

SPIRITUALITY TODAY

*Franciscan and Dominican Influences
on the Medieval Order of Penance:
Origins of the Dominican Laity*
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The Dominican laity gradually emerged from the medieval order of penance inspired especially by St. Francis, given shape by Franciscan and Dominican friars, and encouraged by the popes.

THE emergence and development of what is popularly known today as "Dominican Laity" is difficult to specify with great accuracy. What we are investigating in this article are those groups of lay men and women who gathered together in associations known to the medieval world as an "order of penance" and that formed common juridical ties with the Order of Friars Preachers. Throughout their history they have accepted changes in name, not only to signify their tie with the fraternal branch of the preachers' order (Brothers and Sisters of Penance of Saint Dominic, 1286, (1) or their juridical position in the canonical structure of the church (Third Order of Penance of Saint Dominic, 1434, (2) but also to indicate their active involvement in the life, mission, and ministry of the church (Dominican Laity, 1968). (3)

The primary reason for the difficulty in pinpointing the emergence of a Dominican lay group is that it is a natural outgrowth of the developing penitential movement popularized by Francis of Assisi. When the grace of God inspired the thirteenth-century mind and heart of this saint, he cried out: "This is what I wish, this is what I seek, this is what I long to do with my whole heart." (4) With these words the wealthy cloth merchant's son began an exemplary, self-styled life as the "Herald of the Great King." It was not a noble life of pomp and glamour, however, nor was it a path unknown to others before him. The Poverello only wished to live the timeless life-style of penance, that is, conversion to the gospel of Jesus Christ.

Francis received oral confirmation for his personal form of life from Pope Innocent III in 1209. Throughout the following years, after Francis brought his God-given brothers to the Portiuncula chapel of Our Lady of the Angels, he spent his time traveling about the Spoleto Valley exhorting others as he was moved by grace. The chroniclers of this poor man of Assisi mention that he went about the towns and villages, announcing the kingdom of God, preaching peace, teaching salvation and penance unto the remission of sins" (5); and "in passing through towns and castles he exhorted all men and women to fear God and to do penance." (6) Those moved by his example and words began to imitate his life and patterned their own life according to his "direction, guidance, and discipline. (7)

Saint Bonaventure, who succeeded Francis as the eighth minister general of the friars minor, noted that "it was not just the masses that were stirred by the fervor of the moment; great numbers were seized with the desire to imitate the perfection of Christ and these followed the footsteps of Francis, making light of the fleeting attractions of the world." (8) Earlier in his *Major Life* of the saint, Bonaventure observed that Francis "instituted" the way of penance "common to all those who are on the road to heaven and so this way of life includes members of both sexes, clerics and lay folks, married or simple." (9)

Francis envisioned his followers in every age to be marked by their conversion of heart. By turning from sin to life with God through the observance of God's commandments, they were assured of forgiveness. Living such a virtuous life made them citizens of the kingdom of God and filled them with hope for the fulfillment of their salvation. By his followers' exemplary conduct, Francis was confident that "very many people will be converted to the Lord and he will multiply and increase this his family in the whole world."(10)

AN EARLY "RULE"

The Franciscan friar Bernard of Bessa alludes to the fact that Cardinal Ugolino, the future Pope Gregory IX, helped to organize and compose the inspirations of Francis into a rule around the year 1221.(11) Although this rule has not been preserved, history has handed down a copy of the so-called Capistrano *propositum* of 1228, known simply by its opening word *Memoriale*. (12) This *propositum* is a design for men and women who wish to live pious lives, voluntarily renouncing the vain attractions of society, while living in their own homes. Anyone who accepted this life-style was recognized as a quasi-religious person who lived a life publicly devoted to God.

The rule provided for the acceptance of men or women as members of the "penance." Those who were free from heresy were to make a last will and testament three months after their reception as a "brother" or "sister." Women needed the consent of their husbands for admission to a sorority. Dissensions were to be settled peacefully, and consultation was to be made between the local bishop and civil authorities in the event of trouble. Each fraternity or sorority was moderated by two annually elected "ministers" and a treasurer. Members were to show simplicity in their clothing and were to fast and

abstain over and above the prescriptions of ecclesiastical law. They were obliged to recite, or to be present at the singing of, all the canonical hours (divine office) of the church. No one was permitted to bear arms or to take an unnecessary oath. Members were to gather monthly into their separate fraternities or sororities to hear Mass and listen to the instruction and spiritual direction of a "male religious." Confession and communion were enjoined upon them three times a year. The penitents were to be engaged in works of charity and were mandated to offer prayers for the dead and to attend funeral and burial rites of their deceased members. Each fraternity was to be visited by a representative appointed by the bishop; this delegate was to denounce their shortcomings in living up to their form of life and to punish infractions or grant appropriate dispensations. Finally, by 1228, after associations with, and influence from, Dominican religious, a stipulation was added that no point of the *propositum* obliged under the pain of sin.

