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THE RULES (LEGISLATIVE WRITINGS) OF SAINT FRANCIS OF ASSISI

2.1 Genesis and Formation of the Franciscan Rules

In his *Testament* 14-15, Francis writes: “And after the Lord gave me brothers, no one showed me what I had to do, but the Most High Himself revealed to me that I should live according to the pattern of the Holy Gospel. And I had this written down simply and in a few words and the Lord Pope confirmed it for me.”

In actual fact, we now possess two Rules written by Saint Francis and his collaborators, namely, the *Earlier Rule*, or *Regula non Bullata*, approved by the General Chapter of 1221, and the *Later Rule*, or *Regula Bullata*, confirmed by Pope Honorius III in 1223. From the words of Francis in his *Testament*, we come to know of the existence of another primitive Rule, or *Forma Vitae*, which he had written when he was still forming the first brothers. This is technically known as the *Protoregula*, or *Propositum* of 1209-1210, submitted for the oral approval of Pope Innocent III when Francis and his first brothers went to the Lateran Palace in Rome.

The contents of this first Rule remain obscure, since it is lost as a document. However, the Franciscan Sources do give us some clues regarding its contents. In the *Legend of the Three Companions* 28, we read the account of the vocation of Bernard of Quintavalle:

“Rising at daybreak, then, together with another man named Peter, who also wanted to become a brother, they went to the church of San Nicolò next to the piazza of the city of Assisi. They entered for prayer, but, because they were simple, they did not know how to find the passage in the Gospel about renunciation. They prayed devoutly that the Lord would show them his will on opening the book the first time.

Once they had finished prayer, blessed Francis took the closed book and, kneeling before the altar, opened it. At its first opening, the Lord’s counsel confronted them: *If you wish to be perfect, go, sell everything you possess and give to the poor, and you will have a treasure in heaven* (Mk 10,21).

Blessed Francis was overjoyed when he read this passage and thanked God. But since he was a true worshipper of the Trinity, he desired it to be confirmed by a threefold affirmation. He opened the book a second and a third time. When he opened it up the second time he saw: *Take nothing for your journey* (Lk 9,3), and at the third opening: *If any man wishes to come after me, he must deny himself* (Mt 16,24).

Each time he opened the book, blessed Francis thanked God for confirming his plan and the desire he had conceived earlier. After the third divine confirmation was pointed out and explained, he said to those men, Bernard and Peter: ‘Brothers, this is our life and rule and that of all who will want to join our company. Go, therefore, and fulfil what you have heard’.”

Thomas of Celano, in his *Life of Saint Francis* 32, gives us the first description of the contents of this primitive Form of Life:

“When blessed Francis saw that the Lord God was daily increasing their numbers, he wrote for himself and his brothers present and future, simply and in a few words, a form of life and a rule. He used primarily words of the holy gospel, longing only for its perfection. He inserted a few other things necessary for the practice of a holy way of life.”

This description of Celano throws light on the contents of the primitive Form of Life which Francis presented to Pope Innocent III. It was “simple” and had “few words”. Francis was not helped by any professional persons in Scripture or Canon Law, as he would instead be helped later when drafting the *Regula Bullata*. So he was the direct author of the Form of Life of 1209. Celano also states that it is a “form of life” and “rule”. The two terms were not exactly identical, since a Rule implies an official document sanctioned by the authority of the Church. The primitive Form of Life was not such a document. It was more of a spiritual programme of life for the first brothers, just like the *Propositum* of other evangelical movements in the Church, approved also by Innocent III, like the Humiliati. However, the first brothers clearly took it to be their Rule. The contents of this Form of Life included the “words of the holy Gospel”, that is, the very same words which Francis, Bernard and Peter had discovered in the Gospel Book of the church of San Nicolò. The same words of the Gospel, in fact, recur in the *Earlier Rule* of 1221, and therefore, in a certain way, the primitive Form of Life is not lost at all, but parts of it have certainly been included in the Rule of 1221. Together with the words of the Gospel, Francis adds “other things necessary for a holy way of life”. We do not know what these were, but they could very well have been simple words of exhortation and admonitions which Francis would give his brothers, as is evident from the Sources.

The primitive Form of Life of the brothers was the beginning of a long and painful process, resulting in the two official Rules we have quoted, and in the “Fragments” of a Rule which are another proof that, as David Flood and Thaddée Matura, state, “the Rule grew with the Order”.¹⁸

¹⁸ D. FLOOD – Th. MATURA, *The Birth of a Movement: A Study of the First Rule of St. Francis*, (Franciscan Herald Press), Chicago 1975, 18.

