

1221-2021. 800 YEARS FROM PROCESSING OF THE MEMORIALE PROPOSITI

2nd CONTRIBUTION

(by Ottaviano Turrioni, minister of the OFS Fraternity of Cannara - Perugia,
with the collaboration of Fr. Alfred Parambathu OFMConv., OFS assistant
general)

THE MEMORIALE PROPOSITI

Introduction

We concluded our first contribution by mentioning the intense resumption of the penitential movement that the preaching of Francis and his first friars "through cities and villages" aroused in so many people, men and women, young and old, eager to follow more intensely the path of the Gospel. The phenomenon expanded within a few years, to the point that Francis thought it was appropriate to put some spiritual indications in writing. We are talking about the **LETTER TO THE FAITHFUL**, which has come to us in two drafts.

It is difficult to establish the dating of these letters and the opinions of scholars are not yet in agreement. From current studies on Franciscanism, it emerges that there is neither internal nor external evidence to establish the date of the *Letter to the faithful (redactio brevis)* and that the drafting of the *Letter to the faithful* in the *redactio ampla* must be placed in the last years of the life of the saint (1225-1226).

For us Secular Franciscans it is important to understand that the *Letter to the faithful*, in its two versions, proposes exhortations of evangelical life to all Christians, religious, clerics, lay people, men and women whose salvation consists precisely in *doing penance*.

The Letter could be considered as a supplementary enrichment with Franciscan vision to the *Memoriale Propositi*, a document which is very generic, given by the Roman Curia for all penitents of the time.

In the evolution of the penitential movement of the thirteenth century, the indications contained in the Letter represented a sure point of reference but did not have a normative character. On the other hand, the nature of the *Memoriale Propositi* (1221) is different, a document that marks the beginning of the thirteenth-century normative process for penitents¹, which will end in 1289 with the *Supra*

¹ According to G. Casagrande (*Un ordine per i laici. Penitenza e Penitenti nel Duecento*, in *Francesco d'Assisi e il primo secolo di storia francescana*, Torino 1997, p. 247) from the *Memoriale* "cannot be found any link between the Order of Penance and new mendicant Orders", like the Franciscans; this thesis is different from that which instead considers

montem. This is the papal bull of Nicholas IV which dictates the Rule of the brothers and sisters of the Order of Penance, inserting in it the contents of the *Memoriale Propositi*.

The *Supra montem* will then definitively sanction "the institution of the Franciscan Order of Penance / Third Order², the first Third Order officially connected to a mendicant order"³, that is, to that of the Friars Minor.

The Memoriale Propositi

General characteristics

The title, taken from the two words of the incipit⁴, can mean "document for a project of life", meaning that recalls the *Propositum* of the *Umiliati* from Lombardy (1201) or that of the *Poor Catholics* (1208) or even the *Propositum* of the Poor of Lombardy (1210) ...

The text has reached us in four manuscripts found in four libraries:

1. Codex of Florence (dating back to the years 1221-1223), found in 1921 by Benvenuto Bughetti in the Landau Library in Florence;
2. Codex of Capistrano - L'Aquila (1228), discovered by Paul Sabatier in 1901 in the convent of the Friars Minor of Capistrano and published with the title *Regula antiqua fratrum et sororum de poenitentia seu Tertii Ordinis s. Francisci*;⁵
3. Regiomontano Codex - Königsberg (1350), discovered in 1913, published by Leonardo Lemmens with the title *Regula antiqua Ordinis de poenitentia iuxta novum codicem*;⁶
4. Codex of L'Aquila (15th century).

The text we present is that of the **codex of Florence**⁷, considered the oldest drafting, the closest to the time of composition.

the *Memoriale* as the ancient rule of the Franciscan penitential movement (L. Temperini, *Una regola per il terzo ordine francescano*, Roma 2020, p. 42).

