

THE PRIMITIVE CONSTITUTIONS OF THE ORDER OF FRIARS PREACHERS

INTRODUCTION

The only copy of the Constitutions of the Order of Preachers as they existed prior to the revised edition of St. Raymond of Penafort, which went into effect in 1241, is a manuscript from the Dominican priory in Rodez, France. Now preserved in the Archives of the Order at Santa Sabina in Rome, it dates from the middle of the fourteenth century and seems to be a chronicler's copy of an original thirteenth-century text which had frequently been brought up to date by way of marginal notes and additions to paragraphs. All these additions were concerned with new legislation. The fourteenth-century copyist produced a coherent text by making the indicated legal corrections and incorporating the marginal notes into the text. Although he was careful in this task, he apparently omitted some legislative changes and inserted others in the wrong places. Nevertheless, many of these errors are obvious and can be easily corrected. As the only document of its kind, this manuscript is invaluable.

Various scholarly techniques have been applied to this document which have enabled eminent historians (especially Fathers Denifle, Scheeben, Mandonnet, and Vicaire) to distinguish the development of the Constitutions as presented by this text. Although these historians have differed in their respective interpretations, Father Vicaire has established quite definitely that most of the second part of the Constitutions dates from the Chapter of 1220, where the principal legislator was none other than St. Dominic himself. Moreover, he has convincingly established that the first part, which depends on the Premonstratensian Constitutions, dates from the formative chapter of the Order, 1216. [\(38\)](#)

Like all later editions, the early Constitutions show that the brethren recognized the value of every means designed to achieve the purpose of the Order, as well as the particular regulations concerning these means. Hence they clearly designated the difference between the inflexibility of the principles and the flexibility of particular legislation.

Of the three Most General Chapters held by the Order, the first took place in 1228. Its legislative work is clearly known from the preamble to the first section of the Rodez text of the Constitutions. The effects of this legislation on the Rodez text are more readily discernible, since this chapter was concerned with more than ordinary problems. Grave internal disputes, which seem to have troubled the Order at that time, are reflected in the work of the 1228 chapter. Among the regulations probably established in this chapter, there were the rule requiring ratification of new legislation by three successive general chapters, the restriction of the ministry among pious women and nuns (to obviate the dangers of having too many men engaged in this work), and other statutes aimed at abuses of power, fraudulent elections, indiscreet breaches of secrecy, and opposition to authority.

A final block of legislation in the Rodez document which can be dated to about 1225 pertains to the administration of the provinces, which were first established

in 1221. Although, at first, the provinces had but little autonomy, by 1228 the general chapters had given greater responsibilities to provincial authorities.

The following then are the first constitutions of the Order of Friars Preachers and were in effect during the time of Master Jordan, the immediate successor of Blessed Dominic. [\(39\)](#) From these, Brother Raymond of Penafort, Third Master of the Order, formed and established other constitutions, which now prevail. [\(40\)](#)

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TEXT

In the 1228th year after Our Lord's Incarnation, twelve prior provincials, each with two diffinitors appointed by their respective provincial chapters, assembled at the Convent of St. James with Jordan, the Master of the Order. To them the brethren, one and all, had entrusted their votes, granting them plenary power, so that whatever they enacted in the way of establishing or abrogating, whether by changing, adding, or subtracting, would henceforth remain firmly established and no chapter of any authority whatsoever could lawfully change anything. What they laid down was to endure for all time.

Accordingly, these priors, with their diffinitors, first imploring the graces of the Holy Spirit, have, after diligent examination, unanimously and with one accord, ordained certain constitutions for the welfare, integrity, and preservation of the Order. These have been inserted among the other constitutions in their appropriate places. It has been their will that certain of these constitutions be held forever inviolate and immutable: the rule, namely, that under no pretext shall properties and revenues be accepted, the rule which excludes appeals, and the rule that in no case shall diffinitors attempt to prejudice the mind of the prior provincial or the prior provincial that of his diffinitors in their deliberations. Others they wished to remain unchanged in the sense that, as new reasons, new crises, new cases, and new situations arise, certain constitutions could be temporarily changed, but only by a like chapter: the rules, namely, about making constitutions only if approved by three general chapters; about not riding horseback; about not carrying money; about not eating meat except in case of sickness. Yet, in these matters, the prelate may lawfully dispense according to the circumstances of place and time.

THE CUSTOMS OF THE FRIARS PREACHERS

Prologue

Because a precept of our Rule commands us to have one heart and one mind in the Lord, it is fitting that we, who live under one rule and under the vow of one profession, be found uniform in the observance of canonical religious life, in order that the uniformity maintained in our external conduct may foster and indicate the unity which should be present interiorly in our hearts. This will be able to be achieved more readily and more completely and kept in the forefront of our memory, if the things which we are obliged to do are committed to writing; if the

manner in which we are supposed to live is made known to everyone in writing; if no one may change or add or subtract anything on his own authority: lest through neglect of the smallest detail we gradually fall away. For this reason, however, the prelate shall have power to dispense the brethren in his priory when it shall seem expedient to him, especially in those things which are seen to impede study, preaching, or the good of souls, since it is known that our Order was founded, from the beginning, especially for preaching and the salvation of souls. Our study ought to tend principally, ardently, and with the highest endeavor to the end that we might be useful to the souls of our neighbors. Therefore, as a means of providing for the unity and peace of our entire Order, we have taken the pains to write what we call the *Book of Customs*, a book which is divided into two sections. The first contains rules telling how the brethren should behave in their monastery by day and by night: there are rules for the novices, for the sick, for those who have had blood let; rules about silence and about faults. The second part concerns the provincial chapter, the general chapter, study and preaching.

In order that the reader may easily find what he wants, we have assigned to each of these sections certain subjects which appear as chapter headings: About Matins; about the chapter; about Prime, Mass and the other hours; about meals and food; about the collation; about Compline; about the sick and those who have had blood let; about novices and silence; about clothing; about the tonsure; about faults.

PART I

I a -- Matins

At the first signal the brethren shall arise and say Matins of the Blessed Virgin according to the day. After this is finished, when the brethren come into choir, they shall make a profound inclination before the altar and go to their stalls. At a signal given by the prelate, they kneel down or incline, according to the day, and say the *Pater Noster* and *Credo*. When the prior has given another signal, they stand erect. Having thus devoutly begun the hour, they face the altar and sign themselves with the sign of the Cross and at *Gloria Patri* choir inclines profoundly to choir, or the brethren prostrate themselves until *Sicut erat*, depending on the day. This is the procedure to be observed whenever the *Pater Noster* and *Credo* are said, except during Mass, before the lessons, and during the thanksgiving after meals. The same is to be observed at the first collect in Mass and at the post-communion; likewise during the prayer for the Church and during the collect which is said at the end of each hour. Also at the *Gloria Patri*, whenever it is said at the beginning of an hour. At all other times when the *Gloria Patris* is said both at the last verses of hymns and at the second-last verse of the canticle *Benedicite*, we bow as far as the knees; also when the *Gloria in excelsis Deo* is being sung and at *Suscipe deprecationem nostram*; again during the *Credo* at *Homo factus est*; also during the blessing before the lessons. Likewise in chapter during the prayer *Sancta Maria* and in every prayer when the name of the Blessed Virgin is pronounced.

Having begun the hour in this fashion, the *Venite* is recited. Then, during the first psalm, one choir sits; during the second psalm, this choir stands and the other sits. They alternate in this way until the *Laudate Dominum, de Coelis*. This alternate sitting and standing is followed during each of the hours. When Matins are finished,

chapter is held, or may be postponed until after Prime or omitted altogether according to the judgment of the prelate, so that study not be hindered.

