters of the *Memoriale Propositi* - as already mentioned above - are Francis and Cardinal Ugolino dei Segni, papal plenipotentiary and future Pope Gregory IX (from 19 March 1227).

The cardinal protector of the Franciscans worked to regularize the First, Second and Third Orders in the ecclesial situation after the IV Lateran Council (1215).

The three Franciscan Orders received from St. Francis, at their respective origins, inspirational projects “written with few words and with simplicity” (See Test 15). The Magisterium of the Church then confirmed these institutions and “regularized” them with theological principles and canonical norms.

The *Memoriale propositi*, as an official rule, will become definitive and, confirmed by Nicholas IV at the end of the thirteenth century, it will remain the foundational legislation for brothers and sisters of the Franciscan Third Order until 1927.

We call attention to the three bulls of the first Franciscan Pope Nicholas IV: the *Supra montem* of 18 August 1289, the *Unigenitus Dei Filius* of 8 August 1290 and the *Ad audientiam nostram* of 20 September 1291.⁵

⁵ See L. Temperini, “Una regola per Terzo Ordine Franciscano”, *Analecta TOR* 202 (2020):146, 154 and 158.



The *Memoriale propositi* proposes a potent program of spiritual values for the faithful Penitents.⁶ Under its guidance, many men and women have reached the heights of holiness.⁷ There are at least 416 saints, blessed, servants of God and venerables who served in the Third Order of St. Francis.

Day, date and place of the *memorial intentions*

The **date** is also important. The Code of Capistrano clearly states that the *Memoriale propositi* was delivered to the Franciscan penitent brothers and sisters on May 20 (XIII Calendas iunii) of the year 1221 (MCCXXI).

The Code of Florence, or Veneto, writes: "The *Memoriale propositi* of the brothers and sisters of penance living in their homes, begun in the year 1221, is as follows..."

Code R (Regiomontano) also specifies the year 1221 as the date of the *Memoriale propositi*: «inceptum anno Domini MCCXXI».⁸

Note also that the date of 1228, which appears in the Code of Capistrano, does not refer to the date of the *Memoriale propositi* (1221), but to Code C (Capistrano), which was written at the time of Gregory IX (1227-1241): "The *Memoriale propositi*, introduced in 1221, at the time of Gregory IX (1228) is this".

The text follows.

The text specifies the date "XIII Kalendas iunii" (May 20), "anno Domini MCCXXI" (year of the Lord 1221).

⁶ See L. Temperini, "Una regola per Terzo Ordine Franciscano", *Analecta TOR* 202 (2020): 88-111.

⁷ See *Analecta TOR* 190 (2014): 7-30.

⁸ In Latin, the past participle "inceptum" (initiated) is neuter and, in this case, can only refer to "Memoriale". Therefore, it does not refer to the Order of Penitents (started after the itinerant preaching of St. Francis after 1208 and established in 1211), but to its ecclesial organization through the *Memorial*, which was inaugurated (*inceptum*) in 1221.



The well-known Franciscan historian Mariano da Firenze, in his manuscript *Il trattato del Terz'Ordine o vero «Libro come Santo Francesco istituì et ordinò el Tertio Ordine de Frati et Sore di Penitentia et della dignità et perfectione o vero Santità sua»*, writes: Francis gave this Rule to men and women **in Florence** “in the year of the Lord 1221 on the twentieth of May”.⁹ Some fraternities of Franciscan Penitents were already active in Florence. Card. Ugolino was also in that city for a diplomatic mission on behalf of the Pope.

Paul Sabatier (1858-1928), initiator of Franciscan scientific historiography at the beginning of the twentieth century, also speaks of 20 May 1221.¹⁰

In conclusion: the year and the day of the delivery of the *Memoriale propositi* have multiple and guaranteed historical witnesses. The place of delivery is also reliable.

This is an ecclesial rule for implementing the Franciscan charism of evangelical penance offered to all the faithful, including women and young people, even married couples.

Furthermore, this beginning had a certain prophetic value; it was pregnant with creativity.



⁹ Mariano da Firenze, “Il trattato del Terz’Ordine o vero «Libro come Santo Francesco istituì et ordinò el Tertio Ordine de Frati et Sore di Penitentia et della dignità et perfectione o vero Santità sua””, trascrizione e introduzione a cura di Massimo Papi, *Analecta TOR* 140 (1985): 349

¹⁰ Sabatier makes note of the text of the “Regula antiqua fratrum et sororum de Poenitentia seu Tertii Ordinis, sancti Francisci”, code of Capistrano: 17 - 30, including chap. XIII *De culpīs manifestandis*. See P. Sabatier, *Opuscles de critique historique*, tome I, (reprint Assisi, 2002), 200.