² Within the same branch, during the thirteenth century, the distinction will be reached between penitents who lived Franciscan spirituality while remaining in their homes and those who, desiring a greater commitment to the evangelical counsels, chose to live in community, adding the profession of the three solemn vows (Third Order Regular - TOR). Their first official recognition took place with Pope Boniface VIII in 1295.

³ Ivi, p. 250

⁴ ***Memoriale propositi fratrum et sororum de Poenitentia in domibus propriis existentium inceptum anno Domini MCCXXI, tempore domini Gregorii noni papae XIII, Calendas Junii indictione prima ...*** (Translation: Memoriale Propositi of life of the brothers and sisters of Penance, living in their own homes, begun in the year of the Lord 1221, at the time of Pope Gregory IX, May 20, 1228, first indiction ...).

⁵ Translation: Ancient rule of the brothers and sisters of penance that is, of the Third Order of St. Francis.

⁶ Translation: Ancient rule of the Order of Penance according to the new codex.

⁷ In L. Temperini, *Testi e documenti sul Terzo Ordine Francescano*, Roma 1991, pp. 90ff.

Who wrote the *Memoriale Propositi*? The most accredited hypothesis is that it was drawn up by a canonist of the Roman curia, probably by Cardinal Ugolino dei Conti di Segni⁸, a highly experienced jurist, who in those years (1216-1219), as papal legate for Northern Italy, was well aware of the expansion of the penitential phenomenon.

For its part, the Church, through the *Memoriale*, "gave a unitary orientation to the various fraternities, communities, local groups of penitents" (G. Casagrande), regulating the richness of this phenomenon within orthodoxy against any heretical deviations.

The text⁹

In the name of the Father and the Son and the Holy Spirit, amen. The *Memoriale of the life project* of the brothers and sisters of penance, living in their own homes, begun in the year of the Lord 1221¹⁰, is this:

DAILY LIFE

1. The men belonging to this brotherhood shall dress in humble, undyed cloth, the price of which is not to exceed six Ravenna soldi¹¹ an ell, unless for evident and necessary cause a temporary dispensation be given. And breadth and thinness of the cloth are to be considered in said price.
2. They shall wear their outer garments and furred coats without open throat, sewed shut or uncut but certainly laced up, not Open as secular people wear them; and they shall wear their sleeves closed.
3. The sisters in turn shall wear an outer garment and tunic made of cloth of the same price and humble quality; or at least they are to have with the outer garment a white or black underwrap or petticoat, or an ample linen gown without gathers, the price of an ell of which is not to exceed twelve Pisa denars. As to this price, however, and the fur cloaks they wear a dispensation may be given according to the estate of the woman and the custom of the place. They are not to wear silken or dyed veils and ribbons.
4. And both the brothers and the sisters shall have their fur garments of lamb's wool only. They are permitted to have leather purses and belts sewed in

⁸ Future Pope Gregory IX (1227-1241)

⁹ This English translation is taken from *The Manual for assistance of the OFS and to the Franciscan Youth*, Rome 2006/2012, pp. 182 - 186

¹⁰ This date indicates the juridical framework of the penitential movement in the Church.

¹¹ In this codex, considered to be the closest to the time of its original composition, the reference to the money of Ravenna could be an indication that the author or the authors belongs to that geographical area.

simple fashion without silken thread, and no other kind. Also other vain adornments they shall lay aside at the bidding of the Visitor.

5. They are not to go to unseemly parties or to shows or dances. They shall not donate to actors, and shall forbid their household to donate.