2.2 Fragments of an Earlier Rule

In his edition of the Writings of Saint Francis, Boehmer had included some writings which are chronologically older than the manuscript tradition of the *Regula non Bullata*. These were quotations from another Rule which preceded the *Earlier Rule* of 1221. He called these quotations “Fragments of another Rule before the Bull of Pope Honorius III” (The Bull *Solet annuere*, which confirms the *Regula Bullata* of 1223).

Further research unearthed other Fragments. Many of them are found in the Codex of the Library of Worcester Cathedral. These Fragments are mixed with quotations from the *Testament* of Saint Francis. Another set of Fragments which is textually similar to those in the Worcester Codex, is found in the *Exposition of the Rule* of Hugh of Digne, a work written between 1245 and 1255. Other Fragments include quotations which are present in 2 Celano.

The two Franciscan scholars we mentioned above, namely Flood and Matura, write: “We know of two versions of the Rule before 1223. Both of them represent the latest developments of the Rule up until this date (1215, the year of the Fourth Lateran Council). The view that these versions attest to different stages of development has been challenged. Yet there are good arguments in its favour which have not been disproven, especially since this view fits into the general picture of the Rule’s history ... One of these texts comprises a complete manuscript (the present text of the *Earlier Rule*); we have only parts of the second, found principally in a manuscript in Worcester, England, and in a commentary on the Rule written in 1241-1242 by Hugh of Digne.”¹⁹

The Fragments of the Worcester Codex show many similarities with the *Earlier Rule*. Whole sections of chapters 7, 9, 10, 11, 12, 14, 16, 17, 19, 21, and 22 are quoted. The quotations are entirely devoid of any juridical elements, and they are entirely spiritual in their content.

The Fragments of Hugh of Digne are a proof of another edition of the *Earlier Rule*. These are Fragments which Hugh of Digne inserted in his *Exposition of the Rule*, and that is why he often states: *Sanctus prius in Regula dixit* (the Saint said thus in the first Rule). The Fragments of Hugh of Digne are more juridical in their interpretation of the *Earlier Rule*.

The Fragments of 2 Celano are quotations from the *Earlier Rule* which Thomas of Celano inserted into his *Remembrance of the Desire of a Soul*.

These Fragments are probably only a part of what survives. They are a proof that the *Earlier Rule* of 1221 was formed at various stages of the Order’s early history, as will be shown in the next section.

¹⁹ FLOOD – MATURA, *The Birth of a Movement*, 16-17.

2.3 The Earlier Rule, or *Regula non Bullata* (1221)

The *Earlier Rule* was approved by the General Chapter of Pentecost of 1221. Its Latin title, *Regula non Bullata*, indicates that it never revealed papal confirmation (the *Bulla*), whereas the *Later Rule* of 1223 did receive such a confirmation. This document, however, is very rich in its Scriptural and spiritual contents, and when one reads it one immediately has the impression that it is not meant to be a juridical document, but rather a spiritual document born out of a long experience of evangelical life, in the period 1209 to 1221. That is why the *Earlier Rule* merits careful reading.²⁰

The thesis of David Flood regarding the *Earlier Rule* is nowadays an accepted fact: this Rule was not written *en bloc*, but it is rather a slow process of documentation born out of a concrete experience of evangelical life, rather than out of a juridical reflection on the contents of a Rule for a religious Order. The *Earlier Rule* is made up of 24 chapters, and is the longest among the Writings of Saint Francis.

This Rule was approved in 1221, because in chapter 2,10 it quotes an apostolic constitution, or Bull, *Cum secundum consilium* of Pope Honorius III (20th September 1220): “according to the decree of the Lord Pope”. This papal document had obliged the Order to demand that all candidates prepare themselves through a one-year novitiate before being admitted definitely into the Order. Another clue regarding the date of approval of the *Earlier Rule* comes from chapter 18, which establishes that “once a year on the feast of Saint Michael the Archangel, each minister can come together with his brothers wherever they wish to treat of those things that pertain to God. All the ministers who are in regions overseas and beyond the Alps may come to the Chapter of Pentecost in the church of Saint Mary of the Portiuncula once every three years, and the other ministers once a year.” Now we know that until the Chapter of 1221 all the friars would participate in the General Chapter of Pentecost. However, the exact date of composition of the single chapters is very difficult to fix. This has been done, with a great deal of success by Flood and Matura.