This *propositum* is the result of various factors. Although space does not permit their thorough development here, they must be cited to manifest the sources that have brought this document into existence.

First, we must acknowledge that Francis perceived himself and all men and women to be children of the Most High God who created them for his love and service. Openness to the created universe disposed men and women to God's revelation of the divine glory. By a life of personal testimony, Francis demonstrated that all could live in harmony with the created order. What humans had marred by weakness and the burden of their sin, God could restore through their repentance and conversion to the gospel life.

Second, the development of an "order of penance" is a mark of the spirit of the times that witnessed the rapid development of lay piety during the twelfth and thirteenth centuries. Men and women wished to imitate the early apostolic communities, living in simplicity and at times communally, and not infrequently engaged in expounding the Scriptures. The twentieth-century Dominican historian, Père Mortier, observed that the development of this lay piety owed nothing to the secular clergy for "instead of being among the people models of continence, of unselfishness, or of penance, they flaunted, with a kind of self-satisfaction, the abandonment of their morals, their greediness for gain, and their luxurious manners." (13) Francis daily saw the danger of the faithful who detached themselves from the pastors of the church and sought to rectify this through his *propositum* whereby men and Women were to be obedient to the governance of their bishop and the guidance of a religious.

Third, and perhaps most important, was the contemporary theological understanding of forgiveness reflected in the common devotional piety. In an era marked by the possibility of sudden death from war, plague, and unexplained natural disasters, the contemporaries of Francis feared the pains of hell brought upon One who might die unrepentant. Confession was the means to obtain God's mercy; satisfaction of the temporal punishment due to sin, however, could be merited only by the exercise of prayer, fasting, and almsgiving. Those who voluntarily accepted the *propositum* of Francis out of

devotion were, therefore, taking full advantage of the graces God was extending to them in this life.

This view is clearly manifested in a model sermon composed by Humbert of Romans, the fifth master of the Dominican order, for members of the order of penance. Humbert remarks that God does not wish the death of sinners, for God gives to them the place and time of penance. There are those who claim not to be able to do penance in the world and who also do not wish to enter the cloister because they dread its rigor or because they are married. Providence has come to their aid and has removed from them every excuse. God has, in effect, established in the middle of the world a certain means of doing penance which is approved by the Holy See, and which is enriched by it with many graces and indulgences. It is this means that is practiced by those who are called the "Brothers and Sisters of Penance." (14)

LAY PENITENTS AND THE FRIARS

Throughout Italy, especially in the northcentral territories of Lombardy and Tuscany, groups of lay penitents and friars were undergoing a rapid development in both numbers and association. As an example, there is the relationship between the lay penitents and friars in the city of Florence. When the friars minor arrived in Florence in 1218, they were warmly received by the lay penitents who operated the hospice of San Gallo. The following year, the friars preachers were equally greeted and housed by other lay penitents at the hospice of San Pancratio. Together, the lay penitents and friars chiefly provided for the city's public charitable works. The penitents yielded the necessary financial and social foundations for the work, while the friars ministered to the spiritual formation of the penitents and the pastoral care of the hospice residents.

These associations were so agreeable to both friars and lay penitents that by the mid-thirteenth century a dissatisfied secular cleric was able to write a letter to Peter of Vineis, minister of affairs to the Holy Roman Emperor, Frederick II, stating that since the creation of these penitential associations by the mendicant orders "scarcely one man or woman remains whose name is not written in the registers of one or the other." (15) But as the century marched on, the growing concern of the secular clergy over the privileges accorded to the mendicants, coupled with the decline in the fervor of the lay penitents, tested and strained the earlier relationships.