ABSTINENCE

6. All are to abstain from meat save on Sundays, Tuesdays, and Thursdays, except on account of illness or weakness, for three days at blood-letting, in traveling, or on account of a specially high feast intervening, namely, the Nativity for three days, New Years, Epiphany, the Pasch of the Resurrection for three days the holy Apostles Peter and Paul, St John the Baptist, the Assumption of the glorious Virgin Mary, the solemnity of All Saints and of St Martin. On the other days, when there is no fasting, they may eat cheese and eggs. But when they are with religious in their convent homes, they have leave to eat what is served to them. And except for the feeble, the ailing, and those traveling, let them be content with dinner and supper. Let the healthy be temperate in eating and drinking.
7. Before their dinner and supper let them say the Lord's prayer once, likewise after their meal, and let them give thanks to God. Otherwise let them say three Our Fathers.

FASTING

8. From the Pasch of the Resurrection to the feast of All Saints they are to fast on Fridays. From the feast of All Saints until Easter they are to fast on Wednesdays and Fridays, but still observing the other fasts enjoined in general by the Church.
9. They are to fast daily, except on account of infirmity or any other need, throughout the fast of St Martin from after said day until Christmas, and throughout the greater fast from Carnival Sunday until Easter.
10. Sisters who are pregnant are free to refrain until their purification from the corporal observances except those regarding their dress and prayers.
11. Those engaged in fatiguing work shall be allowed to take food three times a day from the Pasch of the Resurrection until the Dedication feast of St Michael. And when they work for others it will be allowed them to eat everything served to them, except on Fridays and on the fasts enjoined in general by the Church.

PRAYER

12. All are daily to say the seven canonical Hours, that is, Matins, Prime, Terce, Sext, None, Vespers, and Compline. The clerics are to say them after the manner of the clergy. Those who know the Psalter are to say the Deus in nomine too and the *Beati immaculati* up to the *Legem pone* for Prime, and the other psalms of the Hours' with the Glory be to the Father; but when they do not attend church, they are to say for Matins the psalms the Church says or any eighteen psalms; or at least to say the Our Father as do the unlettered at any of the Hours. The others say twelve Our Fathers for Matins and for every one of the other Hours seven Our Fathers with the Glory be to the Father after each one. And those who know the Creed and the *Miserere mei Deus* should say it at Prime and Compline. If they do not say that at the Hours indicated, they shall say three Our Fathers.

13. The sick are not to say the Hours unless they wish.

14. All are to go to Matins in the fast of St Martin and in the great fast, unless inconvenience for persons or affairs should threaten.

THE SACRAMENTS, OTHER MATTERS

15. They are to make a confession of their sins three times a year and to receive Communion at Christmas, Easter, and Pentecost. They are to be reconciled with their neighbours and to restore what belongs to others. They are to make up for past tithes and pay future tithes.

16. They are not to take up lethal weapons, or bear them about against anybody.

17. All are to refrain from formal oaths unless where necessity compels, in the cases excepted by the Sovereign Pontiff in his indult, that is, for peace, for the Faith, under calumny, and in bearing witness.

18. Also in their ordinary conversations they will do their best to avoid oaths. And should anyone have sworn thoughtlessly through a slip of the tongue, as happens where there is much talking, he should the evening of the same day, when he is obliged to think over what he has done, say three Our Fathers in amends of such oaths. Let each member fortify his household to serve God.

SPECIAL MASS AND MEETING EACH MONTH

19. All the brothers and sisters of every city and place are to gather every month at the time the ministers see fit, in a church which the ministers will make known, and there assist at Divine services.
20. And every member is to give the treasurer one ordinary denar. The treasurer is to collect this money and distribute it on the advice of the ministers among the poor brothers and sisters, especially the sick and those who may have nothing for their funeral services, and thereupon among other poor; and they are to offer something of the money to the aforesaid church.
21. And, if it be convenient at the time, they are to have some religious who is informed in the words of God to exhort them and strengthen them to persevere in their penance and in performing the works of mercy. And except for the officers, they are to remain quiet during the Mass and sermon, intent on the Office, on prayer, and on the sermon.