I b -- Daily Chapter

As the community enters the chapter hall, the reader announces the lunar day and whatever pertains to the calendar of that day. Then one of the priests follows with *Pretiosa*, etc. During the reading from the Rule or from the Gospel, depending on the day, the brethren are seated. The reader says *Jube Domne* and the hebdomadarian pronounces the blessing *Regularibus disciplinis* or *Divinum, auxilium*, according to the day. Having given the absolution for the dead, the one presiding at the chapter says *Benedicite*; everyone bows and responds *Dominus*. After the benefactions are announced, the prior says *Retribuere dignare*, etc. The community then recites the psalms *Ad te levavi* and *De Profundis*, followed by the *Kyrie, Pater Noster*, and the three versicles *Oremus pro domino Papa, Salvos fac servos tuos*, and *Requiescant in Pace*. Then the hebdomadarian recites the three collects: *Omnipotens . . . , Praetende . . . , Fidelium Deus*. After that the brethren sit and the prior has an opportunity to say briefly anything that pertains to the improvement or correction of the brethren. After that the novices leave.

When they have gone, the prelate tells those who consider themselves guilty to make the *venia*. At once those who adjudge themselves guilty prostrate themselves and seek pardon. Then, rising up, they humbly confess their faults. Anyone whose fault is deserving of correction shall prepare himself for the correction, since the prior or a brother assigned by him should make corrections. In chapter the brethren may not speak except for two reasons: to tell their own or other's faults and to answer the prelate's questions. No one may proclaim another on mere suspicion. When the prelate enjoins a general prayer, all shall bow; likewise, anyone whom he has ordered to say or do anything. But whenever he imposes a command or a duty or a ministry upon anyone, that person should humbly prostrate himself and accept whatever has been imposed on him. After the confession of faults, the psalm *Laudate Dominum, omnes gentes* is said together with the versicles *Ostende nobis* and *Dominus vobiscum*, and the collect. Finally the prior shall say *Adjutorium, nostrum*, etc. to end the chapter.

II -- Of Not Permitting Entrance to Women

Women may never enter the cloister, our workshops and chapel, except when the church is being consecrated. On Good Friday, however, they may enter the choir until the hour of office. In all other cases they shall remain in the church reserved for the laity or outside in a fixed place, where the prior can speak to them about God and spiritual matters.

III -- The Hours and How They Should Be Said

Matins and Mass and all the canonical hours should be attended by our brethren together; and they should eat together, unless the prior wishes to dispense anyone. All the hours are to be said in church briefly and succinctly lest the brethren lose devotion and their study be in any way impeded. We say that this is the way in which it is to be done: in the middle of the verse a mediation with a

pause is to be observed, not drawing out the voice at the pause or at the end of the verse, but, as it was said, let it be terminated briefly and succinctly. All these things shall be observed in varying degrees according to the day.

IV-- *Meals*

From Easter to the feast of the Holy Cross the brethren may eat twice, except on Rogation days, Fridays, the vigil of Pentecost, the Ember days, the vigils of John the Baptist, of Peter and Paul, James and Lawrence, of the Assumption of the Blessed Mary, and of Bartholomew.

V -- *Fasting*

From the feast of the Holy Cross until Easter, we shall observe a continual fast not to be broken until None has been recited, except on Sundays. Throughout Advent and Lent and on Ember days, on the vigil of the Ascension and Pentecost, of St. John, of Peter and Paul and Matthew, Simon and Jude, All Saints, of the Apostle Andrew, on all Fridays -- unless Christmas should fall on Friday -- we follow the Lenten practice in regard to food, unless someone is dispensed on account of his labors or in places where it would otherwise be eaten or when a major feast occurs. Those on a journey, however, may eat twice,* except during Advent* or on major fast-days established by the Church. [In the text as given here the insertions from the General Chapter of 1236 are set off by asterisks.]

VI -- *Dinner*

At the appointed time before lunch or dinner the bell shall be rung a few times, so that the brethren arrive on time for their meal. Then a gong shall be sounded, if the food is ready; if not, it should not be sounded, until it is ready. After they have washed their hands, the Prior shall ring the refectory bell and then the brethren shall enter. When all are in the refectory, the one appointed to say the versicles says *Benedicite* and the community continues with the blessing and eats. Those who serve shall start with the younger professed brethren and go along until they reach the prior's table. No brethren in the priory shall, without permission, stay away from the first meal, except the servers and watchmen. Everyone else is to eat during the second meal, so that there shall be no need for a third. The waiters or servers are not to give anyone a special dish different from any served to the whole community, unless he is sick or has let blood. Priors shall eat in the refectory and be content with the fare served to the community. The same for infirmarians and guest masters and ministers and other brethren, unless, for some reason, the prior has given permission to someone to eat outside the convent on occasion. But if the prior happens to become sick, he should be served his food in the infirmary with the other brethren. One brother shall not send a special dish to another; the prior alone may do this by giving a dish set out for him to someone on his right or left. *Unless there is evident need or serious sickness, there should be only two places in our convents where the weak or infirm may eat; one for those who may eat meat and another for those who may eat other food. Similarly the other brethren are to eat only in the common refectory or the guest house.*

VII -- *The Menu*

The food in our priories should everywhere be without fleshmeat. But outside the cloister, it is lawful for the brethren to eat food cooked with meat, lest they be a burden to their hosts. Our brethren, both priors and others, shall not presume to eat outside the cloister in places where we have a priory, unless they are with the bishop or in the houses of religious, and this only rarely. If possible, they should have two cooked dishes every day; however, the prior may add to this, as he judges fit and the means allow. If a brother sees that someone sitting next to him does not have some item served to the community, he shall ask the server or waiter for it. If a waiter or anyone at table shall have in any way given offense while serving or eating he shall seek pardon when the brethren rise from table and then return to his place upon the prior's signal. Anyone who wishes to drink outside the hour shall seek permission from the prelate and take a companion.

VIII -- *Collation and Compline*

During the fasting season, the sacristan shall at the proper time sound the signal for the collation. As the brethren are going into the convent after the prior's signal, the reader says *Jube Domne*, which is followed by the blessing *Noctem quietam*. During the reading of the lesson the brethren shall be able to drink after the prior has signaled and, after the reader has said *Benedicite*, the hebdomadarian gives the blessing *Largitor omnium bonorum*. When the reading is over, the one presiding shall say *Adjutorium nostrum*, etc. After this the brethren proceed in silence to the Church.

At other times the lesson *Fratres Sobrii estote* shall be read in the church before Compline. After the confession and Compline are over, the one in charge shall give the blessing and the hebdomadarian sprinkles the holy water. After this the *Pater Noster* and *Credo* are said. The same shall be done before Prime and before Matins.

IX -- *Beds*

The brethren shall not sleep on mattresses, unless they cannot obtain straw or something of that sort on which to sleep. They shall sleep dressed in tunic and shoes. It is lawful to sleep on straw, a woolen mat, or sacking.

X -- *The Sick*

Let every superior take care not to neglect the sick, who are to be treated in a manner which will enable them the more quickly to recover, as our Father Augustine says. Some of them may even eat meat, if, in the judgment of the prelate, their sickness requires it. But if someone is sick in a way which does not weaken him much or disturb his appetite, say if he has a swelling of the limbs or a cut or something of that sort, he shall not sleep on a mattress or break the usual fasts or change from the food served in the refectory. Let him read or work as the prelate commands.

XI -- *Blood-letting*

Bloodletting is permitted four times a year; the first in the month of September; the second after Christmas; the third after Easter; the fourth after the feast of John the Baptist. Outside these times, no one shall let blood, unless, in the judgment of the prior, it be deemed otherwise for some reason. Those who have had blood let may eat in silence outside the refectory, when feasible; and if the means of the house permit, they may be provided with extra food. Let no one partake of meat because of bloodletting.

