

The Franciscan Brothers of Brooklyn's Rules and Constitutions: The Evolution of a Charism in the Church

Emmett Corry, O.S.F.

In many exhortations to religious communities since Vatican Council II, the Holy See has frequently urged that religious return to the “charism of your founders,” or to respect their “particular characteristics and work” and “their founder’s spirit and special aims”. In 1994, Cardinal G.B. Hume, at the opening address of the Synod of Bishops devoted to the consecrated life, stated that “To explain the different forms of consecrated life and the particular nature of each institute, the term ‘charism’ is used in a specific sense. In this sense, charism implies a specific way of being, a specific mission and spirituality, a style of fraternal life and structures of the institute at the service of the Church’s mission.”¹

The term is also discussed in the definition of the Conventual Franciscan’s Charism by the General Curia of the Friars Minor Conventual in Rome in 1998. Although the General Curia believe that the use of the term charism “is still very fluid,” their definition is very apropos for this essay. “The term charism indicates, with the Pauline language used by the recent Magisterium, each gratuitous gift of the Spirit given to individuals and groups for the growth of the life of the entire church. In the recent theology of the consecrated life this term has been and continues to be employed to indicate the nature, the forms and the mission of consecrated life.”²

¹Aidan McGraith, O.F.M., “Between Charism and Institutions: The Approval of the Rule of Saint Clare in 1253, *Greyfriars Review*, 13 (1999): 177-202.

²Curia Generalizia, O.F.M., Conv., Rome 1998 “The Conventual Franciscan Charism in its Origin, in its History, and in its Contemporary Actualization,” *Greyfriars Review*, 14 (2000): 183-235).

In another study on the nature of "religious charism," Margaret Susan Thompson writes that the term "charism" does not appear at all in the Vatican II Council Document, *Perfectae Caritatis*, but is mentioned ten times in the Sacred Congregation for Religious and Secular Institutes' 1983 Document, "Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate," and is found eighty-six times in John Paul II's Apostolic Letter, *Vita Consecrata*. Thompson believes that "religious charism," especially in the United States, is a combination of that particular spiritual gift of a first founder with the historically specific work given by American bishops to religious congregations in the nineteenth and twentieth centuries. This "instrumental motivation" was the "religious charism" the American bishops gave to each community to prevent "leakage" from the Catholic faith: by educating children, by preserving the ethnic heritage and language of the numerous immigrant groups of that time, by serving Catholic orphans, and by providing healthcare and relief for indigent immigrants.¹

This essay⁴ will explore the thesis, that the evolution of the "charism," or unique identity of the Brothers of the Franciscan Third Order Regular, who emigrated in 1858, from Roundstone, County Galway, Ireland, to the Diocese of Brooklyn, involved a radical change from their **inclusive** Irish monastic-style of life, when they were able to teach the poor without charge, to that of an **exclusive** teaching community, modeled after the Irish Christian Brothers. The gradual return of the Franciscan Brothers community to an **inclusive style of life** (emphases by author), involving many ministries in the Church, will be discussed at the conclusion of this essay.

Among the documents to be discussed⁵ will be the earliest Third Order "Rules," the *Brussels English Rule* of 1624, the primitive *Irish Clara Rule* of 1821, the 1837 Irish Mountbellew *Rule*, the Loretto handwritten *General Rules* of about 1850, and the 1877 Mountbellew *Constitutions*. These will be compared with the Brooklyn 1866 *Constitutions*, which is markedly different from the earlier Irish documents. This 1866 *Constitutions*, approved by John Loughlin, the first Bishop of Brooklyn, radically altered the

¹Margaret Susan Thompson, "Charism or Deep Story? Towards Understanding Better the 19th-Century Origins of American Women's Congregations," *Review For Religious*, 58 (May-June, 1999): 230-250.

⁴This essay is a chapter in the author's forthcoming "History of the Franciscan Brothers of Brooklyn in Ireland and America".

⁵A chronological bibliography of these Rules and Constitutions is at the end of this article.

Brooklyn Brothers' Irish *Constitution* and changed their monastic-style of life and commitment to teach the poor without charge.

Observed until 1924, this 1866 *Constitutions*, which imposed an "instrumental motivation" foreign to the emigrant brothers' experience, was modeled after the Irish Christian Brothers' *Rules and Constitutions* of 1832, which precluded membership for men who did not want to be teachers. Two "Constitutions" written by brothers who left Brooklyn in 1862, to join the First Order Franciscans in Santa Barbara, California, support this thesis and suggest some negative experiences the brothers may have had in Brooklyn between 1858 and 1862, and reflect similar experiences of their confreres in St. John's, Newfoundland between 1847 and 1852, which prompted these brothers to leave Canada in 1852.

The 1924 *Constitutions* was revised to conform to the new *Code of Canon Law of 1918* and eliminated many of the paragraphs from the Irish Christian Brothers Rule. After Vatican Council II, the Community followed the mandate to revise its Rule and Constitutions to return to the charism of its Founder. After twenty years of work, this was accomplished with the promulgation of *The Rule and Life and Constitutions* on the Feast of Our Holy Father, St. Francis of Assisi, 4 October 1989.

As these Rules and Constitutions changed over the centuries, the efforts of the brothers to discover and state their own charism and identity will be constantly influenced by the hierarchy, at the Papal and diocesan levels, and by the brothers' ties to the Franciscan First Order Friars Minor and the Third Order Regular in Rome. In tracing the evolution of the Congregation's charism, fifteen different Rules and Constitutions will be compared, and brevity hopefully served, by examining only the paragraphs on the nature of each community, the qualities required in the admission of new members, and the description of an ideal novice master.

"Letter to All the Faithful"

St. Francis of Assisi's "Letter to All the Faithful" is generally thought to be the document in which Francis outlined the rules to be followed by the penitents of the Third Order Secular.⁶

⁶The writing of the "Letter to All the Faithful" is variously placed from 1214, in its earlier version as the *Recensio prior*, to no later than during the two years before Francis' death on 4 October 1226. Other documents similar in tone, such as Francis's "Letter to All Clerics" and his "Final Testament" of 1226, were written in these last years of Francis's life.

The *Omnibus* describes the *Letter to All the Faithful* as:

an earnest appeal to all the faithful to sanctify themselves by prayer, by the use of the sacraments, by mortification, and by the practice of justice, charity, and humility; to establish peace by the forgiveness of enemies and by love for them; to observe the commandments and precepts of Christ; to show respect for the Blessed Eucharist; and to live the Catholic life in all its fullness. It is especially noteworthy for its graphic description of the last moments of an impenitent possessor of ill-gotten goods.⁷

The "Letter to All the Faithful" has been called the most beautiful and most vivid of all Francis' writings. It is replete with quotations from Holy Scripture, particularly those passages that seem to have been particularly dear to Francis.⁸

Chapter Ten of Raffaele Pazzelli's *St. Francis and the Third Order*, "Francis' Directives For His Penitents," is a complete study of the "*Recensio prior*" and the "Letter to All the Faithful." He summarizes five elements of doing penance from the "*Recensio prior*" as:

1. Love God;
2. Love one's neighbor;
3. Resist the sinful tendencies of our fallen nature;
4. Participate in the sacramental life, especially the Eucharist, and
5. Act in conformity with the conversion that the person accepted.⁹

Pazzelli goes on to describe the "Letter to All the Faithful" not as an organic or systematic development of the "*Recensio prior*" as it might have done by an academician, but as:

... the work of a person in love with God, who freely reveals his inner soul, touching again and again those five themes, adding new ones, developing them, and passing from one to the other with no concern than that of being able to give abundant spiritual nourishment to his followers. Thus we find in it the original ideas of the spirituality of Francis.¹⁰

⁷St. Francis of Assisi, *Writings and Early Biographies, English Omnibus of the Sources for the Life of St. Francis* 3rd Ed. (Chicago: Franciscan Herald Press, 1972), 91. Hereafter *Omnibus*.

⁸*Omnibus*, pp. 92-93.

⁹Raffaele Pazzelli, T.O.R., *St. Francis and the Third Order, The Franciscan and pre-Franciscan Penitential Movement*, (Chicago: Franciscan Herald Press, 1989), 104.

¹⁰*Ibid.*, 114.