Although Francis of Assisi gave one popular form of organization to the order of penance, he never explicitly entrusted it to the care of his brethren in the recorded writings or sayings that have come down to us. No doubt the friars minor were closely associated with the lay penitents; but, as the mid-thirteenth century controversies increased, the friars minor were more reserved in their association with, and direction of, penitent fraternities and sororities. So reserved were the friars minor that Pope Innocent IV issued bulls to the Franciscan provincials of Italy and Sicily in 1247 stating: "We command that at an opportune time, through yourself and through brethren of your order appropriate for this, you provide [the penitents] with the office of visitation and that, forming them in regular discipline, you correct and reform them in both head and

members, which you know need the visitation, restraining those in opposition through ecclesiastical censure with the possibility of appeal being denied." (16)

Unrest and dissension among the penitent fraternities and sororities continued to foment throughout the remainder of the century. During the administrative term of Bonaventure as minister general of the friars minor (1257-73), we can find evidence that, although the friars minor were encouraged to exhort the laity to imitate the penitential life of Saint Francis, they did not promote the order of penance. In the collected works of Bonaventure, (17) there is found a document whose authorship is questioned by modern-day scholars but which nevertheless reflects the attitudes

that prompted the friars minor not to promote the Brothers and Sisters of Penance. Among the twelve "responses" cited, the author mentions that the friars' liberty to do their own work would be hindered if they assumed the pastoral care of the penitents; that the friars would be expected to negotiate for the penitents if they were in trouble or to finance their possible debts; that the friars would be expected to work for the release of imprisoned Penitents or to assist those who came to them in perilous times. A response was even put forth that if the Sisters went astray, people would say that the friars were responsible for causing the "barefoot women to bring forth little barefoot children."

Even though the friars preachers of St. Dominic were founded, in a sense, to curb the excesses of lay pietism, they were frequently cautious in dealing with the dissenting lay penitents. This was so for two reasons. Like the friars minor, they were victimized by the scathing attacks of the secular clergy; but, more important, because of their primary apostolic mission of preaching the word of God, the friars preachers tended to leave the settlement of disputes to diocesan bishops, unless they were called upon to be a bishop's designated apostolic visitor. Consequently, relations between the friars preachers and lay penitents tended to be slightly more cordial than those between friars minor and laity during the tension-filled years of the mid-thirteenth century.

While some penitents gathered around the friars preachers for spiritual direction and guidance, others chose to be allied with them for economic security. As noted earlier, when the friars preachers arrived in Florence, they were received by the lay penitents of San Pancratio who were engaged in providing public works of charity. Shortly after the friars' arrival, the penitents donated to them the sanctuary of their meeting church, Santa Maria Novella. From this group was to come the strongest and most influential charitable work because it was backed by the most substantial financial capital of all the Florentine penitent associations.

Economic control of the public charitable works (18) by the penitents of Santa Maria Novella was the concrete, political source for the civil controversies among penitent groups. Since penitents were admonished by their 1228 *propositum* not to be concerned about such worldly matters, the Florentine penitents not associated with the Church of Santa Maria Novella could accuse those penitents of laxity in living the regular life of penitential discipline prescribed by the *propositum*. Indeed, this laxity had become a problem in every area of Italy. Along with this problem, there is evidence from 1275.

(19) that the penitents that associated most closely with the friars preachers separated themselves from the general order of penitents in the manner of dress. Whereas other penitents wore a gray habit, the Dominican penitents had so thoroughly identified themselves as being under the direction of the friars preachers that they assumed for themselves the permission to wear the *habitus nigri* -- the black mantle and capuce for the brothers and the black mantle and white veil for the sisters.

in the year 1284, the bishop of Florence was the Dominican James of Castelbono. To obviate what might appear as patronage to the "black-habit" penitents, Pope Honorius IV appointed the friar minor *custos*, Fra Caro, as apostolic visitor of the Holy See. In light of later events when Pope Nicholas IV would incorporate the rule (*formula*) (20) of Fra Caro in his own bull *Supra montem*, (21) it appears that the apostolic visitor was entrusted with the task of settling the dispute in Florence in such a way that it would be normative for all Italy. Despite his efforts, however, some of the "black-habit" penitents were dissatisfied.

MUNIO OF ZAMORA'S RULE

By their refusal to accept the *formula* of the apostolic visitor, some of the penitents of the *habitus nigri* showed the friars preachers their pride and exercise of will against the church's call to reform and commitment to peace. The friars, however, did witness the good faith of some devoted penitents and probably sought counsel with the recently elected Munio of Zamora, the seventh master of the Dominican order. (22) He was then completing his first round of visitations of the friars and their apostolates in the Italian provinces.