XII -- *Master of Novices*

The prior shall set over the novices a Master who shall be diligent in training them and instructing them about the Order. Whenever they give indication of negligence by word or action, he shall, as far as possible, try to correct them; it shall be his duty, also, to obtain for them whatever they need. When they make the *venia* before him for open negligences, he may give them a penance or proclaim them in their chapter. He shall teach them to have humility of heart and body and shall strive to train the novices in this according to the words: "Learn of me, for I am meek and humble of heart." He shall teach them to confess sincerely and discreetly, to live without anything of their own and to abandon their own will, so as to observe voluntary obedience to the will of the prelate in all things. He shall teach them how to act in all places and under all circumstances: that they should hold to the place they have been assigned; how the inclinations are to be made, when someone either gives or takes away something from them or says something pleasant or unpleasant to them; how they should behave in their rooms: that they should not let their gaze wander; how or what they should pray for and how silently; that they should not call aloud to others. They shall be taught to seek pardon of their prelate whenever they have been reprovved; not to presume to quarrel with anyone and obey their master in all things; and to have a companion next to them in the cloister during processions; that they should not talk at forbidden times or in forbidden places. Also they should bow profoundly when any article or clothing is given them and say *Benedictus Deus in donis suis*. They shall judge no one. If they see anyone doing something, even though it appear evil, they shall suppose that it is good or done with a good intention, for human judgment is often deceived. They shall be taught how the *venia* is to be made in chapter or wherever they have been reprovved; how the discipline should be taken frequently; that they should speak only well of one absent; that they should drink sitting down using both hands; that they should take diligent care of their books and clothing and other things pertaining to the monastery; how they should be intent on study, so that by day and by night, at home or on a journey, they should be reading or reflecting on something; whatever they can, they should try to commit to memory; how they should be fervent in preaching, when the time comes.

XIII -- *Of Those to be Received*

When those to be received come to us they shall be conducted to the chapter at the time set by the discretion of the prelate or certain older brethren. Upon arriving there, they shall prostrate themselves in the middle of the chapter, until they are asked by the prelate, *What do you seek?* and they answer, *God's mercy*

and yours. Then they arise at the command of the prelate, who explains the austerities of the Order and asks them what their will is. If they answer that they are willing to observe all these things and renounce the world, he shall, after other things, finally say, *Dominus qui coepit, ipse perficiat.* The community responds, *Amen.* Then divesting themselves of their secular clothing and putting on the religious habit, they are received into our society in chapter. However, before they promise stability and life in common or vow obedience to the prelate and his successors, a period of probation shall be assigned them. No one is to be received unless he has first been asked whether he is married, or is a serf or is obliged to render an account of anything, or bound by another profession, or suffering from a hidden infirmity. If he is a member of another religious order, he shall not be received into our Order, unless he has been approved by a general or provincial chapter. Cistercians are not admitted without special permission of the Lord Pope. A conventual prior shall receive no one as a lay brother and no one as a cleric without having first asked and obtained the consent of the entire chapter or a majority. No one under 18 years of age shall be received. In each convent, three suitable brethren shall be elected by the common consent of the chapter to examine carefully into the character and knowledge of those to be received and refer the results to the judgment of the prior and chapter, who shall decide whether they shall be accepted.

XIV -- *The Period of Probation*

We have decided on a period of probation lasting six months or longer, as the prior sees fit, so that the one accepted may make trial of the austerities of the Order and the brethren learn his character, unless perchance someone mature and discerning enough chooses to forego this probation and offers himself at once for profession. Before profession, novices must free themselves of debts and place everything else at the feet of the prior so that they may release themselves entirely. Likewise, none of them shall be given definitive use of books or consider it unseemingly if such are taken from them or given to someone else's care.

XV - *The Manner of Making Profession*

The manner of making profession is the following: *I, Brother . . . make profession and promise obedience to God and to Blessed Mary and to you N., Master of the Order of Preachers, and to your successors according to the Rule of Blessed Augustine and the Institutes of the Friars of the Order of Preachers that I will be obedient to you and to your successors until death.* But when it is made to someone who is a prior, the formula is: *I, Brother . . . make profession and promise obedience to God, and to Blessed Mary and to you, N., Prior of this place, for N., the Master of the Order of Preachers, and for his successors, according to the rule of Blessed Augustine and the Institutes of the Friars of the Order of Preachers, that I will be obedient to you and your successors until death.*

During the period of probation, the novices shall occupy themselves zealously with psalmody and the daily office. Before profession, the confessions of the novices shall be heard; accordingly, they shall be carefully instructed regarding the manner of confessions and other things. Wherever possible, novices shall not be present in the chapter or dormitory with the other brethren. Let their Master hear

their faults outside the chapter and, as far as possible, instruct them carefully regarding their behavior and correct them in a charitable manner. Novices, both clerical and lay-brother, shall not for a year be sent to distant places except for unavoidable reasons, nor shall they be occupied with any office. They shall not give away their clothing before profession and none shall be ordained before profession.

XVI -- *Silence*

In the cloister, in the dormitory, in their cells, in the refectory and chapel of the brethren, silence shall be observed by our brethren, unless they have occasion to say something-then it shall be said quietly and in incomplete sentences. Elsewhere they shall be allowed to speak, if they are given special permission. *During meals, however, the brethren everywhere, both within and without, shall maintain silence, priors as well as others, with the exception of the one in charge or the one he has assigned to speak for him; in which case the one in charge shall be silent. But if anyone shall have deliberately broken that silence or given permission to speak at one meal, he shall drink only water in the presence of all without the possibility of dispensation and shall receive one discipline in chapter. Those sick in bed are exceptions to this rule.* Yet those who are sick, but not in bed, shall observe silence from the noon meal until Vespers; similarly until the signal after Compline. Those who have had blood let are to observe the same after the first day of their blood-letting. The penance for breaking silence is this: for the first time, *Miserere Mei* and *Pater Noster*; for the second time, the same. For the third offense the discipline shall be received; the same for the fourth; for the fifth, the same. For the sixth and seventh times, they shall fast for one day on bread and water, sitting with the community; and this at the noon meal and not at the evening meal. After seven times the count begins anew. What has been said here is to be understood as taking place between two meetings of the chapter. In other words infractions get a fresh count from one chapter to the next. They may receive the discipline by themselves or with the other brethren after Compline. But if something is still owed when chapter is being held, it shall be received there.

XVII -- *Scandal*

If anyone shall have scandalized his brother in any way, he shall lie prostrate at his feet until the one offended is pleased to raise him.

XVIII -- *Clothing*

In regions where it is possible, the brethren shall wear clothing of coarse wool. Where this cannot be observed, they shall use common material. Let poverty be observed

in the matter of cappas and no linen be worn next to the skin, *even by those who are sick. Indeed, all linens are to be removed from our infirmaries.* No one shall wear more than three tunics and a woolen pelt in winter, or four without the pelt, which is always worn covered by a tunic. They shall not use the pelts of wild animals or furs of any kind. Tunics should reach down as far as the heel of the

foot. The cappa shall be shorter, and shorter still the woolen pelt. Our scapulars should be long enough to cover the knees. Shoes and socks shall be worn as necessity requires and the means of the house permit. No one shall wear gloves or leggins.

XIX -- Tonsuring

The head shall be shaved in a manner befitting religious, so that no more than two inches intervene between the ears and the shaved area. The tonsure shall be made above the ears. This shaving and tonsuring shall take place at the following times: the first, Christmas; the second between Christmas and the Purification; the third at the Purification; the fourth between Purification and Holy Week; the fifth on Holy Thursday, the sixth between Easter and Pentecost; the seventh at Pentecost; the eighth between Pentecost and the feast of Peter and Paul; the ninth on their feast; the tenth on the feast of St. Mary Magdalen; the eleventh on the feast of the Assumption of Blessed Mary; the twelfth on the Nativity of the Blessed Mary; the thirteenth on the feast of St. Denis; the fourteenth on the feast of all Saints; the fifteenth on the feast of St. Andrew.

