CHAPTER 5

Canonical Change and the Orders of ‘Franciscan’ Tertiaries

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Introduction

Although both modern scholarship and traditional Franciscan chronicles depict the Franciscan ‘third order’ as a singular entity, close investigation reveals a very different picture. Instead of a singular order founded by Francis of Assisi (†1226), groups commonly discussed as ‘Franciscan Tertiaries’ or belonging to the ‘third order’ often have no connections to one another, and more importantly, no connections to the friars.\(^1\) While groups that adhered to the tertiary rule of 1289 certainly held a central place in the spiritual climate of the high Middle Ages, viewing them as part of a single order provides a very limited picture of the rich penitential movement. This article examines the complex development of groups associated with the Franciscan third order, with a particular focus on the diverse federations and chapters given canonical approval in the fifteenth and sixteenth centuries.

Myth and History

As the idea of a ‘Franciscan third order’ is so commonly accepted in modern scholarship, a brief discussion of its foundation narrative is necessary. The earliest official papal document that mentions such an order was the 1289 bull *Supra montem*, in which the Franciscan pope Nicholas IV (r. 1277–92) claimed to give canonical recognition to an order that Francis of Assisi had founded for lay people.\(^2\) There is no evidence that Francis of Assisi founded a canonical

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\(^2\) ‘Ideoque gloriosus Confessor Bl. Franciscus huius ordinis institutor, viam ascendendi ad dominum verbo pariter et exemplo demonstrans, in ipsius sinceritate fidei suos filios erudivit, eosque illam profiteri, constanter tenere firmiter et opere voluit adimplere, ut per eius
third order, or even that an official ‘order of penitents’ existed in the thirteenth century. Nevertheless, proponents of a Franciscan third order insist that this group was officially recognized since the early thirteenth century.\(^3\) They point for instance to the *Memoriale propositi* (1221, confirmed 1228), which is often regarded as the first official rule for this group. However, the *Memoriale* was not an official rule, and at closer inspection appears to be simply an attempt to regulate penitents in Northern and Central Italy. Groups of pious laywomen were subject to increasing regulation throughout the thirteenth century.\(^4\) As a result, they were encouraged to take on external signs of canonical religious life including confessors, regulatory structures, and recognizable religious habits. By the end of the thirteenth century, such groups were virtually indistinguishable from canonically recognized religious communities.\(^5\) Having a rule recognized at the highest levels of the Church represented another way that these women could be made to appear part of the traditional religious landscape, and the 1289 rule (like the rule of St Augustine) soon came to be seen as a marker of orthodoxy.\(^6\)

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4 In 1247, Innocent IV had ordered that the penitents in Lombardy and Florence be placed under the exclusive supervision of Franciscan confessors (Meersseman, *Dossier*, 22, 57 and 25, 58–59, n. 21). However, this decision was so unpopular that by 1260 penitents were again able to choose confessors from both the Franciscans and Dominicans (Meersseman, *Dossier*, 9, 38–40 and 65–67).