The last three pages of Pazzelli's study¹¹ is an excellent synthesis of the first century (c1207-1289) of the early history of the Franciscan Third Order of Penance. He believes that:

During the lifetime of St. Francis hermits and recluses entered the Order of Penance and were recognized by the ecclesiastical order of that day as religious. Some of these were inducted by the saint himself, such as Blessed Verdiana of Castel Fiorantino, the noblewoman Praxides of Rome, and Gherardo of Villamagna near Florence. There is also evidence of a community of penitents, that of Bartholomew Baro, was instituted directly by St. Francis.

From this we can see that, even during Francis' lifetime, the beginnings of a "regular religious life," both eremitical and communal forms, were to be found.¹²

The Rule approved by Nicholas IV formalized the life of the Penitents of the Third Order Secular in 1289. When Leo X approved the *Rule of the Religious of the Third Order of Saint Francis* for the regulars in 1521, Pazzelli believes that men and women had been living a recognized religious life with the three vows of poverty, chastity and obedience for almost three hundred years.

A copy of the earliest English language Brussels *Rule*¹³ is in Trinity College Library in Dublin. Printed for a recusant English Catholic Third Order Regular community of sisters, who were in exile on the Continent in Brussels from the anti-Catholic Penal Laws of post-Elizabethan England. This *Rule*, with many words spelled quite differently from current orthography, was found in the library of the Third Order Franciscan Sisters when they joined with the Poor Clares in Arundel, England in 1972. For ease of reading, this *Rule* will be quoted in contemporary English.

Chapter I of the *Rule*, "Of the entrance of Novices," begins by naming the qualities required of those seeking entrance:

¹¹*Ibid.*, 152-154.

¹²A comprehensive study of the earliest existence of Third Order communities is found in Giovanni Odoardi's "Community Life Among the Franciscan Penitents in Thirteenth-Century Papal Bulls," *Greyfriars Review*, 14 (2000): 63-78.

¹³*Rule of the Religious, of the Thirde Order of St. Francis, For both sexes, making the three vovves, and living together in Communitie and Cloyster, VVith certaine other things vvich the leaf following doth shevve*, +, IHS, At. Brvelles, By Ibon Pepermans, at the, golden Bible, 1624. From *English Recusant Literature: 1558-1640*, Vol. 378, (London: The Scholar Press, 1978), notes, pg. iv.

The brothers, or sisters to this third Order to be received ought to be faithful Catholics, not tied in marriage, free of debts, sound in body, prompt in mind, not taxed with any vulgar infamy, reconciled with their neighbors. And of all these things, before they be received, of him who hath faculties to receive them, they are diligently to be examined.¹⁴

In Chapter II, although the duties of a novice master are not mentioned expressly, the year of novitiate is described succinctly:

The Brothers, and Sisters, after they have for a whole year borne the habit of probation (which ought to be of course cloth according to the judgment of the visitor) if their conversation shall be thought laudable in the convent wherein they have borne the habit of probation, by the counsel of the discretess of the said Convent, let them be received to the profession of the said order. In which profession let them promise to keep the commandments of God, and to make satisfaction for the transgressions which they shall commit against this third Rule, when of their prelates they shall be required, living in obedience, without property, and in chastity.¹⁵

Describing the life they had left and the things to be avoided by those who join the Third Order, Chapter VI, "*Of the manner of Conversing within and without*," admonishes the religious:

Whereas the brothers and sisters of this fraternity are called of penance, it behoveth them to abstain from all curiosity, as well in vesture, as other things whatsoever. And according to the wholesome counsel of the prince of the Apostles Saint Peter, other vain ornaments of this world laid aside, they ought to carry no corporal ornament, but only an humble, and necessary tegument [garment] of their body. They ought also to avoid by all means access to the courts of Princes, lords, or ladies where the delicacies of this world are had; as our savior doth witness; Nor ever at any time to be present at dances, plays, sports, and other vanities of players.¹⁶

Chapter VIII "*Of the visitation which the Prelates ought to make of the Brothers and Sisters*" indicates that Provincials of the Friars Minor were to conduct visitations of the Third Order Regular, a practice which was still in effect for the Brothers in Ireland until 1830:

¹⁴Brussels *Rule*, pp. 18-19.

¹⁵Brussels *Rule*, pp. 19-21.

¹⁶Brussels *Rule*, pp. 28-29.

The Provincial minister of the Friars Minors, or the visitor of the same order, to whom he shall commit it, shall visit every year, once only in every house, with presence of the elders.¹⁷

Following the Rule of Leo X, this document contains a Bull of the same Pope affirming the status of members of the Order as true religious:

The Brothers and Sisters of the aforesaid third Order, bearing the habit thereof and leading collegially virginal, and vidual [widowhood], or continent life by express vow, ought to enjoy all the privileges of the Friars Minor.¹⁸

The purpose of this Bull, which is found in subsequent Third Order Rules and many Constitutions, required that all prelates and rectors of parishes recognize that brothers and sisters of the Third Order:

...may have freely, and lawfully, oratories with a low steeple and bell, and in the same oratories the Sacrament of the Eucharist, in a comely and decent place, and also holy oils for their own use only, and hollowed burial in which the bodies of the Sisters deceased by their confessor may be buried, and in the same oratories holy water be solemnly made, and masses according to their devotion solemnly to be sung and celebrated.¹⁹

Irish Rules and Constitutions

In nineteenth-century Ireland the four different Rules and Constitutions of the Brothers reflect their early relationship to the Friars Minor from 1818 to 1830, and eventually their century of diocesan status from 1830 to 1930.²⁰

In 1818, men dedicated to the education of boys and young men in parishes of the Friars Minor in Dublin and Killiney, Ireland, received permission to take the three vows of poverty, chastity and obedience, with the fourth vow of "teaching catechism," and to live in Community as religious of the Third Order of Saint Francis. Benignus Millet, O.F.M., the Archivist of the Irish Province of the Friars Minor, believes they were members of the Friars' Archconfraternity of the Cord at Adam and Eve's on

¹⁷Brussels *Rule*, pp. 32-33.

¹⁸Brussels, *Rule*, pp. 42-43.

¹⁹Brussels, *Rule*, pp. 46-47.

²⁰The distinction between "Rules" and "Constitutions" is sometimes not clarified. The 1877 Irish document has the Rules and Constitutions together, with the "Constitutions" in brackets following each article of the "Rule".

Merchants Quay.²¹ In the West of Ireland, Christopher Dillon Bellew invited these Brothers to establish a monastery²² and school on his estate in Mountbellew, County Galway and assisted them in their work by becoming their patron.

Independent of the First Order Friars, the brothers observed a "Rule" based on the Brussels English Rule of Pope Leo X. This *Rule* was sent to Rome in 1830 with their request for diocesan status. Although the Archives in Mountbellew does not have a separate, printed copy of this 1830 *Rule*, the Propaganda Fide Archives indicate that it was sent to Rome at this time.²³ It was reported missing by Propaganda Fide Archives in 1897, when Charles McDonnell of Brooklyn wrote to Rome asking if the 1866 Rule and Constitutions of the Brooklyn Brothers and the 1877 Irish Brothers Rule and Constitution had ever been approved by the Holy See.²⁴ The 1830 document was also reported missing by Propaganda Fide, when the Irish Brothers wrote to Rome in 1897, requesting union of their three Irish communities with the Third Order Regular in Rome.

The Archives of Mountbellew, however, does have a copy of an early *Rules* of the Irish Brothers approved by John MacHale on November 4, 1837, which appeared in the *Irish Catholic Directory* that year. These *Rules*, which are actually Constitutions in their nature, may very well be the same as the lost *Rules* which were sent to Rome only seven years earlier.

The ten chapters of this 1837 *Rules*,²⁵ follow the ten chapters of the *Rule of Leo X*. Chapter One is concerned with the nature of the community and states:

They shall promise Poverty, Chastity, and Obedience: these being the Three essential vows which constitute a Religious State, making a Fourth Vow of teaching and catechizing youth, with the permission of the Bishop in whose Dioceses they reside: that is to say, there shall be one, two, or

²¹Letter from Benignus Millet, O.F.M. to the author, 2 March 1993.

²²Although Franciscans, who are not "monks," do not live in "monasteries," the term "monastery" has traditionally been given to the houses of the Franciscan Brothers in the West of Ireland. "Monks of the West" was the popular title given to the brothers in the nineteenth century. The Franciscan Brothers brought this title with them and were incorporated as "The St. Francis Monastery of the City of Brooklyn" in 1868.