XX -- Of Lighter Faults

These are the lighter faults:

1. If anyone does not put all else aside when the signal has been given and, with due haste, prepare himself, as the rule says, to come in good order and composure to the church, when he should; but instead remains where he is inside the monastery or outside on the grounds.
2. Not to execute the office of reading or chanting diligently and attentively.
3. To disturb the choir by beginning a response or antiphon.
4. If after having offended by reading or chanting badly in choir, one does not humble himself immediately before all.
5. To delay coming to the priory at the hour appointed.
6. To disturb the peace in any way.
7. Not to be at a meal or Mass with the others.
8. To be absent from the general tonsuring.
9. To cause any disturbance in the dormitory.
10. To leave the cloister with permission, but return late.
11. If, through negligence, one has dropped a corporal or stole or maniple or the cloths used for carrying the chalice or for covering the paten.
12. If he has failed to put his clothing and books in their proper place neatly and orderly, or if he treated them carelessly.
13. To break or lose any utensils.
14. To spill anything that should be drunk.
15. Through negligence, to misplace the book used for reading in the refectory or chapter or during the collation.
16. If the reader assigned to read at table has neglected the blessing or said or read anything to scandalize the brethren.
17. To offend by gesture or appear singular in any way.
18. To take food or drink without a blessing.

19. If anyone shall have presumed to speak to his parents or messengers when they arrive, in order to hear news from them, without the approval and permission of the superior.
20. To sleep during the class lectures.
21. To read books that are forbidden.
22. To disturb the reader or those listening.
23. To say or do anything idle while on the way to a sermon.
24. If anyone shall laugh or guffaw or intend to provoke others to laugh or guffaw by his buffoonery, words or actions.
25. If anyone is not present at the *Gloria* of the first psalm and does not make satisfaction on the steps of the altar.
26. If, on the vigils of the Annunciation and Christmas, anyone shall have failed, through negligence, to be present at the beginning of chapter to give thanks in mind and body to Our Lord, the Redeemer, when the beginnings of our redemption are announced.
27. If anyone in choir does not concentrate on the divine office, but indicates levity of mind by letting his eyes wander or behaving in an irreligious manner.
28. If anyone has not prepared his reading at the time appointed.
29. To set aside a general command and presume to sing or read something other than what the general consensus approves.
30. To laugh in choir or make others laugh.
31. If anyone fails to come to chapter or collation, or is not present at the community meal.
32. If anyone returning from a trip does not, within one hour, if possible, receive the blessing; or if he shall leave the monastery without the blessing when he goes, not to a nearby place, but to a place where he will be away more than one night.
33. If anyone, seeming to act from a spirit of revenge, proclaims a brother on the same day on which that brother proclaimed him.
34. If anyone shall make a judgement in proclaiming another.
35. To deny or affirm anything with an oath, as some do in speaking.
36. To use foul language or say frivolous things or, what is worse, to have a habit of this.
37. If anyone assigned to a duty shall have been found negligent in performing it: for example, priors in safeguarding the convent, masters in teaching, students in studying, writers in writing, cantors in their office, procurators in providing, warders in providing and preserving and repairing clothes; infirmarians in taking care of the sick and providing what they need, or failing in their duties to the dead, and anyone else in the duties assigned to him.
38. If anyone shall let his eyes often wander on trifles, as he goes along the road or passes through a village.
39. If any clothing or object given or granted to one brother is appropriated by another brother for his own use without leave of the other.
40. If anyone is not present with the others at the time appointed for lectures.
41. Anyone proclaimed for any of the above and seeking pardon shall receive a penance of one psalm or two psalms, or the discipline and a psalm, or more, according to the discretion of the prelate.

XXI -- *Grave Faults*

It is a grave fault:

1. To dispute disrespectfully with another in the presence of seculars.
2. If brother quarrels with brother within the community or outside.
3. To fix one's gaze when he comes to a place where women are present, or if anyone allows himself to do this as a habit.
4. To be guilty of having told a willful lie.
5. To break silence as a regular thing.
6. To defend one's fault or that of another.
7. To sow discord among the brethren.
8. If one is found guilty of leveling threats, curses, unbecoming and irreligious words in a spirit of malice against one who has proclaimed him or against anyone else.
9. To insult any of the brethren.
10. To reproach a brother for a past fault for which he has made satisfaction.
11. If one is found guilty of evil whisperings and detractions.
12. Maliciously to speak evil against the fathers or brothers in their own houses, when it cannot be proved by the testimony of his brothers.
13. To ride horseback or to eat meat without permission or grave necessity, or to speak alone with women not about confession or helpful or honorable things, or to break the constitutional fast without reason or permission.
14. For these and kindred faults, if anyone seeks pardon without having been proclaimed, he shall be corrected three times in chapter and fast for three days on bread and water. If he was proclaimed, one correction and one day shall be added. For the others, psalms and penalties should be imposed according to the nature of the faults and the judgment of the superior.
15. The same punishment shall be given to those who presume to return from a mission without permission of the prior, or who stay away longer than the time assigned.
16. If anyone shall complain about the food or clothing or anything else, he shall receive the above punishments and, for forty days, do without the kind of food or articles of clothing about which he complained.

XXII -- *The More Grave Faults*

It is a more grave fault:

1. To be disobedient to a superior in a spirit of stubbornness or open rebellion or to dare dispute impudently with one's prelate either inside or outside the house.
2. To strike anyone.
3. To commit a capital crime.
4. If someone is proclaimed guilty, he should willingly rise to seek pardon for his crime and sorrowfully admit his guilt. He should bare his shoulders to receive, as the punishment he deserves, as many strokes as the prior sees fit. Moreover, since graver faults are worthy of more enduring punishment, he shall accept the command to be the lowest of all in the convent, where the brethren are. In this way one who did not hesitate to become a limb of

Satan by committing his crime can make reparation by being separated from the company of Christ's sheep. At the common meal in the refectory, he shall not sit with the others, but at a bare table, where he shall be given coarse bread and water apart from the others, unless the prelate sends him a special dish. The fragments of his meal shall not be mixed with the others, to make him understand that he has been cut off from the society of the brethren to such a degree that, if he does not return through penance, he will be deprived of the company of the angels. At the canonical hours and at the grace after meals, he shall go to the door of the church and prostrate before the brethren as they enter and leave. No one shall dare attach himself to him or order him to do anything. Yet, to keep him from lapsing into despair, the prelate should let some older brethren visit him to exhort him to penance, to encourage him to be patient and offer their sympathy, to urge him to make satisfaction and help him by their intercession. If they observe that he is humbled in heart, he should be aided by the prayers of the entire community. Nor should the prior refuse his mercy to him. If it so please him, he may correct him for a second time and have him prostrate himself before the feet of the prior and then before each side of the chapter.

As long as such a brother is doing penance, he should not receive Holy Communion or go to receive the kiss of peace. If he is a preacher, he should not exercise the function of preaching. He should not be assigned to any function in the church, nor should he be given any task to perform under obedience before he makes full satisfaction. If he is a priest or deacon, he should not exercise these functions unless later he becomes genuinely pious.

5. The same penance should be meted to the brother who secretly accepts something which he is forbidden to receive, as long as he keeps it. In the terms of Blessed Augustine, he is to be condemned by the judgment made about a thief.
6. Let us consider the case of the brother who falls into a sin of the flesh, which we deem should be punished more severely than the others. If a brother commits such a sin outside the monastery, the brother who is with him should have a care to inform the prior about it, so that the fault may be corrected as soon as possible. Now once he has been corrected, he should never return to the locality where he committed the sin, unless he starts to live so devotedly that a general or provincial chapter deems he could return there. If, however, a sin of this type remains hidden, upon investigation made concerning the time and the person, let him perform a suitable penance.