Soon after, a rule seems to have appeared that was composed for the "Brothers and Sisters of Penance of Saint Dominic." (23) An examination of this rule reveals that it uses the formula of Fra Caro as a guide, but it has reorganized and tightened the structure and added some elements to give it a particularly Dominican spirit. If this rule appears to us today as severe or, even worse, undemocratic, it can be explained by the rebellious spirit of some members of the "black habit."

Among the major revisions we must note that those penitents who wish to belong to this association must be willing to be totally under the direction and correction of the master of the Dominican order or the local provincial of the friars preachers. This is done "for their greater preservation and promotion ... in those things that pertain to their manner and formula of living."

Each fraternity is to request a Dominican friar priest from the master of the order or the local provincial. This priest is to convoke the monthly meetings of the fraternities and sororities either in the penitents' meeting place or the church of the friars preachers. He is to preach and celebrate Mass for the group. This is to be followed by a reading and explaining of the penitents' rule. The friar priest has complete authority to correct the penitents who may have transgressed or neglected the rule. Explicit permission must be

granted by him or the local prelate for penitents to travel, even if they are planning on making a pilgrimage.

The friar is also responsible for establishing the prior of the fraternity or the prioress of the sorority with the advice of the elders of the chapter. A subprior or subprioress and vicar may also be appointed in a similar fashion. The rule explicitly states that the prior or prioress is to be confirmed annually during the octave of Easter, after counsel with the association's oldest members.

Those to be received into the society's membership must be "like a singular child of St. Dominic in the Lord ... an outstanding example and zealous for the truth of the Catholic faith according to his [or her] capacity." Later, these people are referred to as "servants of Christ." They are to be received by the friar master, director, or their appointed vicar in the presence of the prior of the group and other penitent members. Other friars preachers are to be present as well.

Reception follows exactly the rite of reception into the friars preachers. Those to be received petition the master to be admitted to the habit of the Brothers and Sisters of Penance of Blessed Dominic for a probationary period. The postulants then receive the habit, which has been blessed; and the master along with the other friars preachers sing the hymn *Veni, Creator Spiritus*. Following the recitation of the Lord's Prayer and prayers for the newly received, the master sprinkles them with holy water and presents the newly received to the assembled penitents for the "kiss of peace."

After the probationary time has been satisfactorily fulfilled, the novices may be professed when they are willing to dedicate themselves permanently to the penitential life. Once professed, there is to be no turning back, no "return to the world." By profession "to the honor of Almighty God, the Father, Son, and Holy Spirit, and of the blessed virgin Mary and blessed Dominic," the novices declare "to live henceforth according to the form and rule of the Brothers and Sisters of Penance of Blessed Dominic until death."

Profession obliged them to the recitation of the canonical hours of the church. Those who were engaged in daily manual labor could say the hours "exclusively between morning and evening." In other words, they were dispensed from rising for prayer in the middle of the night. Those penitents who did not know the psalms could recite a designated number of Our Fathers and an equal number of Hail Marys "to the honor of blessed Mary ever virgin."

The penitents are reminded "to visit the churches of which they are parishioners and to highly revere the prelates of their own churches, namely, bishops and their subordinates." Four times a year they are to carefully confess their sins and receive Communion on Christmas, Easter, Pentecost, and the feast either of Mary's assumption or of her nativity. With the permission of their priest, they could devoutly receive communion more frequently.

Finally, there is the same clause as found in the Constitutions of the Friars Preachers, namely, that what is contained in the penitents' rule over and above the precepts of the church, the general ecclesiastical law, and the natural moral law does not bind the brother or sister of penance of Blessed Dominic under the pain of sin. In other words, the rule of the penitents was not to be perceived as a moral burden but as a means voluntarily chosen to convert themselves to the living God. Failure to live up to their profession brought admonition and correction from the friar master or prelate, but this failure was not to be accounted as a morally culpable fault before God unless clearly a sin on other grounds.

PAPAL ACKNOWLEDGMENT

With the bull *Congruum existimantes* the Brothers and Sisters of Penance of Blessed Dominic was acknowledged by the papacy as a legitimate branch of the order of penance that "gives pleasing service to God." This bull granted by Honorius IV gave them the privilege "to attend divine services and receive the sacraments of the church during the time of general interdict in churches where they are celebrated by favor of the Apostolic See, provided ... [they] were not the cause of the interdict." Thus, incorporated into the Order of Preachers and strengthened by the favor of apostolic privilege, the Brothers and Sisters of Penance of Blessed Dominic began to live anew the gospel life in its fullness.