VISITING THE SICK, BURYING THE DEAD

22. Whenever any brother or sister happens to fall ill, the ministers, if the patient let them know of it, shall in person or through others visit the patient once a week, and remind him of penance; and if they find it expedient, they are to supply him from the common fund with what he may need for the body.
23. And if the ailing person depart from this life, it is to be published to the brothers and sisters who may be present in the city or place, so that they may gather for the funeral; and they are not to leave until the Mass has been celebrated and the body consigned to burial. Thereupon each member within eight days of the demise shall say for the soul of the deceased: a Mass, if he is a priest; fifty psalms, if he understands the Psalter, or if not, then fifty Our Fathers with the *Requiem aeternam* at the end of each.
24. In addition, every year, for the welfare of the brothers and sisters living and dead, each priest is to say three Masses, each member knowing the Psalter is to recite it, and the rest shall say one hundred Our Fathers with the *Requiem aeternam* at the end of each.
25. All who have the right are to make their last will and make disposition of their goods within three months after their profession, lest anyone of them die intestate.

26. As regards making peace among the brothers and sisters or nonmembers at odds, let what the ministers find proper be done; even, if it be expedient, upon consultation with the Lord Bishop.
27. If contrary to their right and privileges trouble is made for the brothers and sisters by the mayors and governors of the places where they live, the ministers of the place shall do what they shall find expedient on the advice of the Lord Bishop.
28. Let each member accept and faithfully exercise the ministry of other offices imposed on him, although anyone may retire from office after a year.
29. When anybody wishes to enter this brotherhood, the ministers shall carefully inquire into his standing and occupation, and they shall explain to him the obligations of the brotherhood, especially that of restoring what belongs to others. And if he is content with it, let him be vested according to the prescribed way, and he must make satisfaction for his debts, paying money according to what pledged provision is given. They are to reconcile themselves with their neighbours and to pay up their tithes.
30. After these particulars are complied with, when the year is up and he seems suitable to them, let him on the advice of some discreet brothers be received on this condition: that he promise he will all the time of his life observe everything here written, or to be written or abated on the advice of the brothers, unless on Occasion there be a valid dispensation by the ministers; and that he will, when called upon by the ministers, render satisfaction as the Visitor shall ordain if he have done anything contrary to this condition. And this promise is to be put in writing then and there by a public notary. Even so nobody is to be received otherwise' unless in consideration of the estate and rank of the person it shall seem advisable to the ministers.
31. No one is to depart from this brotherhood and from what is contained herein, except to enter a religious Order.
32. No heretic or person in bad repute for heresy is to be received. If he is under suspicion of it, he may be admitted if, otherwise fit, upon being cleared before the bishop.
33. Married women are not to be received except with the consent and leave of their husbands.

34. Brothers and sisters ejected from the brotherhood as incorrigible are not to be received in it again except it please the saner portion of the brothers.

CORRECTION, DISPENSATION, OFFICES

35. The ministers of any city or place shall report public faults of the brothers and sisters to the Visitor for punishment. And if anyone proves incorrigible, after consultation with some of the discreet brothers he should be denounced to the Visitor, to be expelled by him from the brotherhood, and thereupon it should be published in the meeting. Moreover, if it is a brother, he should be denounced to the mayor or the governor.

36. If anyone learns that scandal is occurring relative to brothers and sisters, he shall report it to the ministers and shall have opportunity to report it to the Visitor. He need not be held to report it in the case of husband against wife.

37. The Visitor has the power to dispense all the brothers and sisters in any of these points if he finds it advisable.

38. When the year has passed, the ministers with the counsel of the brothers are to elect two Other ministers; and a faithful treasurer, who is to provide for the need of the brothers and sisters and other poor; and messengers who at the command of the ministers are to publish what is said and done by the fraternity.

39. In all the above mentioned points no one is to be obligated under guilt, but under penalty; yet so that if after being admonished twice by the ministers he should fail to discharge the penalty imposed or to be imposed on him by the Visitor, he shall be obligated under guilt as contumacious.

Here ends the Rule of the Continent.