If someone who has sinned wants to make confession to someone who otherwise knows of his sin, the latter should hear his confession only on condition that he be permitted to proclaim him when the occasion arises.

If any group openly rises up against the prior or a prelate by forming a plot or conspiracy or a malicious agreement, they shall be punished in the manner previously described; moreover, for the rest of their lives, they shall have the lowest places in the Order and no voice in chapter, except to proclaim and accuse

themselves. Furthermore, nothing shall be assigned them under obedience. However, if any brethren, moved not by malice but by facts, have anything against their prelate that is improper and not to be tolerated, they should first go to him humbly and charitably with their correction. If, after frequent admonitions, he fails to correct himself or pays them no heed, the case should be made known openly to the provincial or visitators, when they come to that house, or it should be indicated to the general or provincial chapter. Otherwise, subjects shall not presume to defame their prelates.

XXIII -- Of a Brother Who Has Apostatized

If one who has apostatized does not return within forty days, he shall be excommunicated. But if he has mercy on himself and returns, he shall take off his habit in the cloister and come with a rod to the chapter and humbly seek pardon after confessing his guilt, and submit himself to the penalties of a more grave fault for as long as the prior sees fit. He shall present himself to the chapter every Sunday without a habit. During his period of penance, he shall everywhere be the lowest in the community and shall fast on bread and water two days out of every week for a whole year. When he has finished the term of his penance, he shall never acquire his former place, but a lower one according to the judgment of the prior. If he leaves again and returns a second time, a second year shall be added to the time of penance. If three times, a third year; if four times, a fourth year.

In the case of all brethren undergoing such penance and humbly proclaiming themselves in chapter, the prelate, recognizing their penance, may pardon or lighten the penance according to his discretion and good pleasure.

If anyone in apostasy is ordained or if he presumes to celebrate the divine mysteries during his excommunication, he shall forever be denied the right to perform his office, unless perchance he leads such an edifying and religious life that he is dispensed by the authority of the Apostolic See. Moreover, once a brother has apostatized or has been publicly convicted of a sin of the flesh, he shall never again preach or hear confessions, unless he has been absolved by a general or provincial chapter.

XXIV -- The Most Grave Fault

The most grievous fault is the incorrigibility of one who does not fear to admit his guilt, but refuses the penalty. Of such a one our father Augustine commands that, if he does not leave of his own accord, he should be expelled from your society, according to the authority of the Apostle, who commands the faithful to avoid a heretic who, after a first and a second correction, remains openly incorrigible. For such a one must be regarded as sinning unto death, because he is totally plunged in darkness. He shall be compelled to remove his habit and put on secular clothes, if he is still of sound mind and sense. In no other case is permission granted to leave the Order, for such a request would be unbecoming. Only contempt for the Order and for canonical discipline would be engendered, if the habit of canonical religious life could be put off under such pretexts. But, since the incorrigible one has denied profession in his heart, let him be compelled to put off the ensigns of

profession he received. In no other case is permission granted to leave the Order, no matter how often the request is repeated.

PART II

I -- The Provincial Chapter

We ordain that, every year in the respective provincial chapters of Spain, Provence, France, Lombardy, Rome, Hungary, Germany and England, four of the more prudent and capable brethren be chosen as diffinitors. These shall be elected under the supervision of the prior provincial and of the prior and sub-prior of the place where the chapter is being celebrated or under the supervision of two of them, if the other is not present. The election shall be conducted as follows: these three -- or two, if one is absent -- shall ascertain and faithfully record the will of each member, one by one, in the same house and in the presence of all the members; then they shall publicly announce the result in the same place before the brethren leave or confer with one another. Those on whom the majority of the provincial chapter has agreed shall be considered diffinitors. In the event of a deadlock, it shall be broken by someone chosen according to the same procedure by the chapter; the ones for whom he shall have voted are to be considered elected as diffinitors. If there is still no decision, another shall be chosen until a majority has been obtained in each case. The provincial chapter shall be composed of conventual priors with a socius selected by his conventual chapter, as well as of preachers general. Preachers general are those who have been approved by the general chapter or by the prior provincial with the diffinitors of the provincial chapter. *After his third year in the order,* anyone professed shall be allowed to be present for the accusations and corrections. Priors which send accusations to the provincial chapter or general chapter shall write the number of each article and the names of the accusers, who shall declare whether the accusation is based on what they have seen or heard. Let no one base his accusation on what he has heard, unless he states from whom he heard it; indeed everyone shall be careful not to report to the chapter evil heard about anyone, unless he states from whom he heard it.

II - Diffinitors of the Provincial Chapter

The above mentioned diffinitors shall handle and define all business along with the prior provincial. If a deadlock is reached in the course of their deliberations, the side taken by the prior provincial shall prevail; otherwise, the opinion of the majority shall prevail.

III -- Power of These Diffinitors

The four diffinitors shall hear and correct any transgressions confessed by the priors provincial or proclaimed in the presence of the brethren in the provincial chapter and impose a penance for the same. But if, God forbid, he refuses to correct himself, they shall suspend him from the office of prior provincial until the general chapter; the prior of the place where the provincial chapter is being held shall, meanwhile, assume the office. Furthermore, they shall report his transgressions to the general chapter in a letter signed by all.

IV -- *Assuming the Prior Provincial's Place*

We also ordain that, upon the death of the prior provincial, the prior of that house in which the next provincial chapter is to be celebrated shall take his place until a prior provincial for that province shall have been elected and confirmed. But if the prior provincial is away and has assigned no vicar, the same prior, together with the diffinitors of the provincial chapter, shall begin to conduct the chapter. The prior provincial with his diffinitors shall always decide during the provincial chapter where the next chapter shall be celebrated.

V -- *The Election of a General Diffinitor*

We further ordain that, every two years, during the chapters of the eight provinces already mentioned, one of the more capable brethren be elected to act as diffinitor of the general chapter. A suitable companion chosen by the prior provincial and diffinitors shall be assigned to him, so that, if the one chosen should die in the meantime or be hindered for any reason from coming to the general chapter, the companion shall *ipso jure* be considered the diffinitor taking his place.

We also ordain that the four provinces of Jerusalem, Greece, Poland, and Dacia shall have diffinitors present at every general chapter. Moreover, the priors provincial of these twelve provinces shall celebrate a general chapter every third year. We further ordain that a companion for the prior provincial going to the general chapter be assigned by the diffinitors of the provincial chapter.

VI -- *Prohibition against Prejudice*

We further ordain and, in virtue of the Holy Spirit and obedience and under threat of anathema, strictly forbid priors provincial to dare, by their commands, to sow prejudice in the mind of their diffinitors or the diffinitors in the mind of their prior provincial. But if they shall attempt to do so, we forbid the other party, by this same ordinance, to presume to obey them in these matters. Furthermore, in order to avoid an excessive number of constitutions, we forbid anything to be decreed definitively until it has been approved by two successive general chapters and then either confirmed or abolished by the immediately following third chapter, whether it be that of the priors provincial or of the other diffinitors and wherever that third chapter be held.

VII -- *The Diffinitors of the General Chapter*

The twelve diffinitors for two years and the twelve priors provincial for the third year, along with the Master of the Order, shall define and establish and handle all matters. But if the Master happens, for any reason, to be absent, the diffinitors shall, nevertheless, proceed with their work. When in the course of business their opinions are equally divided, the opinion favored by the Master of the Order shall prevail. If it should happen that the addition of the Master's opinion to one side cause a deadlock, then, according to the procedure followed in choosing provincial diffinitors, one person shall be chosen to settle the issue.