²³Propaganda Fide Archives, (PFA), *Lettere e Decreti...*, 1830, Vol. 311, Fol. 863v.

²⁴PFA, *Rubrica* 12, Prot. N. 21880, February, 1897.

²⁵*Rules of the Religious Penitents of the Third Order of Saint Francis, with the Ceremonies of Reception and Profession*, [Irish 1837 Rule] in the *Irish Catholic Directory*, Gerald P. Warren, 88, Thomas Street, Dublin, 1851.

more, if circumstances shall permit or require, who will devote themselves in a particular manner to the instruction of the poor male children.

The Mechanics and every other individual, to be employed in their different pursuits of industry for the support of the Monastery (author's emphasis): where every thing is to be in common, and nothing to belong to any of the Brethren in particular: the word ours, and not mine, or thine to be used in speaking.²⁶

Not only does this chapter reveal the "monastic" nature and purpose of the Irish community, but it also reveals the unique system by which the "pursuits of industry" of the farmers and "Mechanics" in each monastery supported the work of the teaching brothers in the community.

Chapter Two states the conditions for admission of novices and tells how the community is to be protected from unsuitable candidates:

When any person presents himself to be admitted into this Order, the Superior shall take special care concerning his life, conduct, and vocation, also his abilities for teaching, catechizing, mechanism, etc. If the qualities of the person presented excite hopes of his subsequent good conduct, he may be admitted as a Postulant, by the consent of the brethren. But if after six months probation, he is found to be of a turbulent spirit, or of an uneasy disposition or temper, and not spiritually inclined to a Religious State, he is to be excluded, for the greater preservation of the order, peace, and integrity of the Community.

If, after six months the Superior, together with the senior Brethren, find that the Postulant is a fit and proper person to be received into a Novitiate, the Superior will present him to the Ordinary of the Diocese, who will examine his vocation, and if approved of, will receive his Vow of teaching and catechizing: after which the Reverend Father Director will receive him to the habit.²⁷

The "order, peace, and integrity of the Community" were still being preserved into the twentieth-century by the decision of all the life professed Brooklyn Brothers who still voted for the admission of novices to profession until the 1930s.

²⁶Irish 1837 *Rule*, p. 3.

²⁷Irish 1837 *Rule*, p. 6. (The "Reverend Father Director" was a First Order Friar Minor assigned as their superior until they came under the obedience of the Archbishop of Tuam in 1830).

Selection of an Ideal Master of Novices

Chapter Three, on the Profession of the Brothers, describes the spirit to be instilled into the Novices and the qualities to be found in selecting a Master of Novices:

Let the Novices have good religious principles early instilled into them: such impressions as are suitable to their vocation and the spirit of penance: true and sound notions of Poverty, Obedience and Chastity; Modesty, Humility, and Simplicity. And there should be appointed or elected a Master of Novices; a man rich in virtue, cunning in knowledge, and taught in discipline; free from partiality, patient, affable, pious, devout and quick sighted who would know how to dive into the bottom of their inclinations, to find out their weak side, and manage them with discretion, always giving to every one a station suited to his capacity, likewise prescribing remedies to each for conquering his passions and overcoming his temptations: being particularly cautious to admit no man to Profession unfit for religion, and to reject no man of merit or expectation. This Master of Novices should spend a year in each Monastery, to the end that all might live according to one Rule and one Spirit; afterwards visiting them as he shall think expedient.²⁸

This last sentence suggests that when John MacHale approved this Rule in 1837, there were numbers of postulants in different monasteries in his Archdiocese of Tuam who needed to complete a year of Novitiate before they could be professed and would seem to describe an itinerant Novice Master, traveling through the West of Ireland, who provided a year of Novitiate for each monastery which had postulants needing his year of spiritual guidance. In the last paragraph of Chapter Three below, we see that only one year of novitiate was required before life profession. This was the common practice in the Brothers' communities until Brooklyn's Charles McDonnell, who was a canonist, in anticipation of the 1918 Code of Canon Law, changed the Brooklyn Constitutions at the end of the nineteenth-century to a three year temporary profession before life profession.²⁹

The year of probation being ended let the Novices be professed by the Reverend Father Director, who will consult with the Superior, and the Master of Novices, regarding the future residence of the newly received Brethren; in no case upon any account, pretext, or color whatever, shall it

²⁸Irish 1837 *Rule*, pp. 4-5.

²⁹Franciscan Brothers Archives, Council Minutes and General Chapters, August 2, 1894 to November 19, 1906. Although it was the wish of Bishop Charles McDonnell, "The matter of making the vows only for a time was deferred." p. 5, 2 August 1894.

be lawful for them to go out of this Order.—According to the words of our Redeemer: He that puts his hand to the plough, and then looks back, is not fit for the kingdom of Heaven—Luke IX, 62. It is also strictly prohibited, that any of the members should aspire to the Priesthood.³⁰

According to an oral tradition still alive in the Irish community, during the twelve years the Brothers were under the obedience of the Provincial of the Friars Minor (1818-1830), the brightest of their postulants and novices were sometimes “poached” by the Friars for the First Order.³¹ It was hoped that this last sentence in the paragraph above would prohibit brothers from “aspiring to the Priesthood.”

A handwritten “Rule and General Rules” of the Loretto Brothers,³² found in the Archives of Mountbellew (Figure One), seems to date from about 1850, when that Community was settled under the obedience of the Archbishop of Pittsburgh. The “Rule” is the same as the Leo X *Rule* above. However, the “General Rules” or Constitutions, which are similar in many respects to the 1837 Tuam *Rules*, are also unique in many of their parts. A brief excerpt will illustrate the point:

The object proposed to themselves by the Members of this institute, besides their own sanctification, which is the primary objective of all Religious Institutions, is to labor for the instruction of Youth, and to devote themselves to such other works as are characteristically calculated to promote the honor of God and the welfare of Souls, and not incompatible with the essential characteristics of the institute³³....

Spirit of the Third Order

Unique to this document, and found in later Third Order Constitutions, including the 1866 Brooklyn Constitutions, is the beautiful description of the spirit of the Third Order:

It is characteristic of the Third Order of St. Francis that the brothers endeavor to unite great simplicity of character with fervent piety and zeal, and seek their perfection rather in the perfect manner of performing

³⁰Irish 1837 *Rule*, p. 5.

³¹Vincent Jordon, O.S.F., “The Order of Penitents, The Third Order Regular of Saint Francis in Ireland,” Chapter IV, pg. 4.

³²Franciscan Brothers Archives, Mountbellew, “In the Name of Our Lord beginneth the rule of the third order of St. Francis, called the order of penance,” 25 page manuscript of “Rules and General Rules” for the Loretto community, [Loretto 1850 “Rules”].

³³Loretto 1850 “Rules,” p. 6.

ordinary actions, than in things extraordinary in their own nature (author's emphasis).³⁴

Franciscan Habit Worn at Loretto

The description of the Franciscan Habit is instructive, especially in its mention of the Loretto Community and its warning, reflective of Nativist, anti-Catholic "Know Nothing" bigotry, about not wearing the Habit in "public places":

The Franciscan Habit is the dress of the brothers, and should be always worn by the professed and novices, when it can be without danger of insult or injury to Religion. The Capuce may be worn in the Chapel, in public places, and in Solemn occasions. In ordinary cases, at work and school, it should be laid aside. The Franciscan Habit does not admit of a cap, but merely a Collete and when the head requires to be covered and the Capuce cannot, with propriety be used, this should be used. The Habit may generally be worn at Loretto, even beyond the house and premises of the Community. In other places it should not be worn, in the street or public places. After profession, the brethren should wear one uniform dress; a modest frock coat and dark trousers, excluding whatever is superfluous in clothing and other necessities of nature: for, according to the Holy Father, St. Francis, an affectation in a Religious Man to curious and superfluous things, is a sign, that the Soul is dead; having food and raiment let us be content, and our Redeemer says, Seek first the Kingdom of God and his justice, and all things shall be given you besides. Math.6.33.³⁵

This requirement of a "Franciscan Habit" differs from the descriptions of the "uniform dress" of the professed Brother found in Chapter IV of the Irish 1837 *Rules*, and in Chapter II of the Irish 1877 *Rules*, which make no mention of a Franciscan Habit:

After Profession the Brethren should wear one uniform dress—a coarse blue frock coat, black waistcoat, dark corduroy small-clothes, grey stockings, and white cravats. The Teachers to wear black soutans in School, excluding whatever is superfluous in clothing, and other necessities of nature.³⁶

³⁴Loretto 1850 "Rules," pp. 6-7.