Although groups of penitents were brought into formal existence by growing economic and social unrest, from the early arrival of the mendicant orders they nurtured their spirituality under the guidance and direction of the order of their choice. Inspired by the original exhortations of Saint Francis and shaped by the direction of the friars preachers, the rule and life of the Brothers and Sisters of Penance of Blessed Dominic emerge as the model for the establishment of other branches of the order of penance during the fourteenth and fifteenth centuries. Despite the increasing diversity of expression brought about by the penitents' associations with other mendicant communities, all branches have sought to be faithful to their basic founding charism to imitate the perfection of Christ through a life converted to the values of the gospel.

NOTES

1 Honorius IV, *Congruum existimantes*, 28 January 1286, in *Bullarium Ordinis FF. Praedicatorum*, vol. 2, ed. Thomas Ripol (Rome, 1730), p. 10.

2 Eugenius IV, *Sacrae religionis*, 6 December 1434, in *ibid.*, vol. 3, ed. Thomas Ripol (Rome, 1731), p. 32.

3 *Acta Capituli Generalis Provincialium Ordinis FF. Praedicatorum* (River Forest, Illinois), chap. 11, par. 107 (Rome, 1968), p. 66.

4 Thomas of Celano, *The First Life of Saint Francis*, no. 22; and Anonymous, *The Legend of the Three Companions*, no. 25.

5 Thomas of Celano, *First Life*, no. 36.

- 6 *Legend of Three Companions*, no. 33.
- 7 *Ibid.*, no. 54.
- 8 St. Bonaventure, *Major Life of Saint Francis*, chap. 4, 7.
- 9 *Ibid.*, chap. 4, 6.
- 10 *Legend of Three Companions*, no. 36.
- 11 Bernard of Bessa, *Liber de laudibus*, in *Analecta Franciscana*, vol. 3, p. 679.
- 12 Gillis Gerard Meersseman, *Ordo Fraternalitatis: Confraternità e pietà dei laici nel medioevo* (Rome: Herder, 1977), pp. 390-94; and *Dossier de l'ordre de la pénitence au XIII siècle*, *Spicilegium Friburgense*, 7 (Fribourg: Editions Universitaires, 1961), pp. 92-112
- 13 D.A. Mortier, *Histoire des maitres généraux de l'ordre frères Prêcheurs*, vol. 2 (Paris: Alphonse Picard and Sons, 1905), p. 221.
- 14 Humbert of Romans, *Ad fratres de Poenitentia*, in Meersseman, *Dossier*, pp. 125-28.
- 15 *Epistolae*, bk. 1, chap. 37 (Basel, 1566), p. 234, as cited in Hilarin Felder, *The Ideals St. Francis of Assisi*, trans. Berchmanns Bittle (New York: Bensinger Brothers, 1925), 481, n. 30.
- 16 Meersseman, *Dossier*, p. 57.
- 17 St. Bonaventure, *Opusculum* 17, pt. 2, ques. 16, in *Opera omnia*, vol. 3 (Quaracchi, 1898), pp. 368-69; and Meersseman, *Dossier*, pp. 123-25.
- 18 Cf. M.-H. Vicaire, *Dominique et Ses Precheurs*, *Studia Friburgensia*, n.s., 55 (Paris: Editions du Cerf, 1977), p. 403.
- 19 Meersseman, "Testaments of Cittadino Bonasere de Passignano and Bello Ferrantini, Citizens of Florence," *Dossier*, pp. 196, 198.
- 20 Meersseman, *Dossier*, pp. 128-38; and *Ordo Fraternalitatis*, pp. 394-400.
- 21 Nicholas IV, *Supra montem*, 18 August 1289, in *Seraphicae Legislationes Textus Originiales* (Ad Claras Aquas, 1897), pp. 77-94.
- 22 Munio was elected on the vigil of Pentecost, 12 May 1285. Sometime between this date and that of the bull by Honorius IV, *Congruum existimantes*, 28 January 1286, the rule would have been composed.

23 Meersseman, *Ordo fraternitatis*, pp. 401-8; and *Dossier*, pp. 144-56. The reader should be aware that it is alleged that Munio wrote this rule. This allegation is, however, only an oral tradition, for no known autograph of this rule exists from the late thirteenth century.

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