If for some reason one or more members of the chapter cannot come, those who have arrived shall handle all the business, along with the Master of the Order. Whenever they cannot come to an agreement, they shall have recourse to the procedure already prescribed for deciding issues.

VIII -- Power of Diffinitors

The diffinitors have plenary power with respect to correcting any transgressions of the Master of the Order and even of removing him from office. In these and other matters their decision is final with no right of appeal. If an appeal is made, it shall be considered null and ignored. For we absolutely forbid, under threat of excommunication, any appeals to be lodged in our Order, since we have come together not to squabble, but to correct faults.

IX -- Correcting the Failings of the Master

The diffinitors shall correct and remedy the failings of the Master then and there during their sessions. If the transgressions of the Master warrant his removal from office, the diffinitors are to proceed, not in a haphazard and indiscriminate manner, but with the utmost caution and after a very careful investigation. He shall not be deposed except for heresy or for some other criminal fault which cannot be tolerated without great scandal to the Order. But whether he has been lawfully convicted of such a crime, or confessed it himself, or has been so negligent, unsolicitous and remiss as to threaten the decline and collapse of the Order; even then, before he is deposed, the diffinitors shall ask him to resign his office and select for himself a place where he can live becomingly.

Upon the death of the Master or his removal from office, the priors of the above-mentioned provinces shall have plenary power; all are bound to obey them as they would the Master until a new one has been elected. If, in the meantime, any lack of agreement arise on any point, the majority opinion shall prevail. If the opinions are equally divided, they shall appoint one of the brethren with voice in the election of the Master; whichever side he takes shall be recognized as final. But if there is still no agreement, another one shall be chosen and so on, until a majority is reached. But we command, in virtue of the Holy Spirit, that, before the election of the Master, no one shall dare to make any changes affecting the status of the Order.

X -- Election of the Master of the Order

The priors provincial of the aforesaid eight provinces, each with two brethren chosen by their respective provincial chapter -- upon whom all the others have settled as their representatives in electing the Master -- along with the four priors provincial from the four provinces of Jerusalem, Greece, Poland and Dacia, each with socii elected for the same task, shall go to the general chapter. They shall convene on the day after Pentecost and be kept in session by the conventual priors of that province and by the brothers present in that house in which the election is to be made; no one may leave or be served any food whatever, until a Master of the Order has been elected according to canonical form. We command this to be obeyed without fail, both by the electors and by those who keep them in session.

Anyone who presumes to act to the contrary is *ipso facto* excommunicated and subject to the penalty of a more grave fault.

XI -- *The Form of Election*

The procedure in electing shall be as follows. After the electors have been put in session in the manner described, the election shall proceed by declaration or secret ballot. The three priors provincial who have received the habit of our religion previous to all the rest shall ascertain the will of each person, one by one, publicly and in the same house. But if all of them, through the inspiration of God's grace, should settle unanimously on one person, he shall be accepted as Master of the Order. If there is no such acclamation, then the one upon whom the majority settles shall, in virtue of such an election and of this constitution, be considered Master. If one or more of the electors happens not to be present, the election shall be performed by those who are present. The election should be conducted so that, by the Wednesday after Pentecost, the chapter shall have a Master, either the incumbent or a new one, present or absent; for that is the day on which the solemnities of the chapter begin, lest they be conducted without a head. We assert as our will and do firmly command that all these things which have been decreed about the election of a Master be observed without contradiction. Therefore, anyone who shall dare obstinately to resist or even rebel shall be regarded as excommunicated and cut off as one destructive of the Order. Until he has made satisfaction, he shall be entirely shut out from the society of the others and be subjected to the penalty for a more grave fault.

We further ordain that, if the election of the Master is held during the year in which the priors provincial are defining, one elector chosen by the respective provincial chapters of each province shall be admitted for the purpose of defining with the provincials. Again, if it is held in the year of the diffinitors, the provincials assemble with the diffinitors in order to deliberate with them.

XII -- *Who Shall Come to the General Chapter?*

We further ordain that all conventual priors, with their socii and all the preachers general of the province in which the general chapter is celebrated, shall go to the general chapter that year. In that case, it is not necessary that another chapter be held in that province for that year.

XIII -- *The Death of the Master*

If the Master should die before the feast of St. Michael, the conventual prior or provincial nearest the place where the Master died shall immediately announce his death to the priory in Paris or Bologna, whichever is nearer. The priory which first hears this news shall relay it to the others. But it must be announced as soon as possible to the provincials of Paris, Spain, Provence, England, Germany, Bologna, Hungary and Rome.

If the Master should die after the feast, his death shall, nevertheless, be announced so that he can be superseded by a general chapter that same year. However, the chapter of the following year shall be held where originally

scheduled; for a general chapter shall be held one year at Paris and the next at Bologna.

XIV -- Preserving the Order from Infamy

In virtue of the Holy Spirit and obedience, we strictly ordain that no one dare knowingly to publish to outsiders the reason for deposing the Master or a prior provincial, or wherein he failed or how he was corrected or any secrets of the chapter or definitions of the diffinitors or the brethren, whence the Order could be thrown into disorder or disrepute. But if anyone deliberately acts to the contrary, he shall be regarded as excommunicated and cut off as one destructive of the Order. Until he has made satisfaction, he shall be completely withheld from the society of all and be subject to the penalty of a more grave fault. By the same precept, we ordain that no one dare, by word or act, to labor in any way for the division of our Order. If anyone does so, he shall be subject to the above-mentioned penalty.

XV -- The Election of the Prior Provincial

We ordain that priors of provinces or kingdoms be confirmed or rejected in the general chapter by the Master of the Order and diffinitors after a careful examination, for their election shall pertain to the provincial chapter. We ordain that only the Master can confirm a prior provincial. Upon the death or removal of a prior provincial, two brethren shall be elected from each priory of that province. These two, with their respective conventual priors, shall celebrate the election of the prior provincial according to the form set down earlier, with this exception, however, that they need not be confined in conclave in the manner required for the election of a Master.

Furthermore, upon the death or removal of the prior provincial, the prior who takes his place is obliged to convoke the electors as soon as conveniently possible to choose a prior provincial; then a provincial chapter shall be held, unless one has already been held. But if the electors fail to elect anyone, the power of appointing one devolves to the Master.

We further ordain that the election of a prior provincial pertains only to the conventual priors, together with two brothers chosen from each priory after all the brethren pertaining to the priory have been summoned, if conveniently possible.

XVI -- The Power of the Prior Provincial

The prior provincial has the same power in his province or kingdom as the Master of the Order and the same reverence should be paid him by the priors as is paid the Master, unless the Master happens to be present. *Again, priors provincial should be most careful in visiting the provinces under their care. When they cannot do this conveniently, they may entrust it to vicars.* If the prior of a province or kingdom has brethren capable of teaching and who can shortly learn to rule, he shall take care to send them to places where study is flourishing; in such cases, those to whom they are sent shall not dare to claim them or send them back to their own province unless they have been recalled. The provincial chapter shall be

celebrated on the feast of St. Michael in the province or kingdom, at the place designated by the prior of the province or kingdom with his council of diffinitors. No religious of another Order or profession and no secular of whatever rank, dignity, profession or calling, shall be admitted in any way to the private sessions or deliberations of the chapter. They should settle those matters which refer to the general chapter and its opening date of the Monday after Pentecost.

XVII - *The General Chapter*

When the brethren assemble for chapter on the Wednesday after Pentecost they shall invoke the Holy Spirit, by Whom the children of God are directed. The verse *Emitte spiritum tuum et creabuntur* is recited along with the prayer to the Holy Spirit. Then the brethren sit down, each in his appropriate place, to hear the Lord's word, so that the heavens may be confirmed by the word of God. They may permit anyone desirous of edification to be present at this sermon. When the sermon is over, since those in need should be helped as soon as possible, the list of brothers who have died within the year shall be read. A general absolution for them shall be pronounced and the psalm *De Profundis* said for them. If there are letters to be presented, they shall be presented and accepted to be answered at the proper time. Then all who do not belong to the chapter shall be dismissed. When they have left, those sent with excuses for absent brothers shall say what they have come to say. After that, the faults are heard.