³⁵Loretto 1850 "Rule," pp. 7-8.

³⁶Irish 1837 *Rules*, p. 22.

1877 Rule and Constitutions

Although the 1877 *Irish Rule and Constitutions*³⁷ came after the Brooklyn 1866 *Rule and Constitutions*, they are the first separately printed Rule and Constitution we have for the Irish Brothers. They contain much that is found in the Mountbellew (1837) and Loretto (1850s) documents and combine the Rule with the Constitutions in one text, with the Constitutions square-bracketed below each chapter of the Rule. Chapter I, "On the Entrance of Novices" is essentially the same as the 1837 document:

[When any person presents himself to be admitted into this Order, the Superior shall take special care concerning his life, conduct, and vocation; as also his abilities for teaching, catechizing, mechanism, etc. ...If, after six months, the Superior together with the senior brethren, find that the postulant is a fit and proper person to be received into a Novitiate, the Superior will present him to the Ordinary of the diocese, who will examine his vocation, and if approved of, will receive his vow of teaching Catechism; after which he will receive him to the habit....]³⁸

A number of words and phrases in this chapter are worthy of our interest. In examining potential postulants the superior is first to look at a person's life, conduct and vocation, secondly his abilities for teaching, catechizing, and "mechanism," etc. This continues the earlier custom of the Irish communities of receiving men who might not be suited for teaching, but who would have other talents, such as "mechanism". Evidence of the variety of "mechanics" among the brothers included talented stone masons and carpenters who built their substantial Roundstone Monastery.

This readiness to accept young men who might have had other talents useful to the Monastery, in addition to teaching, was unique to the Franciscan Brothers and was not found in other communities of teaching brothers founded in Ireland in the nineteenth-century. Examination of the Brooklyn 1866 Constitutions will show how this unique, **inclusive** (author's emphasis), monastic-character of the membership of the Irish Franciscan communities was done away with in the urban streets of the mid-nineteenth-century City of Brooklyn.

The description of the qualities of the itinerant Master of Novices is similar in this Irish Constitution and indicates that life profession was granted after only one year of novitiate:

³⁷*The Rule of the Regular Third Order of our Holy Father Saint Francis, As Contained in the Bull of Pope Leo X, Together With The Approved Constitutions*, [Irish 1877 Rule], Browne & Nolan, Nassau Street, Dublin, 1877.

³⁸Irish 1877 Rule, pp. 17-18.

There should be appointed or elected a Master of Novices, a man rich in virtue, cunning in knowledge, and taught in discipline.... This Master of Novices should spend a year in each monastery, in order that all might live according to one rule and one spirit, afterwards visiting them as he shall think expedient.³⁹

The fourth Irish Rule is a handwritten, six-page document unrelated to all of the above. It is called the "Rules of "The Christian Brethren"(Figure Two).⁴⁰ and was created for the Clara Monastery in "Lehinch, Parish of Kilbride" in County Offaly in 1821. Created by pious laymen responding to the need of their parish for catechists and their desire to be part of a religious community, these primitive "Rules" were eventually replaced when these brothers came under the supervision of the Friars Minor in 1825. The Clara Monastery would eventually be saved by two of the Mountbellew Brothers when the founders became too old to continue their work.

"Rules to be observed in the Religious Community of Lehinch In the Parish of Kilbride"

Rule 1

That no person will be prevented to enter this Community for want of money if he be considered a worthy Member by the Community.

Rule 2

If any Member withdraws, or is put away for a fault, he shall not have it in his power to claim any part of the money or movables he has lodged in this Community or any compensation given him for his time or labor except five or ten shillings to bare their expenses home, to which we all agree and sign our names.

³⁹Irish 1877 *Rule*, pp. 19-20.

⁴⁰"Rules of the Christian Brethren," six page manuscript in the Franciscan Brothers Archives at Mountbellew, 1821.

Rule 3

That no person be admitted as a Member of this Community without having first obtained the consent of his Parish Priest and approbation of his confessor.

Rule 4

That every Member, after admission to this Community, shall serve at least a novitiate of one whole year at the expiration of which, if he be considered worthy, he is at liberty to make his solemn profession.

Rule 5

All the Members must rise every morning throughout the year at about 5 o'clock. Immediately after rising they are to continue about 10 minutes in meditation, then attend the Community Morning prayer after which they work until about nine and then 10 minutes meditation after that breakfast and after—(a page is missing from the text at this point).

All the members of this establishment after their Novitiate, if considered worthy, are at liberty to make perpetual vows of Poverty, Chastity and Obedience and to teach the Catechism according to time and circumstance or the appointment of the Superior.

For Poverty having no personal property but what the Superior may think proper to give them which he is at liberty to take from them any time he thinks proper (pleases).

For Chastity to live continent during their whole lives.

For Obedience to obey the Pope, Bishop of the Diocese we live in, the Clergyman or Superior appointed by the Pope or Bishop.

And we take for [the] name of our Rule and Order that of the Christian Brethren.

We the under named do assent and agree to the abovementioned Contract, and Rules,

Although twenty-four men signed this “Contract and Rules,” Declan Fox, the Archivist of the Mountbellew Monastery, writes that only three brothers made their Profession on 21 November 1822, and that eight received the Franciscan Habit from the Provincial of the Friars Minor on June 13, 1825.⁴¹

The 1866 Rule and Constitutions

The 1866 Brooklyn *Rule and Constitutions* (Figure Six),⁴² approved by John Loughlin, is significantly different from the other nineteenth century Irish documents mentioned above. Although the *Rule* is that of Pope Leo X for the Third Order Regular, most of the *Constitutions* is taken directly from the Irish 1832 *Rules and Constitutions of the Society of Religious Brothers*,⁴³ later known as the Religious Brothers of the Christian Schools, founded by Blessed Edmund Ignatius Rice at the beginning of the nineteenth-century, and approved by the Holy See in 1820. A few excerpts from both documents will support this comparison:

Brothers of the Christian Schools Rules and Constitutions

Chapter I.

Of the End of this Institute

1. The end of this Institute is, that all its members labor, in the first place, for their own perfection; and in the second, for that of their neighbor, by a serious application to the instruction of male children, especially the poor, in the principles of religion and Christian piety.

The next paragraph requires the Brothers to teach the catechism daily, with an educationally sound admonition to avoid abstruse or difficult language in explaining it to the children:

⁴¹Declan Fox, O.S.F. “History of the Irish Franciscan Brothers,” 1982, p. 25

⁴²*Deus Meus et Omnia. The Rules of The Third Order of St. Francis, as Contained in the Bulls of Popes Nicholas IV, and Leo X, The Particular Rescripts Granted to the Brothers in America, The Ceremonies of Reception and Profession, and Constitutions, Approved by the Right Rev. John Loughlin, Bishop of Brooklyn, [Franciscan Brothers, 1866 Rules], 1866.*

⁴³*Rules and Constitutions of the Society of Religious Brothers, to Which is Annexed The Brief of Our Holy Father Pope Pius VII, Approving and Confirming the Institute, [Irish Christian Brothers, 1832 Rules] Dublin, 1832.*

2. It is a duty incumbent on the Brethren each day of school, to have the children taught the catechism; and also, on those days, to explain it to them, each in his turn, according to the order observed. They are, in the explanation of the Christian doctrine, to speak in a simple and familiar manner, adapting their language to the age and capacity of their hearers, avoiding every thing abstruse or difficult, which might embarrass themselves or the children.⁴⁴

Franciscan Brothers Constitutions

Article I.

The End of the Third Order

The end of this Order is that the members not only apply themselves to the work of their own salvation, but likewise devote themselves in a particular manner to the religious and literary education of poor male children. Hence they shall endeavor by prayer, instruction, vigilance, and good example to conduct the children under their charge in the way of salvation, bringing them up in piety, and instilling into their tender minds true Christian principles.⁴⁵

Change in Community Identity

The second paragraph of this Article I is a unique, early eighteenth-century, sociological commentary on the laboring class, taken directly from the 1718 Rule of St. John Baptist De La Salle which became the "charism" imposed on the urban Brooklyn Franciscan community:⁴⁶

Article I, "Laboring Class"

It is well known that the laboring class and the poor are commonly without education; and as they are almost unceasingly occupied endeavoring to support themselves and families, they are utterly unable to give their children the necessary instruction. Now the cause of nearly all the disorders among men, but especially among the poor, might be attributed to their having been abandoned when young to their own will and badly brought up,

⁴⁴Irish Christian Brothers, 1832 *Rules*, p. 1.