Who drafted the *Memoriale propositi*?

Card. Ugolino, protector of the Franciscans, was commissioned by Pope Honorius III to implement the provisions of the IV Lateran Council (1215).

As we said earlier, he had worked to arrange the legislation of the Poor Clares, the Friars Minor, and the Penitents or Tertiaries.

It was necessary to reconcile the charismatic needs of the nascent Franciscan institutions with the conservative norms of the Council.¹¹

Note: One must point out that the *Memoriale propositi* of 1221 will be updated, confirmed and proposed again as the official rule of the Franciscan Third Order by Pope Nicholas IV in 1289. It is sufficient to note the comparison of the two texts in pages 166-181 of *Una regola per il terzo ordine francescano*.

Therefore the Statute for Penitents of Florence proposed by Fra Caro of Arezzo in 1284 (see *op.cit.*, Pp. 114-116) and various other local Statutes have nothing to do with the *Memoriale propositi*!

Place of composition

See *Una regola per il terzo ordine francescano*: 46

Probably the editors also used the statutes or chapter resolutions of some local fraternities, as can be seen from the names of different places (Ravenna, Pisa, Piacenza) that appear in the text of the *Memoriale*.

¹¹ See *Una regola per il terzo ordine francescano*: 44-46



Codes and manuscripts

See *Una regola per il terzo ordine francescano*: 45-46

Why did scholars find only four manuscripts in the archives?

- 1) Code of Florence, coming from Venice (**V**)
- 2) Code of Capestrano (**C**)
- 3) Code of Könisberg or Regiomontano (**R**)
- 4) Code of L'Aquila (**A**)

After the updated text by Nicholas IV, a Franciscan pope, was released, the original redaction was lost. This was also the case, for example, with the *First Letter to the Faithful*, of which we have only one manuscript in Volterra.

Franciscanism of the *Memoriale propositi*

That this legislative and spiritual document is addressed to the Brothers and Sisters of Penance, of Franciscan origin, is clear:

1) from the destination indicated in the codices: *Incipit regula fratrum et sororum poenitentium inceptum [sic] a b. patre Francisco*. (code A); *Incipit tertia regula b. Francisci de poenitentia in domibus propriis existentium* (code R);

2) from the fact that the codices of the *Memoriale propositi* were found in Franciscan convents;

3) from all the historical information, which attest that the *Memorial propositi* has been adopted **only** by Franciscan Penitents; no source certifies that it was assigned to another institution. Thus, the many religious Institutes that, over the centuries, have adopted the *Memoriale propositi*, as a rule, have automatically entered the scope of the Franciscan Third Order.

4) from the uninterrupted tradition, echoed by papal sources and documents, repeatedly confirmed by Nicholas IV in the bull *Supra montem* (18 August 1289), in the bull *Unigenitus Dei Filius* (8 August 1290) and in the bull *Ad audientiam nostram* (20 September 1291). The Franciscan pope declared



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that he has proposed again the *Memoriale propositi* "as it was handed down by Blessed Francis", making only a few editorial adaptations. See *Una regola per il terzo ordine francescano*: 146, 154 and 158 -162.

The editorial diversity, but the substantial identity between the *Memoriale propositi* of 1221 and the *Rule of Penitents* of Nicholas IV (1289): See *Una regola per il terzo ordine francescano*: 144-149. See the parallel comparison of the two texts in *Una regola per il terzo ordine francescano*: 166-181.

5) the first chapters of the Franciscan Penitents: in the General Chapter of Piacenza (1280), in the Provincial Chapter of Bologna (early November 1289) and in the General Chapter of Bologna (14 November 1289). The Franciscan Tertiaries recognized themselves as "sons of Father Francis" and they declared, "Francis is the most devoted father of the Penitent Brothers ". They then established a **statute for the implementation** of the *Memoriale propositi*. See *Una regola per il terzo ordine francescano*: 150-153; L. Temperini , *Primi capitoli de TOF*, in *Analecta TOR* 197 (2017) 325-376.