XVIII -- *Visitators*

After this, the visitators shall render an account -- orally if present, and in writing if absent -- of the brethren they have visited. They shall state whether the brethren are living in peace, are diligent in study and fervent in preaching; what their reputation is and what is the fruit of their labors; whether due order, according to the tenor of the constitutions, is being observed in food and other matters. If anything is amiss, as soon as the one to whom it pertains hears it, he shall rise without protest and ask pardon and humbly await a suitable penance.

XIX -- *Election of Visitators*

We ordain that four brethren be elected by the provincial chapter to visit the province in the manner described. They are to hear the accounts of transgressions committed by conventual priors or the brethren and correct them without changing the constitution and status of the house. They are to hold their ordinary place everywhere except in the chapter, when the office of correcting is being exercised by them. Their work shall be completed within three full days. If they have discovered anything serious and dangerous, even though it may have been corrected, they shall report it, along with the testimony of the majority of the chapter, to the general chapter. Priors and doctors are, under no circumstances, to be elected visitators. Moreover, if anyone was supposed to act as visitator during a given year and failed to do so, he shall confess his fault and be subject to penance. After that, a written penance shall be sent to those who should be present, but are not, and those who have transgressed, but made no satisfaction.

XX -- *Candidates for Preaching*

Then those considered suitable for preaching shall be presented, along with any who have received the office of preaching with the permission and command of their prior, but not as yet with the permission of a major superior or chapter. Everyone presented shall be examined individually by capable persons assigned to this and to other problems affecting the chapter. The brethren with whom the candidates have been living shall be carefully questioned about the graces which God has conferred upon their preaching, as well as about their study and religious spirit, and about the fervor, scope, and intensity of their charity. After this testimony has been gathered, then, depending on the consent and advice of the major superior, they shall approve whatever they judge more useful: namely, whether those brothers shall continue their studies or be allowed to preach with other preachers who are more experienced, or even be permitted to exercise the office of preaching by themselves.

XXI -- *Questions*

Then those who have questions to raise, whether personal, general to the Order or related to preaching, shall propose them, one after the other. These are to be carefully recorded by one of the brethren and definitively resolved at the appropriate time and place by those appointed. When anyone is standing and speaking, no one else is to speak. Moreover, in order to keep traffic at a minimum, no one is to leave without permission and necessity. If anyone does leave, he is not to hold any discussion, but finish what he must do and return as soon as possible. If quarrels arise among the brethren of our Order, which God forbid, about books or other matters, then, since temporal matters must yield to spiritual, the problem is not to be settled within the chapter. Rather brothers skilled in these affairs shall be elected and, after a collation, which they shall eat in a suitable place outside the chapter, they shall settle the dispute truthfully and restore peace. However, all matters touching the solution and settlement of questions concerning the correction of the brethren and the manner of penancing them, as well as those concerning preachers and those sent with them to preach and study, and the questions of when and where and how long they are to remain; all these shall be handled by the major superior and those specially appointed for this task. Whatever they decide under the inspiration of the Spirit shall be completely, unanimously and devotedly accepted by the chapter. Let no one complain, argue or contradict. Finally, there shall be a general confession and absolution with a blessing for those who are persevering and an anathema for those who have fled and apostatized. And the same form is to be observed in the provincial chapter.

XXII -- *Anniversaries*

From the feast of St. Denis to Advent, as an anniversary of the deceased brethren, every priest shall celebrate three masses, every cleric the psalter, and every lay brother five hundred *Pater Noster's*. The same shall be recited by each of the brethren when a brother of his house dies. The same should be done throughout the Order when the Master of the Order dies, and throughout a province when the provincial dies. If a visitator dies during his visitation, the same shall be recited for him by the houses he was scheduled to visit. Furthermore, the same prayers as

those said upon the death of the Master of the Order shall be said for the diffinitors of the general chapter, should any die on the way, whether they be priors provincial or other brothers with their socii. Likewise, upon the death of any brother, each priest of his province shall celebrate one Mass, and each priory one community Mass, and each of the other brethren seven psalms.

The anniversary of the Fathers and Mothers is commemorated on the third day after the Purification of Blessed Mary, and that of Benefactors and Friends on the third day after the Nativity of Blessed Mary.

XXIII -- Founding of Convents

No convent shall be founded with less than twelve members and without a prior and a doctor of theology, and, indeed, not without permission from the General Chapter. *Likewise no house shall be granted, unless it has been requested by the prior provincial and diffinitors of the provincial chapter. Furthermore, no house which has been so granted shall be established except in a place which the above-mentioned have designated as expedient. Furthermore, we ordain that no house of our Order shall be transferred from one province to another, unless the transfer has been approved in three chapters.*

XXIV -- Election of Conventual Priors

Conventual priors are elected by their priory and confirmed by the prior provincial, if he deems the choice proper. Priors do not have the power of electing anyone from another house without leave of the prior provincial. *Furthermore, brethren shall be admitted to the election of the conventual prior one year after their profession.* Those from another province shall be admitted to the election of a conventual prior, after they have spent one year in the house of their new province. Upon the death or removal of a conventual prior, the priory shall elect another within a month following the vacancy; otherwise, the prior provincial shall provide that priory with a prior.

XXV -- The Subprior

After consulting the more prudent brethren the conventual prior shall appoint a subprior, whose duty shall be to exercise care and diligence about the convent, to correct failings, and to perform whatever offices the prior assigns or permits. He shall not be accused in the daily chapter, unless, in the judgment of the prior, he should be proclaimed for some grievous transgression.

XXVI -- Property to be Refused

Possessions or revenues shall not be accepted at all. Let none of our brethren dare to do the contrary, or ask their relatives for donations.

XXVII -- Care of Nuns Not Accepted

In virtue of the Holy Spirit and under penalty of excommunication, we expressly forbid any of our brethren, from this day forward, to negotiate for or work to the

end that the care or charge of nuns or any other women be committed to our brethren. Anyone who presumes to act contrary to this shall be subject to the penalty of a more grave fault. We also forbid anyone henceforth to tonsure or clothe any woman with the religious habit or receive her profession. Furthermore, they shall not accept any churches which involve the care of souls; nor shall they accept a number of Masses.

XXVIII -- *The Master of Students*

Because diligent safeguards must be applied with respect to students, they shall have a special brother, without whose permission they shall not write notes or hear lectures, and who shall correct whatever needs correction in matters affecting studies. If they transgress their bounds, he shall notify the prior. They shall not study the books of pagans and philosophers, even for an hour. They shall not learn secular sciences or even the so-called liberal arts, unless the Master of the Order or the general chapter decides to provide otherwise in certain cases. But everyone, both the young and others, shall read only theological books.

We further ordain that each province is obliged to provide brethren destined for study with at least three books of theology. Those so assigned shall mainly study and concentrate on Church History, the Sentences, the Sacred Text, and glosses.

XXIX -- *Treatment of Students*

Those who are studying shall be treated by their superior in such a manner that they not be easily withdrawn from or hindered in their study because of some duty or other task. Furthermore, according to the judgment of the master of students, an appropriate place shall be made available in which they can assemble, after disputations or Vespers or any other free time, to discuss problems and other questions in his presence. In these cases, whenever anyone is asking a question or proposing anything, the others shall be silent and not bother the speaker. If anyone is discourteous, offensive, loud, or obstinate in asking questions, objecting, or answering, he shall at once be rebuked by the one who happens to be in authority among them.