⁴⁵Franciscan Brothers, 1866 *Rules*, p. 44.

⁴⁶*The Rule of 1718, an English Version*, Prepared by Eugene O'Gara, F.S.C., 1988, p.

a neglect which is most difficult to repair in a more advanced age, as every one knows how hard it is to eradicate bad habits, no matter what care is taken, either by frequent instructions, or the use of the Sacraments.

“Pious and Zealous Founders”?

The third paragraph of Article I suggests a significant change in the nature of the Franciscan Brothers’ communal life. It precluded membership for the “mechanics,” those who by their labors as farmers and carpenter-builders, supported the teaching brothers instruction of poor children in their Irish Franciscan monasteries, but whose “avocation...is foreign to the end of our Institute,” in the urban City of Brooklyn.

It was chiefly to remedy this evil that this branch of our Order has been instituted, hence it follows that **every other avocation**, which is not calculated to sustain and promote this most necessary and important object, **is foreign to the end of our Institute, and contrary to the benevolent intentions of our pious and zealous founders.**⁴⁷ (author’s emphasis).

Ironically, this change in the charism of the Brooklyn Franciscan Brothers’ community life was achieved by **“our pious and zealous founders”**(author’s emphasis), who imposed the spirit and purpose of the Constitutions of the Brothers of the Christian Schools onto the Constitutions of the Franciscan Brothers. The identity of these “pious and zealous founders” is not known, but the tone of the paragraph above hints that a legal mind was at work. In marked contrast, the Franciscan Brothers’ Community in Loretto, Pennsylvania, would continue the Irish monastic-style of life, as evidenced by their 1850, 1860 and 1870 Federal Decennial Censuses, which listed more brothers as farmers, carpenters and mechanics than teachers.⁴⁸

⁴⁷Franciscan Brothers, 1866 *Rules*, p. 44.

⁴⁸Censuses of Loretto, Cambria County, Pennsylvania, 1850, 1860, and 1870.

Brothers of the Christian Schools

Constitutions

Chapter II.

Of the Spirit of this Institute, which is to be the animating principle with all its Members.

1. That which is of the utmost consequence in a Religious Society, and to which, in every community, the greatest regard should be had, is, that all who compose the body be animated by its peculiar spirit; that the novices labor to acquire it, and that those who have made their vows, make it their first care and chief concern to preserve and augment it in themselves; for it is this spirit that should give life to all their actions, and regulate their whole conduct. Those who possess it not are to be considered, and should consider themselves, as dead members, since they are deprived of the life and spirit of their state; and all should be convinced that without it, it will be extremely difficult to preserve the grace of God.
2. The spirit of this Institute is that spirit of faith, which inspires its members to view nothing but with the eyes of faith, to do nothing but with a view to God, and to ascribe all to God; at all times entering into the sentiments of holy Job: "The Lord gave" to me, "the Lord hath taken away" from me: "as it hath pleased of the Lord, so it is done: blessed be the name of the Lord!" and also, into other like sentiments, so often expressed in the sacred writings, and by the mouths of the ancient Patriarchs. Thus they will preserve the spirit of holy disengagement.⁴⁹

⁴⁹Irish Christian Brothers, 1832, *Rules*, pp. 2-3.

Franciscan Brothers

Constitutions

Article II. Of the Community Spirit

One of the most important things in a Community, and to which the greatest attention should be paid is, that all who compose it should be endued with its true spirit.

All the novices should therefore apply themselves to acquire it, and all the professed brothers should be most careful to preserve and augment it, because it is this spirit which should animate all their actions and give motion to all their conduct; and those who have it not, or have lost it, should be regarded and regard themselves as dead members, since they are deprived of the life and grace of their state. They should also be persuaded that without it they will have great difficulty to maintain themselves in the grace of God.

The spirit of this Order is a spirit of faith, which should engage all the members to regard every thing with the eyes of faith—to have God in view in all their undertakings, and to accept all that happens to them, sin excepted, as coming from His hands, ever saying with Job, “The Lord gave, and the Lord hath taken away, as it hath pleased the Lord,”.... They should animate all their actions with sentiments of faith, and have only in view the will of God in the performance of them.⁵⁰

Constitutions of the Brothers in California *“Our clothing is simple, and our table plain.”*

Although they had plenty of work in Brooklyn,⁵¹ John McMahon, who was the Superior of the Brothers when they arrived from Roundstone, Ireland in 1858, requested entrance into the Friars Minor Apostolic College in Santa Barbara, California in late 1859 or early 1860. The Guardian and President of the College, Jose Gonzalez Rubio, O.F.M., discouraged the Brooklyn Brothers from traveling to California because of a controversy between the Franciscans and Thaddeus Amat, C.M., Bishop of Monterey and Los Angeles.

⁵⁰Franciscan Brothers, 1866, *Rules*, p. 45.

⁵¹Ronald H. Bayor and Timothy J. Meagher, *The New York Irish*, Johns Hopkins University Press, Baltimore, 1996, reports that the number of Irish-born and Irish-Americans in Brooklyn in the mid-nineteenth-century provided a large number of children needing the education the Brothers could provide, pp. 554–555.

Despite his 1860 letter of discouragement, five professed Brothers: John McMahon, John Cullinan, Paschal Doran, Peter Nolan, Anthony Gallagher, and a novice, Pacificus Wade, left Brooklyn in mid-June of 1862, and arrived in San Francisco about a month later, where they paid their respects to the Archbishop, Joseph Sadoc Alemany, O.P., and stayed for about a week before taking the boat for Santa Barbara. Although they requested entrance to the Franciscan College at Santa Barbara, Gonzalez Rubio did not give them the First Order Habit until he could determine their status. He wrote to John Loughlin in November or early December, 1862, asking if these five men were free to receive the "*Sanctum Abitum*" and to be professed "*in prima Ordine S.P.S.F.*"⁵² After a second letter to Brooklyn a year later, Bishop Loughlin responded to Gonzalez Rubio in a caustic letter, dated 8 December 1863, in which he revealed that the six Brothers had left Brooklyn without his permission, and, except for the novice, Pacificus Wade,⁵³ were not able to get his "Letter of Freedom" to join the Friars Minor. Wade was eventually ordained in the First Order Friars Minor, and Anthony Gallagher was received into the First Order in the mid 1860s, and lived a very holy life as a lay-brother until he died in the 1890s.

John McMahon, who knew that Loughlin's permission to join the First Order would not be given, did not remain in Santa Barbara, but moved about one hundred miles inland to the Santa Ines Mission in the hills above Santa Barbara to try to set up a college in the ruins of the first seminary of the Church in California. The "*Canada de los Pinos*," popularly known as the College Ranch, embraced 35,499 acres, and was intended to support the Santa Ines mission and seminary, which was established on May 4, 1844, as the *Colegio Seminario de Maria Santisima de Guadalupe de Santa Ines de California*.⁵⁴

In receiving the income from the College Ranch, the Spanish Franciscans "agreed to admit as many poor students as its resources would permit. Preference was to be given to orphans and sons of poor, but respectable, families. The sons of wealthier families were asked to pay 150 pesos per year for tuition, room, and board. Indian boys were explicitly allowed and encouraged, by means of financial aid, to attend the seminary....

⁵²Maynard J. Geiger, O.F.M., *Calendar of Documents in the Santa Barbara Mission Archives*, p. 199, Document 214, notes the attempt of the Brothers to receive the "Sacred Habit and be professed in the First Order of Our Holy Father St. Francis".

⁵³Two letters of Rubio to Loughlin, Nov. 1862 and Nov. 1863, and Loughlin to Rubio, 8 December, 1863, Santa Barbara Archives.

⁵⁴Michael Charles Neri, *Hispanic Catholicism in Transitional California: The Life of Jose Gonzalez Rubio, O.F.M., (1804-1875)*, Academy of American Franciscan History (Monograph Series, Vol 14), Berkeley, California, 1997, pp. 44-45.