6) in this context, those who were the first to publish the codices of the *Memoriale propositi* had no doubts about the destination of the *Propositum* and called it *Regula antiqua fratrum et sororum de poenitentia seu Tertii ordinis Sancti Francisci*.

Doubts and answers

For some readers, however, the certainty of the Franciscan nature of the *Memoriale propositi* of 1221 is challenged by the observation that Francis is never mentioned in the text. The solution is implicit in what we have said several times: for the drafting of the *Memoriale propositi* the canonist drafter drew on the ecclesiastical legislation in force for lay groups. And for this reason, the Third Order did not fall under the ban of the council Lateran IV (1215). The Franciscan contribution was conferred with the *Letter to the Faithful "who do penance"*.

Another problem arises from the fact that in the **various Chapters** (local, regional, provincial and general) of the Franciscan Penitents there is never a Friar Minor present. The solution to this problem is simple: Franciscan Penitents made reference to the Ordinary of the place, because of the fact that they had always been under the jurisdiction of the diocesan bishops and had also appreciated their own autonomy. Indeed, for some time they had been working toward organizing themselves in an autonomous fashion. Still, the *Rule* of Nicholas IV, in the bull *Supra montem* (1289), "foresaw" (*consulimus*) visitors and instructors from the Friars Minor (*Rp* 16,4-5), but did not intend to impose an obligation. However, in subsequent bulls the pope will make this provision mandatory.¹²

¹² See L. Temperini, "Bullarium del Terzo Ordine Francescano (TOF)", *Analecta TOR* 191 (2014): 271-334.



The seventh centenary in 1921

I noted that the seventh centenary of the *Memoriale propositi* in 1921 was celebrated with a certain solemnity and resonance. Not just a message from Pope Benedict XV to the TOR general minister on February 20, 1921,¹³ but also an encyclical letter *Sacra propediem* (January 6, 1921), praising the Third Order in its entirety. St. Francis is recognized as the father, teacher and legislator of the First, Second and Third Orders in equal measure.¹⁴

The document speaks of the origin of the TOF because on that date it received the rule that made it an ecclesial Order. 1221 is therefore not the date of the foundation of the Franciscan Third Order, but the date of its rule after a decade of life. In the past it was customary to place the origin of an Order on the date of its rule.

Not so, however, for the Franciscan Orders. At the beginning of every Franciscan family there is an inspirational spiritual text. The rule comes some time later for the Tertiaries and for the Friars Minor, much later for the Poor Clares!

To the Praise of Christ. Amen.

¹³ See *Una regola per il terzo ordine francescano*: 198-201.

¹⁴ See *Una regola per il terzo ordine francescano*: 182-197.



Acronyms and abbreviations in alphabetical order¹⁵

1C = First Life of Saint Francis, by Tommaso da Celano

2LtF = Second Letter of St. Francis to the penitent faithful

AP = The Anonymous of Perugia

CA:ED = Clare of Assisi: The Early Documents

FF = Fonti Fronacescane (maior), ed. 2004

Fior = Fioretti of St. Francis of Assisi

FLCI = The Form of Life of Saint Clare (1253)

L3C = Legend of the three companions

OMin = Ordo minorum (*Minorites*), or Franciscans of the first order from the origins until 1517 (autonomy between Conventuals and Observants)

Rp = Rule of penitents (Niccolò IV, 1289), for the TOF

SFO = Secular Franciscan Order (since 1978)

Test = Testament of St. Francis (September 1226)

TOF = Third Franciscan, Secular and Regular Order (from 1211 to 1323)

TOR = Third Order Regular after 1323 (confirmation of pontifical approval)

TOS = Third Secular Order of S. Francis from 1323 to 1978 (replaced by *SFO*)

¹⁵ The titles are in italics and the acronymns are in Roman font.



Exhortation and Blessing of St. Francis to his Penitents (1221)

In the name of the Father and of the Son and of the Holy Spirit. Amen.

I, brother Francis, your lesser servant,
with a wish to kiss your feet,
beg and implore you
in the love that is God,
to receive, to put into practice, and to observe, as you should,
these words and the others of our Lord Jesus Christ
with humility and love.

And may the Father and the Son and the Holy Spirit
bless all those men and women who receive them with kindness,
understand them and send copies of them to others,
if they have persevered to the end in them.

(from 2LtF 86:88)



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Nicholas IV, first Franciscan pope,
 proposes the *Memorial intentions* of 1221 to the Franciscan Penitents
 with the bull "Supra montem" (18 August 1289)



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