These two scholars are of the opinion that the first 17 chapters of the *Earlier Rule* were formed in the period 1210-1215. During the Fourth Lateran Council a good portion of their contents made up the Rule of the brothers. It is interesting to note that chapters 1 and 14 contain the Gospel texts which Francis and Bernard consulted in the church of San Nicolò, and which were included in the primitive Form of Life. In this first section of the Rule, the basis of the Gospel life is laid down, together with some elements which were being developed in the history of the Order, notably the form of life of the gospel (ch. 1), the reception of novices (ch. 2), divine office and fasting (ch. 3), the ministers (ch. 4), fraternal correction (ch. 5), minority (ch. 6), manner of working (ch. 7), prohibition to receive money (ch. 8), begging alms (ch. 9), the sick brothers (ch. 10), brotherly love (ch. 11), chastity (ch. 12-13), itinerancy (ch. 14-15), missions (ch. 16) and preaching (ch. 17). These last two chapters are important because they are of great help

²⁰ K. ESSER, *Textkritische Untersuchungen zur Regula non bullata der Minderbrüder* (Spicilegium Bonaventurianum 9), Grottaferrata, Rome 1974; D. FLOOD, *Die Regula non bullata der Minderbrüder* (Franziskanische Forschungen, Heft 19), Werl im Westphalen 1967.

to understand the history of the Order in the years close to the Fourth Lateran Council, when the friars left for the first missions to northern Europe, Africa and the Middle East.

Chapters 18-20 are the direct result of the concerns of the Fourth Lateran Council. They speak about the Chapters, about the catholicity of the brothers, and about the discipline of the sacraments of penance and the Eucharist. They reflect some of the canons or laws which were promulgated by the Council, particularly canon 12, regarding general chapters of abbots and priors, canons 1-3, regarding the profession of Catholic faith, and canon 21 regarding the annual precept of penance and communion for Easter.

Chapters 21-23 are quite different in content. Chapter 21 is an exhortation that all the brothers are encouraged to make when preaching. It is an excellent example of the style of Franciscan preaching. Chapter 22 is an admonition to the brothers, which is sometimes regarded to be a type of “testament”, or last will, which Francis left his followers before departing to Damietta in Egypt in the summer of 1219. Chapter 23 is a beautiful prayer of praise and thanksgiving, modelled upon a liturgical model of a Eucharistic prayer. Chapter 24 is a conclusion of the *Earlier Rule*.

The *Earlier Rule* is the Writing of Saint Francis which contains most biblical quotations.²¹ A thorough study of these quotations shows that they come from the pen of a friar who was an expert in Holy Scripture, even though the Sources state that Francis himself was very familiar with Gospel and Scripture texts in general, and remembered many of them by heart.²² However, the biblical quotations in chapters 14-16 and 22 suggest that they are the result of the expert pen of brother Caesar of Speyer, a biblical scholar, who, according to the Chronicle of Jordan of Giano 15, was chosen by Francis to “decorate with the words of the Gospel” the *Earlier Rule*.

2.4 The Later Rule, or *Regula Bullata*

The original manuscript containing the *Later Rule*, approved by Pope Honorius III, on 29th November 1223 with the Bull *Solet annuere*, is conserved as a precious relic in the Sacro Convento of Assisi. A copy of this original manuscript, which is also considered authentic, can be found in the Catalogue of the Vatican Archives. In the critical of the *Later Rule*, Kajetan Esser based his studies on these two authentic manuscripts.

The events leading to the writing of the *Later Rule* are described in some detail by the Franciscan Sources. In the *Legenda Maior*, Saint Bonaventure depicts the event of the writing of the Rule in the hermitage of Fonte Colombo against the background of the biblical account of the commandments which God wrote down on the stone tablets on Mount Sinai:

²¹ An exegetical study of the quotations from the Gospel in the *Earlier Rule* was done by DINO DOZZI, *Il Vangelo nella Regola non Bullata di San Francesco d'Assisi*, (Istituto Storico dei Cappuccini), Rome 1989.

²² 2C 102: “He sometimes read the Sacred Books, and whatever he once put into his mind, he wrote indelibly in his heart.”