In December of 1845, Jose Joaquin Jimeno, O.F.M., the rector, reported to the Bishop that the student body had grown to thirty-five students. However, only a few of these were studying for the priesthood.⁵⁵

Franciscan Missions Supported by the Pious Fund of the Californias

The ranch and Mission at Santa Ines had been supported by the Pious Fund of The Californias since the middle of the eighteenth century.⁵⁶ However, with the fall of Anastasio Bustamente, the Mexican president, in 1842, the new Mexican Congress appropriated the capital which endowed this Fund. The secularization of the missions began in earnest that year and the confiscation of the Pious Fund left the California Church with only meager resources. When Manuel Micheltorena arrived in California as the new governor, he issued a decree on March 29, 1843, "neutralizing much of the secularization process by returning twelve of the missions to the Franciscans with the stipulation that one-eighth of the mission income be paid as a tax for the support of the military."⁵⁷ However, the needs of the military soon took precedence, and by August 24, 1844, the governor and the departmental assembly resumed the secularization of the missions with the income from the sales of mission lands being used for the maintenance of the military. After the War with Mexico concluded with the Treaty of Guadalupe-Hidalgo on February 2, 1848, the United States government eventually agreed to return to the Church the lands which had been appropriated before and after the war.

In December of 1855, the general claims of Archbishop Alemany to buildings and land at each of the twenty-one missions of California, in the name of the Catholic Church, had been upheld by the United States Board of Land Commissioners. But the individual declarations of land decisions in regard to specific missions came at various times after this initial verdict. The formal deed granting the Santa Barbara Mission and about 280 acres of

⁵⁵*Ibid.*, p. 45.

⁵⁶Begun in 1697 for the support of the Jesuit missions of Lower California, the Pious Fund of the Californias was created by wealthy donors in Spain and New Spain. At the suppression of the Jesuits in 1767, the income from the capital of this fund, which amounted to about \$2 million dollars, was assigned to the Dominicans in Lower California and to the Franciscans in Upper California. As an arm of the Spanish State, the missions in the early nineteenth century received an annual stipend of \$300 to \$400 for each priest, and \$1,000 for each new mission to purchase bells, tools, seeds, vestments, and the necessary animals and cuttings for the mission ranch.

⁵⁷Neri, p. 43

land at the mission to the Catholic Church was signed by President Abraham Lincoln on March 18, 1865.⁵⁸

Because the ranch and mission of Santa Ines were jointly administered by the two dioceses of California, John McMahon addressed his plan to organize a College in a lengthy and informative letter to James Croke, the Vicar General of San Francisco.⁵⁹ On 15 March 1863, in response to two letters Croke sent to him, he thanked him for sending \$200 and told him how he was repairing the College:

We have a carpenter at work at the college and have some windows at the Mission which I expect will do for the present, and we have nearly half of our provisions, so that I think we will have no necessity to give you much trouble till after Easter. As to books and stationary, we have not much demand for them, and I believe we have enough till we require other necessities.

In the same letter he continues to answer some of Father Croke's questions about the Third Order, their ownership of property, and how they would support themselves:

I send you enclosed a copy of all the Rules we have regarding your enquiries about the 3rd Order. The Rule I suppose you have, it is contained in a Bull of Leo X dated Jan. 21st, 1521. It is also given in substance in a Prayer Book published by Dunigan, N.Y. called the "Seraphic Manual". By it you can see we are not prohibited to possess property in common. **The object of our vocation is to teach poor male children gratuitously** (author's emphases), we can establish wherever we are needed or required, if we get the use of a house and a salary sufficient to find us in food and clothing. In dioceses when Brothers are needed they get in addition to this, aid in the way of lands, colleges, pay schools, etc. to form and educate young teachers. This accounts, in a great measure for whatever property the Brothers possess.

In response to what seems to be a question regarding their reasons for leaving Brooklyn, John McMahon continues with a number of oblique, perhaps critical references, to John Loughlin:

We cannot conscientiously leave the Order of our own accord, unless the principle that the Church does not prohibit her children in any state,

⁵⁸*Ibid.*, p. 117.

⁵⁹Letter of McMahon to Croke, March 15, 1863, Chancery Archives, Archdiocese of San Francisco.

aspiring to a more perfect one. Some few have acted on this principle, but they are so few that they can neither aid nor injure much. The Ordinary has the same authority over us, that he has over the Brothers of the Christian Schools. They or we desire to have no claim to the schools we conduct more than secular teachers, hence not only can the Ordinary discharge us, but even the manager or patron of the school. On the other hand, we cannot refuse to go wherever we are needed, provided we can live conformably to our Rule, a condition which limits the authority of all superiors. Every Bishop knows well from experience, that unless religious are governed by their own superiors, and the authority of each, even the lowest, sustained and respected, no community could hold, it would therefore be expected that when the Ordinary would need to have a Brother changed he would have it done through the Superior, and should he meet with non-compliance he has the same remedy as with his sexton or servant.

The Superior is sometimes obliged to change the Brothers, should he find a Brother holding an illicit correspondence, and deem his removal the most effectual mode of correcting the dreaded evil, he would change him, and of course, send another in his place.

By the 5th and 8th Chapters of our Rule you can see our connection with the First Order. In some places when the Provincials could not attend to the wants of the Brothers they have obtained a dispensation pro-tem.

Brother John continues to outline the needs of his brothers if they are to establish a school:

In the E. States the salary of the Brothers is \$300 the first year, \$100 of which is for the furnishings of the house (see "Constitution" 1 and 2 below), and \$200 for each succeeding year; but as this is not sufficient they are allowed to keep a pay school, to have Exhibitions, etc. This money comes from the parochial Church funds. As to us, we will be satisfied with whatever salary his Grace or you consider sufficient for support. You can form a very practical decision in this head, **our clothing is simple, and our table plain.** (author's emphasis). If the Brothers are appreciated and required to extend they would expect the encouragement I have above alluded to.

The salary suggested by Brother John (\$300 the first year and \$200 yearly thereafter) is in sharp contrast to the \$50-60 dollars annual salary suggested to the De La Salle Christian Brothers by Bishop John Hughes in

New York, but found not sufficient by them in 1847.⁶⁰ It is also higher than the \$144 annual salary paid to the brothers in the Boys' Orphanage by the Brooklyn Catholic Orphan Asylum Committee in 1858.

Of particular interest to this essay, John McMahon concludes his letter to James Croke with "Constitutions," six paragraphs which are more a contract than "constitutions" and suggest an attempt to avoid the negative living conditions the brothers experienced in Brooklyn, when the orphanage they were to have charge of was not completed through the summer and fall of 1858:

"Constitutions"

1. The Brothers are forbidden to establish in any place when they cannot live conformably to their Rule & Constitutions and when they cannot have an annual salary sufficient for their support.
2. The dwelling house and furniture, as well as the school house and school furniture to be provided by the Managers or Patrons of the schools.
3. The dwelling house to be sufficiently spacious to accommodate the required no. of Brothers. The classrooms to be contiguous, and separated by glazed partitions.
4. A Brother in the Senior class not to be obliged to teach more than 60 pupils, or in the junior class more than 100.
5. The Brother Principal to be free to receive pupils, or send them away should their conduct merit such punishment.
6. The Superior Provincial to be free to change the Brothers whenever he may judge it useful or necessary.⁶¹

Although John McMahon was not able to establish the Santa Ines College which he planned with James Croke, John Cullinan, Paschal Doran, and Peter Nolan did begin a College at Santa Ines, which lasted until about 1877. John McMahon opened a school for boys in the basement of St.

⁶⁰An 1840 letter of Bishop Bouvier of Le Mans, France to Pope Gregory XVI, stating that the De La Salle Christian Brothers require annually \$120 for each Brother before they will accept a school, in Angelus Gabriel, F.S.C., *The Christian Brothers in the United States, 1848-1948*, (New York: McMullen, 1948), 56.

⁶¹Letter of McMahon to Croke, 15 March 1863.

Mary's Cathedral, San Francisco, in the Fall of 1863, and was teaching there until about 1871.⁶²

Another California "Constitutions"

After a year of teaching in Santa Barbara, waiting unsuccessfully for John Loughlin's freedom to join the First Order, John Cullinan, Paschal Doran, and Peter Nolan left Santa Barbara and tried to form a community at the College of Santa Ines, which Brother John had planned with James Croke. After six years of teaching at Santa Ines, they were able to persuade their Ordinary, Thaddeus Amat, C.M., to request a Rescript from the Pope which would have placed them under his obedience. Submitted by Amat, on 29 December 1869, to accompany his request for a Rescript, similar to what they had received from the Pope in 1859 in Brooklyn, these three pages of "Constitutions" were primarily designed to document how the brothers would rule each other, with conditions for their employment similar to John McMahon's "Constitutions" above. These "Constitutions" were judged inadequate by Rome in 1871. Propaganda Fide took three years to judge that what they had been sent were not "Constitutions," but a document stating how they would govern each other.

