

# Constitutions

## The Brothers and Sisters of Penance of St. Francis

Current as of 21 April 2022



- I. The name of the Association is the Brothers and Sisters of Penance of St. Francis. The first chapter of the Association is the Morning Star Chapter which was founded on October 4, 1997 with the first commitments of members to the BSP before Father Valerius Messerich O.F.M.. The Association is headquartered in San Diego, California although it remains canonically retained by Archbishop Bernard Hebda in the Archdiocese of St. Paul and Minneapolis. The Association includes all members wherever they reside, including members of new chapters consistent with these Constitutions. Father Robert Altier is the current Visitor, and either he himself, or other priests or religious, are to be spiritual director of the entire Association since it is a lay organization within the Church.
- II. The mission, purpose, or social objective of the Association is to renew the lifestyle of the Rule of 1221, the First Rule of the Franciscan Third Order, as given to us by St. Francis of Assisi and approved by the Church, in our own lives and our modern world for the Love of God and as a Gospel witness to the world, so as to fulfill our Vision (III).
- III. The Vision of the Association is that we are a family of Catholic lay brothers and sisters who are seeking Union with God in fulfillment of the Gospel after the manner and according to the example of the early penitents in the Catholic Church, which included many Saints and Blessed.
- IV. The Association headquarters is in the Diocese of San Diego, with canonicity retained by Archbishop Bernard Hebda of the Archdiocese of St. Paul and Minneapolis.
- V. Archbishop Harry J. Flynn, of the Archdiocese of St. Paul and Minneapolis, authorized the initiation of the Association through his letter to Bruce Fahey S.F.O. dated October 22, 1996. The spiritual assistant of the Association is to be a religious, deacon, or a priest. Father Valerius Messerich O.F.M. was the first spiritual assistant of the BSP, Father Robert Altier is the current spiritual assistant of the BSP, and those so appointed after him or in conjunction with him will serve in this same capacity.
- VI. **Historical Overview**

The Brothers and Sisters of Penance of St. Francis was first organized when a number of Secular Franciscans requested to live and gather according to the prescriptions of their First Rule while still within the Secular Franciscan Order. These first lay members sought authorization from the Church to unite as the Brothers and Sisters of Penance of St. Francis.

Initial contact for support of the Church was made to Bishop Roger Schwietz of Duluth in a meeting held on October 31, 1995 at the request of Bruce Fahey SFO. This meeting was originally scheduled at the recommendation of Father Valerius Messerich O.F.M., Bruce Fahey's spiritual director of many years, and Father Ken Smits, O.F.M. Cap., of the St. Anthony Retreat House, at Marathon, Wisconsin.

Bishop Schwietz saw this desire to return to the "root" spirituality of the primitive Rule of 1221 as a "good and holy thing". Hence, he arranged a meeting with Archbishop Harry J. Flynn of the Archdiocese of St. Paul and Minneapolis which was attended by Bruce Fahey. As a result of this meeting (which was held at the Chancery office in St. Paul on March 25th, 1996) Archbishop Flynn issued a letter of support and apostolic blessing on October 22, 1996, and the process of founding the Association gradually began.

The first commitment of the first novice, William Avis, occurred on August 6, 1997 at St. John's church in Prairie du Chien, Wisconsin, before reverend William Garut O.J.. Father Valerius Messerich, O.F.M. (pastor of St. Mathias Church in Hampton, Minnesota) was appointed by Archbishop Flynn as spiritual assistant of the Association from its inception. Father Valerius officially received the first candidates of the Association on the feast of St. Francis, October 4, 1997 at St. Mathias Church.

#### **VII. Juridical Situation**

The Brothers and Sisters of Penance of St. Francis is a Private Association of the Faithful (cf c. 299) whose members seek to live the Gospel more fully in their lay lives by following the prescriptions and tenets of the Rule of 1221. The Secular Franciscan Order, through Richard Morton SFO, National Minister, officially declined any formal relationship with the Association in a letter to Bruce Fahey SFO in 1997. This definitively precipitated the individual standing of the Association within the Church by late 1998, opening the Brothers and Sisters of Penance of St. Francis to all of the laity regardless of their affiliation with any Third Order or other Church group.