“Since he therefore wanted the Rule that had been taken from a more widespread collection of Gospel passages to be confirmed, he went up to a certain mountain led by the Holy Spirit, with two of his companions, to condense it into a shorter form as the vision had dictated. There he fasted, content with only bread and water, and dictated the rule as the Holy Spirit suggested to him while he was praying. When he came down from the mountain, he gave the rule to his vicar to keep. After a few days had elapsed, the vicar claimed that it had been lost through carelessness. The holy man went off again to the place of solitude and rewrote it just as before, as if he were taking the words from the mouth of God. And he obtained confirmation for it, as he had desired, from the Lord Pope Honorius, in the eighth year of his pontificate.”²³

The fact that Francis sought the help of experts, when writing the *Later Rule*, does not in any way diminish its authenticity. We know that brother Bonizio of Bologna was present at Fonte Colombo. Pope Gregory IX, in the Bull *Quo elongati* (28th September 1230), states that he personally helped Francis in writing the Rule, when he was still Cardinal Protector of the Order: “While we held a lesser rank, we stood by him both as he composed the aforesaid Rule and obtained its confirmation from the Apostolic See.”

Another proof of the authenticity of the *Later Rule* is contained in the numerous expressions which certainly come directly from Francis himself in his explicit intentions to the brothers. Examples include the following: “I admonish and exhort them” (ch.2,17); “I counsel, admonish and exhort my brothers in the Lord” (3,10); “Let the brothers not make anything their own” (6,1); “Moreover, I admonish and exhort those brothers” (9,3); “Let the brothers who are the ministers and servants of the others visit and admonish their brothers” (10,1); “I command the ministers through obedience” (12,3).

The *Later Rule* is a spiritual and legislative document. It is made up of twelve chapters, which, however, are later divisions of the text, since the original parchment does not have any internal divisions. The contents of the *Later Rule* are the following: c.1: The Rule and life of the Friars Minor; c.2: Those who wish to adopt this life and how they should be received; c.3: The Divine Office, fasting, and how the brothers should go about in the world; c.4: The brothers should not accept money; c.5: The manner of working; c.6: The brothers should not make anything their own, begging alms, the sick brothers; c.7: The penance to be imposed on brothers who sin; c.8: The election of the Minister General and the Chapter of Pentecost; c.9: Preachers; c.10: Admonition and

²³ ST. BONAVENTURE, *The Major Legend of Saint Francis*, IV,11. This episode shows that Francis went to the “mountain” (the hermitage of Fonte Colombo) with “two companions” (brother Leo and brother Bonizio of Bologna, an expert in civil and canon law). The “vicar” who “loses” the Rule is brother Elias. The story is modelled upon the account in Deuteronomy 9-10. In *The Mirror of Perfection* (Sabatier edition) 1, we come to know the names of the two friars who accompany Francis to Fonte Colombo. This account underlines the great tension between Francis and “the Ministers”, led by brother Elias, who deemed the *Later Rule* to be too harsh. Francis invokes Christ, who appears to him and, speaking loudly, tells him that the Rule was dictated by Him and that it has to be observed *sine glossa* (without comment). These accounts have to be seen against the historical unfolding of events in the Order, particularly during the first years of the 14th century, concerning the friars who wanted to observe the *Regula Bullata* with the help of papal interpretations, as opposed to the friars (*Zelanti*), who wanted to observe it literally.

correction of the brothers; c.11: The brothers may not enter monasteries of nuns; c.12: The brothers who go among the Saracens and other non-believers.

The style of the *Later Rule* is more juridical and less spiritual. The Rule is shorter than the *Earlier Rule*, and fits into the parameters of a legislative document according to the style of the Roman Curia. The papal seal on the Bull *Solet annuere*, is important, because it is a proof that the Church of Rome regarded the form of evangelical life of Francis and the brothers as wholly catholic and apostolic. That is why the Bull is an integral part of the Rule and should never be separated from it. Indeed, the *Later Rule* is included within the Papal Bull. The *Later Rule* inspires the Gospel values of all the families of the First Franciscan Order, namely, the Order of Friars Minor (OFM), the Order of Friars Minor Conventuals (OFMConv), and the Order of Friars Minor Capuchins (OFMCap).

Bibliography

Octavian Schmucki, “The «Way of Life according to the Gospel» as it was discovered by St. Francis of Assisi”, *Greyfriars Review* Vol. 2,3 (1988) 1-56.

Leonhard Lehmann, “«We Thank You». The Structure and Content of Chapter 23 of the Earlier Rule”, *Greyfriars Review* Vol. 5,1 (1991) 1-54.

Giovanni Miccoli, “A Christian Experience between Gospel and Institution”, *Greyfriars Review* Vol. 11,2 (1997) 113-141.

Martino Conti, *Il «Codice» di Comunione dei Frati Minori*, (Pontificium Athenaeum Antonianum), Roma 1999.

Bernard Vollot, “Hugh of Digne and the Rule of 1216”, *Greyfriars Review* 15,1 (2000) 35-85.