These curious, handwritten "Constitutions" written by the three Santa Ines brothers, was found in the Archives of Propaganda Fide in Rome.⁶³ The first six of the twenty rules of these "Constitutions" are very revealing because they document a suspicious hesitation among the three brothers in allocating power to one of their own small number as Superior. Rules four, five and six would seem to be an attempt to avoid a repetition of what may have been a difficult parting of the three brothers with John McMahon in 1863, when he left them to go to San Francisco to become the principal of St. Mary's Cathedral Boys School.

Santa Ines "Constitutions"

First: The Brothers of the Third Order of St. Francis in this diocese shall be under the jurisdiction of the Bishop after he has received the necessary faculties from the Pope.

⁶²*Catholic Directories*, 1862-1871.

⁶³"Constitutions for the government of the Brothers of the Third Order of St. Francis in the diocese of Monterey and Los Angeles, State of California." PFA, *Scritt*, 1870-1871, fols. 1314rv to 1316r.

- Second: The Order shall be governed by a Superior who may be called the Brother Provincial, and a Council, the members of which shall be professed Brothers of the Order.
- Third: The Brothers shall not recognize any ecclesiastical Superior, in this diocese, or province of the Order, except the Bishop who will appoint a Brother Provincial to govern the Order for the term of one year, and he will continue to appoint one every year, till there are five professed Brothers to elect a Br. Provincial for three years.
- Fourth: The Br. Provincial can not carry out any movement in the Order in opposition to the Majority of the votes of the Council, but when the votes are equal for or against the proposed movement, the Br. Provincial shall have the casting vote, which will decide.
- Fifth: Should the Br. Provincial carry out any movement or project in opposition to the Council, he shall be deposed by the Bishop, who will appoint another till the term of office be expired.
- Sixth: No Superior in the diocese can carry out any movement, such as the establishment of schools, etc, in opposition to the Br. Provincial and the Council.
- Seventh: No school can be established without the approbation of the Bishop, and every school duly established by the Order, shall be under the entire control of the Brothers.

Rule Seven may have been an attempt to prevent the repetition of a negative experience in St. John's, Newfoundland. Four Irish Franciscan Brothers arrived on 7 September 1847 to take charge of the school and orphanage. When the Irish Benevolent Society, which financed the school and orphanage, began to interfere in the operation of the school, the Brothers left by 1852.

“Suitable Accommodations”

- Eighth: No house or school can be established till the Br. Provincial receives from the founder, the documents

necessary to guarantee to the Brothers, a permanent support and suitable accommodations.⁶⁴

Rule Eight, requiring "a permanent support and suitable accommodations" repeats Rules one, two and three of John McMahon's "Constitutions" above and seems to be an attempt to prevent a repetition of the "basement living" in their first four months in Brooklyn, when they had no house assigned to them for their residence from the end of May to October, 1858. Two professed Franciscan Brothers, and eight postulants lived in the basement of the French De La Salle Christian Brothers' house at 256 Pearl Street, two blocks from their school at St. James, and three blocks from the East River in Brooklyn until late October. They finally took charge of the Boys Orphanage and found it "too difficult to train postulants and novices there".⁶⁵ About half of the brothers repeated this basement living-experience residing in the "damp basement"⁶⁶ of their St. Francis Academy on Baltic Street from 1858 to 1862.

In 1877, when the Franciscan Brothers could no longer conduct the Santa Ines College, Joseph Sadoc Alemany requested the Christian Brothers to take it over.

1905 Constitutions of the Brothers of Penance of the Third Order Regular of St. Francis of Assisi

The 1905 Constitutions⁶⁷ of the Brooklyn Brothers was written to attempt to revise the 1866 Constitutions approved by John Loughlin, so closely modeled on the Irish Christian Brothers' Constitutions. Written at the command of Charles McDonnell by John Doyle, the Brothers' Chaplain, and Linus Lynch, the former Novice Master and Superior General, this Constitution was never approved by the Bishop because it was based on the French Third Order Regular Constitution which provided for priesthood in the community. Chapter Four, Article III, "The Holy Mass," describes priesthood in the Order:

114. Although our Seraphic Father never took on himself the dread dignity of the Priesthood of Christ, nevertheless he surrounded himself with a family of priests who should sanctify themselves and their Brothers in

⁶⁴PFA, Ibid.

⁶⁵Oldest "Minute Book of St. Francis Monastery, Brooklyn, ... 1858-1894," p. 1.

⁶⁶*Souvenir of the Diamond Jubilee of the Franciscan Brothers, Brooklyn, N.Y., 1858-1933*, p. 24.

⁶⁷These Constitutions were written at a difficult time in the history of the Brooklyn Brothers' Community, which was attempting to join the Third Order Regular in Rome.

Religion by offering up the unspotted Lamb of God. Those among us therefore who in God's goodness have received the Holy Priesthood, shall strive by the fervor of their preparation to fit themselves for the Sacrifice, and by the fervor of their thanksgiving to bring down many blessings on themselves and on our Institute.

115. Every priest shall say Mass each day for the intention of the Local Minister in order to satisfy for the Mass-obligations which he has received. If he abstain from the daily offering of the sacrifice, he shall notify the Local Minister.

116. Twice every month each priest shall have the right of offering up the Holy Sacrifice for his own private intentions; but he shall not receive any stipend for these Masses.

117. All the Brothers who are not priests shall hear the Community Mass every day, unless those who may be obliged to serve the private masses of the priests.⁶⁸

Although these Constitutions were never approved, they shed light on the period when the Brooklyn Brothers were trying to join the Third Order Regular in Rome.

1918 Rules and Constitutions

The Brooklyn Brothers Constitutions of 1918⁶⁹ closely copied the 1866 Constitutions which continued to be modeled after the Irish Christian Brothers' Constitutions, with the "End of the Third Order" the same as that of the 1866 Brooklyn Constitutions. This paper-covered Constitutions was replaced in 1924 to conform to the new Code of Canon Law promulgated in 1918.

1924 Brooklyn Rule and Constitutions

The Brooklyn Rule and Constitutions was extensively revised before its printing in 1924. The sociological commentary on the "laboring classes and the poor," from the De La Salle Christian Brothers 1718 "Rule"

⁶⁸1905 French Clerical Constitutions, pp. 30-31.

⁶⁹*Rules and Constitutions of the Brothers of the Third Order of St. Francis, Franciscan Brothers of the Diocese of Brooklyn, 1918*, (New York City, Blaber & Son, 1918).

was taken out and replaced with two paragraphs on the “ends” and “spirit” of the Congregation:⁷⁰

Chapter I.

Of the Admission of Novices

Article I: Ends of the Congregation.

1. The end of this Congregation of the Regular Third Order of St. Francis is two-fold. First, the members shall apply themselves to the work of their own salvation by making it their earnest care and constant study to be wanting in nothing of that perfection, which, by the grace of God, may be acquired by the exact observance of the Rule and these Constitutions. Secondly, they shall devote themselves to the religious and literary education of male children and youth, especially the poor.

The “Spirit of the Congregation” (Figure Three), is the beautiful statement found in the Loretto Constitutions above which seems to have originated in the Irish Constitutions of 1837.

Article 2: The Spirit of the Congregation

2. The spirit of this Congregation is one of faith, humility, poverty and fraternal charity united with great simplicity of character, with fervent piety and zeal, seeking sanctification rather in the perfect manner of discharging ordinary actions than in things extraordinary in their nature. The Brothers shall be most careful to preserve and augment this spirit.⁷¹

This chapter continues with the qualifications and duties of the Master of Novices, which are not found at all in the 1866 Brooklyn Constitutions, but are adapted from the 1837 and 1877 Irish Constitutions:

Article 3: Master of Novices. Qualifications and Duties.

⁷⁰*Franciscan Brothers of the Brooklyn Congregation of the Regular Third Order of St. Francis, MCMXXIV*, [Brooklyn Rule and Constitutions, 1924], 1924.

⁷¹*Brooklyn Rule and Constitutions*, 1924, p. 1.