Cells shall not be assigned to all the students, but only to those decided by the master. However, if anyone proves himself incompetent in study, his cell shall be given to another, and other duties assigned him. But those who wish to do so for the sake of study may read, write, pray, sleep or even keep a nocturnal vigil in their cells.

XXX -- *The Doctor of Theology*

No one shall become a public doctor unless he has studied and heard lectures in theology for at least four years. *Likewise none of our brethren shall read into the Psalms or Prophets any literal sense other than what the saints approve and confirm.*

XXXI -- *Preachers*

We ordain that no one shall be made a preacher general before he has listened to theology lectures for three years. However, the office of preacher may be exercised by one who has listened to such lectures for a year, provided there is no danger of scandal likely to arise from the preaching. When those so approved are sent out to preach, they shall be assigned socii by the prior according as he judges this expedient, in the light of their character and dignity. They shall receive a blessing and then go forth as men desirous of their own salvation and the salvation of others. Let them act, with religious decorum, as men of the Gospel following in the footsteps of their Savior and speaking with or about God to themselves and their neighbor, being careful to avoid undue familiarity with others.

Furthermore, those on their way to such a preaching assignment or traveling for any other reason shall neither receive nor carry with them any gold, silver, money or gifts, but only food, clothing, books, and other necessary objects. Those assigned to the office of preaching or to study shall be free from the care of administration of temporalities, so that they may more effectively accomplish the spiritual task assigned them, unless there is no one else to take care of such matters, for someone must occupy himself with the necessities of the day. They shall take no part in pleas or cases, except when these concern matters of the faith.

XXXII -- *Where the Brethren Shall Not Presume to Preach*

Let no one dare preach in the diocese of any bishop who has forbidden him to preach there, unless he has a letter and mandates from the Supreme Pontiff. When our brethren enter the diocese of any bishop to preach, they shall, if possible, first call on that bishop and, according to his advice, reap the harvest they intend. As long as they are present in his diocese, they shall devotedly obey him in all things that are not against the Order.

XXXIII -- *Scandal in Preaching*

Let our brethren take care not to set their mouth against heaven and scandalize religious or clerics in their sermons, but, whatever they see in need of correction, they

shall exhort the fathers to correct individually. No one less than twenty five years of age shall be allowed to preach outside the cloister or community of the brethren.

XXXIV -- *Brothers on a Journey*

Preachers or brethren traveling shall say their office to the extent that they know and can. Let them be satisfied with the office of the churches where they happen to be staying or even recite or listen to the office with the bishops or prelates or others, according to the customs of those with whom they are staying for that time.

Brethren on a journey shall carry letters of testimony with them and allow themselves to be corrected for any transgression which they might commit in the houses where they happen to be staying. When a number are on a journey, the oldest in religion shall be first in authority, unless he is the socius of a preacher or unless someone else has been appointed by the prelate when they set out. The socius shall obey the preacher as he would his own prior. We ordain that, in their sermons, our brethren shall not suggest that money be given or collected for a priory or any special person. Furthermore, no one shall have books written for him about the affairs of a house, except in view of the common benefit. On Sundays and special feasts, they shall refrain from writing manuscripts. Likewise we forbid servile work on Sundays; for example, to carry stones, collect wood, and so on. No conventual prior shall take a number of brethren with him to a general chapter, unless he has a legitimate reason. Furthermore, each prior shall take with him the socius elected for him by his chapter.

Moreover, no one shall, henceforth, present petitions to the diffinitors which have not been approved by his own chapter. *Nor shall any petition be offered to the provincial chapter, unless it is from a convent, or to the general chapter, unless it is from the provincial.*

Let Friars Minor, as well as our own, be received in a charitable and cheerful spirit, and be treated with the care and consideration which the means of the house allow.

XXXV -- *Buildings*

The houses of our brethren shall be modest and unpretentious. The walls -- not counting the solarium -- shall not exceed twelve feet in height or twenty feet with the solarium. The church, which shall not extend thirty feet, shall not have stone arches, except above the choir and sacristy. If anyone shall disobey this, he will be subject to the penalty of a more grave fault.

Furthermore, every priory shall elect three brethren skilled in these matters and, without their consent, no buildings shall be constructed.

XXXVI -- *Miscellany*

The brethren shall not be administrators of others' estates or money or act as depositories of *fideicommissa*.

Priors shall make use of dispensations in the same way as the other brethren.

One prior shall show honor to another prior who visits him.

No guest shall go about the city without having first consulted the prior, nor should he overextend his visit.

Slippers shall not be worn outside the confines of the monastery.

As far as inclinations are concerned, they shall conform to the rank of those to whom we pay our respects.

No brother shall go to the Curia without permission of the Master or General Chapter,

Messages should be sent by courier to the brethren who are there; for example, if a secular asks us to do him a favor which he wishes to appear obtained by himself rather than by us.

Brethren, and especially confessors, shall not accept gifts from women or bestow them.

A permission requested of one prior is not to be sought from someone else without first explaining the situation, nor shall a person go from a higher to a lower superior for permissions. When a brother is sent from one province to another to assume authority, he shall take with him all his books, glosses, bible, and manuscripts.

If he is not sent to rule, he shall take only his bible and writings. If he should die on the way, the house of destination shall say the Masses and psalters for him, and shall have right to the books he had.

No more than three brethren of a province shall be sent to Paris.

On ferial days, we prostrate from the *Sanctus* to the *Agnus Dei*. On feasts of three or nine lessons, from the elevation of the Body of Christ to the *Pater Noster*. As far as prostrations are concerned, they are the same for feasts of three lessons and of nine lessons.

We genuflect at *Salve sancta parens* and at *Veni, Sancte Spiritus*.

Furthermore, if we say the Mass of the Cross on ferial days, we prostrate on the ground, but not when it is a Mass of the Blessed Virgin or of the Holy Spirit.

Finally, we never end the Mass with *Alleluia*.

XXXVII -- *Rules for Our Lay Brothers*

Our lay brothers shall rise at the same time as our clerics, and make their inclinations in the same way. When they arise for Matins, they shall say the *Pater Noster* and *Credo*. They shall do the same before Prime and after Compline. During Matins, after they have said *Pater Noster* and *Credo*, they stand erect and say *Domine labia mea aperies, etc., Deus in adiutorium, etc., Gloria Patri, etc.*

For Matins on non-feast days, they shall say 28 *Pater Nosters*; after which they shall say *Kyrie eleison, Christe eleison, Kyrie eleison, Pater Noster*, and ending with *Per Dominum, etc.* and *Benedicamus Domino, etc.*

On feasts of nine lessons, they shall say *Pater Noster* 40 times, at the other hours, *Pater Noster* 7 times but 14 at Vespers.

For Pretiosa they shall say *Pater Noster* 3 times.

For the blessing at meals, they shall say *Pater Noster* and *Gloria Patri*; after the meal, their thanksgiving shall begin with *Pater Noster* 3 times and end with *Gloria Patri*, or they may say *Miserere mei Deus*, if they know it. As they do all this, they shall observe silence in the church and elsewhere. Lay brothers who have had psalters for at least two years may keep them, but henceforth, we do not wish the others to obtain them.

They shall have the same clothes as the clerics except for the cappa, in place of which they shall wear a long, wide scapular, which unlike the tunic, shall not be white. They are permitted to have short grey scapulars of the same style as those worn by the clerics.

With regard to fasts, food, abstinence, faults, and all other matters, they are bound by the same rules as the clerics. But the prelate may grant them dispensations in view of their work.

Furthermore, no lay brother shall become a cleric or dare occupy his time with books for the purpose of study.

We confirm the entire office both day and night, and will that it be uniformly observed by everyone, so that, henceforth, no one shall introduce any innovations.