3. For the office of Master of Novices, a Brother shall be chosen who is a least thirty-five years of age and ten years professed from the date of his first profession.
4. For the office of Assistant Master of Novices, a Brother shall be chosen who is a least thirty years of age and five years professed from the date of first profession.
5. Only Brothers, who by their teaching and example are qualified to train novices in the duties of their state, shall be chosen for these offices. They should be men of tried virtue and have led exemplary lives in the Congregation and be known for their zeal for its progress and interest. They should be men of prayer, mortification, prudence, charity, and meekness, and they should so govern all the movements of their own souls and hearts, as to edify all those under their care. They should be easy of approach, so that the novices may at all times be drawn to him for counsel.
6. They should, above all else, be men of great humility, distrustful of self, relying on God and on Him alone. They shall frequently beg God and our Blessed Lady, her chaste spouse, St. Joseph, and our Holy Founder, St. Francis, to bless them and their charges, and to be the never failing protectors of the novitiate.⁷²

After Vatican Council II, the Community responded to *Perfectae Caritatis* by holding the first of several Extraordinary Chapters to discover the Charism of the Founder and revise its Rule and Constitutions accordingly. The current *Rule and Life and Constitutions*⁷³ of the Franciscan Brothers was promulgated on 4 October 1989. The brothers participated in the revision of the *Rule and Life* with other Third Order Regular congregations of men and women throughout the world, and after a long collaborative process, the Rule and Life was finally approved by Pope John Paul II on December 8, 1982.⁷⁴

⁷²Brooklyn *Rule and Constitutions*, 1924, pp. 1-2.

⁷³*Rule and Life and Constitutions, Congregation of the Religious Brothers of the Third Order Regular of St. Francis*, Brooklyn, New York, 1989.

⁷⁴*Rule and Life of the Brothers and Sisters of the Third Order Regular of St. Francis*, American-English Commentary by Margaret Carney, O.S.F. and Thaddeus Horgan, SA, Franciscan Federation, Washington, DC, 1982, 1997.

The *Constitutions*, which the Franciscan Brothers began to revise after the Second Vatican Council in 1968, was finally approved by the Brooklyn Ordinary, Francis Mugavero, on 19 March 1985. The revised text of these *Constitutions* was resubmitted to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, after the approval of the brothers' request for universal suffrage of the life-professed at chapters, as a long-standing tradition of the Community.

On 8 September 1989, the Sacred Congregation promulgated the *Decretum Laudis* establishing the Franciscan Brothers as an Institute of Pontifical Right and approved the new *Constitutions* of the Community on the Feast of Our Holy Father St. Francis on 4 October 1989.

Charism and Consecration

These *Constitutions* describe the Brooklyn Brothers' Community:

We Brothers of the Third Order Regular of Saint Francis form a lay religious institute of pontifical right. We observe the life of the Gospel through our prayer, apostolic works and fraternity....

As non-ordained religious, we make Christ present by rebuilding His Church, by sowing seeds of Christian consciousness and brotherhood, and by living together in peace.

Brooklyn Brothers Regain Their Irish Franciscan Charism

The ministries of the Community, after the approval of their *Constitutions* by the Roman Congregation, returned to the Irish tradition of an **inclusive**, rather than an **exclusive** (author's emphases), description of the works of the Franciscan Brothers. This tradition reflects Chapter V: "*The Way to Serve and Work*" of *The Rule and Life*:

As poor people, the brothers and sisters to whom the Lord has given the grace of serving or working with their hands, should do so faithfully and conscientiously.

Thus these *Constitutions* returned the "charism" of the Brothers to a variety of educational and pastoral ministries, when it states:

Our apostolate is to live the Gospel. In humility and joy we live in the world to affirm Christ's kingdom of peace. We expend our lives in bringing to fulfillment the love affirmed by the Incarnation. We believe that the Holy Spirit leads us through our varied ministries to one end.

Faithful to our Franciscan charism, through our apostolic works in the educational and pastoral ministries of the Church, we proclaim peace as we respond to the needs of society. When we work to establish harmony among people, Christ's peace becomes real and we are free to see all as equal members of His body.⁷⁵

These *Constitutions* allowed the brothers to pursue ministries other than teaching, thus the brothers have been engaged in many different ministries serving the Church since their Extraordinary Chapters following Vatican Council II.

Brothers' 140 Anniversary

On 31 May, 1998, the Brothers celebrated 140 years in the Diocese of Brooklyn, and were pleased to hear words of commendation from Most Reverend Roland Faley, T.O.R., the former Minister General of the Third Order Regular of Saint Francis and Professor of Scripture at the Seminary of the Immaculate Conception in Huntington, New York. In his homily, Father Faley praised the Brother's history:

The Title "The Franciscan Brothers of Brooklyn" evokes many memories of labor, holiness, sacrifice, and dedication to education. It bespeaks a legacy that has truly enriched the church of New York, indeed the church of the United States.

May your lives continue to praise the Lord, for he who his mighty has done great things through you.⁷⁶

Writings, Rules and Constitutions Examined in Chronological Order

"Letter to All the Faithful," in *St. Francis of Assisi; Writings and Early Biographies; English Omnibus of the Sources for the Life of St. Francis*. Third Revised Edition, Franciscan Herald Press, 1992, p. 92.

Rule of the Religious, of the Third Order of St. Francis, For both sexes, making the three vovves, and living together in Communitie and Cloyster, Vvith certaine other thibgs vvich the leaf followving doth shevve, +, IHS, At

⁷⁵ *Rule and Life and Constitutions*, 1989.

⁷⁶ Roland Faley, T.O.R., Homily, Pentecost Sunday, Saint James Cathedral Basilica, Brooklyn, New York, 31 May 1998.

Brvelles, By Ihon Pepermans, at the, golden Bible, 1624 [Brussels Rule], from English Recusant Literature: 1558-1640, Vol 378, The Scholar Press, London, 1978.

"Rules of the Christian Brethren," [Clara "Rules"], six-page manuscript in the Franciscan Brothers Archives, Mountbellew, 1821.

Rules and Constitutions, of the, Society, of, Religious Brothers, to Which is Annexed, The Brief of our Holy Father, Pope Pius VII, Approving and Confirming the, Institute [Irish Christian Brothers, 1832 Rules], Joseph Blundell, Dublin, 1832.

Rules of the Religious Penitents of the Third Order of Saint Francis, with the Ceremonies of Reception and Profession [Irish Rules 1837], in the Irish Catholic Directory, Gerald P. Warren, 88, Thomas Street, Dublin, 1837.

"In the Name of Our Lord beginneth the rule of the third order of St. Francis, called the order of penance." 25-page manuscript of "Rules and General Rules" for the Loretto community [Loretto 1850 "Rules"], c 1850. From the Mountbellew Archives.

"Constitutions," in a letter from Brother John McMahon to Father James Croke, Vicar General, Archdiocese of San Francisco, Chancery Archives of the Archdiocese of San Francisco, 15 March 1863.

Santa Inez "Constitutions," Propaganda Fide Archives, SC/, 1870-1871, vol. 23, fols. 1314rv to 1316r.

Deus Meus et Omnia. The Rules of, The Third Order of St. Francis, as Contained in the, Bulls of Popes Nicholas IV. And Leo X., The Particular Rescripts Granted, to the Brothers in America, The Ceremonies of Reception and Profession, and, Constitutions, Approved by, the Right Rev. John Loughlin, Bishop of Brooklyn, [Franciscan Brothers 1866 Rules] February, 1866.

The Rule of the Regular Third Order of our Holy Father Saint Francis, As contained in the Bull of Pope Leo X., Together With The Approved Constitutions [Irish 1877 Rule], Browne & Nolan, Dublin, 1877.

"Constitutions of the Brothers of Penance of the Third Order Regular of St. Francis," manuscript never approved, 1905.

Rules and Constitutions of the Brothers of the Third Order of St. Francis, Franciscan Brothers of the Diocese of Brooklyn, Blaber & Son, New York, 1918.

Fratres Franciscani Brooklynensis Congregationis, Regularis Tertii Ordinis, Franciscan Brothers, of the, Brooklyn Congregation, Of the, Regular Third Order of, St. Francis, MCMXXI [Brooklyn Rule and Constitutions, 1924], Privately printed, 1924.

Rule and Life and Constitutions, Congregation of the Religious Brothers of the Third Order Regular of St. Francis, Brooklyn, New York, 1989.