#### **VIII. Eligibility for Membership**

Eligibility for membership in the Brothers and Sisters of Penance of St. Francis is extended to all the baptized members of the Catholic Faith who are 14 years of age or older. This age is based on the laws of the Church itself<sup>1</sup>, wherein the law of abstinence binds those who are at least 14 years of age, and the law of fasting binds those who have attained their majority (18 years of age), until the beginning of their sixtieth year. Since fasting and abstinence are part of the lifestyle of the First Rule, this is the proper guide. Of course, others may join who are older or younger. No one in the Association is bound by the prescriptions in the Rule regarding fasting or abstinence either under pain of sin, or beyond the intentions of current laws of the Catholic Church, though they may voluntarily perform acts of self-denial at any age.

---

<sup>1</sup> Canon 1252

**IX. Purpose of the Association**

The purpose of the Association is to promote the renewed practice of penance in the Church among lay people consistent with the Gospel itself, the prescriptions of the Rule of 1221 (*Memoriale Propositi*) and the intentions of the Association's spiritual assistants as defined in the Rule and Statutes of the Association which were finalized in late 1999.

**X. Spirituality of the Association**

The spirituality of the Association is simply that of the Gospel itself, which encourages lives of poverty, humility, and penance in the world for all people. Membership in the Association both causes and is the fruit of each individual's personal conversion and desire to live the Gospel more perfectly in his or her own life.

Canon law of the Catholic Church provides for the formation of Associations of the Faithful for purposes of growing in holiness and living the gospel. The Brothers and Sisters of Penance of St. Francis is an example of such an association. The principle canons that relate to its life in the Church according to Title V of the Code of Canon Law, are as follows:

**Canon 298.1**

"In the Church there are associations which are distinct from institutes of consecrated life and societies of apostolic life. In these associations, Christ's faithful, whether clerics or laity, or clerics and laity together, strive with a common effort to promote a more perfect life, or to promote public worship or Christian teaching. They may also devote themselves to other works of the apostolate, such as initiatives for evangelization, works of piety or charity, and those which animate the temporal order with the Christian spirit."

**Canon 298.2**

"Christ's faithful are to join especially those associations which have been established, praised or recommended by the competent ecclesiastical authority."

**Canon 299.1** "By private agreement among themselves, Christ's faithful have the right to constitute associations for the purposes mentioned in Canon 298.1 without prejudice to the provisions of Canon 301.1."

**Canon 299.2** "Associations of this kind, even though they may be praised or commended by ecclesiastical authority, are called private associations."

**Canon 304** "All associations of Christ's faithful, whether public or private, by whatever title or name they are called, are to have their own statutes. These are to define the purpose or social objective of the association, its center, its governance and the conditions of membership. They are also to specify the manner of action of the

association, paying due regard to what is necessary or useful in the circumstances of the time and place."

A number of bishops have supported the formation of the Association in its initial phases. It is well understood and fully accepted by all leaders of the Association that local bishops must support the Association if it is to grow in any particular diocese. Those bishops who first supported the formation of the BSP are listed in the Addendum to this work, and the Association, through its various members throughout the world is in the process of seeking broader approval for promoting this lifestyle in the Church. Since this process may in fact take years it was thought best to promulgate what is already known for the benefit of all members. What is known is that we have the blessing of the Church to live, to gather, and to quietly promote the lifestyle of the BSP. Let us examine these points as they relate to the private association of the Brothers and Sisters of Penance of St. Francis:

**To live.** If we as penitents are to live the Rule of 1221 we must learn to do so gradually. Hence, we must respect in ourselves the need for formation, and to grow into the lifestyle as individual people of God. A holy life cannot be built in a day. The members of the BSP take as their guide the Lord and His Mother. Jesus took three years to teach us what we need to know through the Gospels. We as penitents will take three years in our novitiate. To be a novice is to be a beginner. These three years must fully run their course. A month at a time. After that we can pledge to live the life for the rest of our lives, but not before that time is over. Thereafter, until our deaths, we will do our best to live the life in all of its detail, demands, and richness. It is a narrow way as Our Lord himself described in His Gospel. (Lk. 13:24)

**To gather.** Individual penitents in their individual towns and cities are to gather in small groups, be they circles or chapters, as much as possible. No one can lead a holy life alone. Its members are a family. Our community is the body of Christ. Hence, it is one of the major imperatives of the lifestyle that the individual members gather and form the community of the Brothers and Sisters of Penance of St. Francis.

**To promote.** We reach out to others as lay people alone can do, in the streets, byways, places of business, stores, churches, and institutions of our day. We know from our discussions who among us in the world are deeply serious about the "things of God", for we must and will discern others of like mind through the motion and blessing of the Holy Spirit. These others of like mind can be invited to join the Association of the Brothers and Sisters of Penance of St. Francis. In all of this the brothers and sisters are admonished to trust in the Holy Spirit, for He, Himself, the Spirit of our God, is our guide and counselor. It is the Holy Spirit who truly invites those who join.

## XI. **Form and Object of the Commitment**

### i. **The Form of the Commitment**

The Form of the Commitment of Membership in the Association is a personal and entirely voluntary pledge made to Christ through the Church to live according to the tenets of the Rule and Statutes of the Association, which is the lifestyle of the Rule of 1221, updated through its statutes to fit life in the world today. This pledge will typically be made, following a period of formation, to a priest, confessor, or spiritual director, but can be made if need be to any professed member of the Association at a place of the individual's choosing, consistent with the intentions of the First Rule itself. Ideally it would be made at or after Mass and reception of the sacrament of Reconciliation.

**Reception of new candidates:** New candidates in the Association devote themselves to study the Rule and Statutes of the Association so as to discern their calling to make the pledge to live according to it for "all the time of his life".<sup>2</sup> During this time the individual is first an inquirer, then a postulant (1 year), then a "novice" (3 years) in the Association. "Novices" may pledge themselves to live according to the First Rule after three years or more of novice formation<sup>3</sup> with the approval of their spiritual directors, pastors, or professed and "discreet" members of the Association. This is a very important time of formation and discernment. If at all possible it should be celebrated at or after Mass and the reception of the sacrament of Reconciliation.

**Pledge:** An individual's pledge to live according to the Rule of 1221 and its Statutes is a binding promise,<sup>4</sup> though not under penalty of sin,<sup>5</sup> wherein the individual binds himself to strive to live the Rule and Statutes of the Association, as his lifestyle for "all the time of his life",<sup>6</sup> for the love of God and his own salvation.

**Friends:** Individuals may join the Association as "friends" if they wish to be guided in their life by the tenets of the Rule and Statutes without fully committing themselves to live them, and wish to join in the community activities, prayer life, and apostolates of the pledged members or candidates in formation to becoming pledged members.

**Associates:** Non-Catholics may join the Association as "associates". Such members are invited to participate fully in the life of the Association recognizing that they are not obligated to live the tenets of the Rule except as they wish to.

---

<sup>2</sup> Rule of 1221, Article 30

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Rule of 1221, Article 39

<sup>6</sup> Rule of 1221, Article 30

ii. **The Object of the Commitment**

The Object of the commitment is for the individual pledged member to lead a penitential life in response to the Gospel of Jesus Christ and for His greater glory, such that each individual member of the Association, living the Gospel of Jesus Christ more perfectly in his own life, is united in a common bond of Christian love with other Christians and becomes a penitent of the Church.

XII. **The Prayer Life of Those in the Association**

- i. The prayer life of new members in the Association is that defined for them by the formation programs of the Association.
- ii. The prayer life of all pledged members of the Association is that defined in the Rule of 1221, as explained by the Statutes of the Association, which shall be deemed sufficient in and of itself to live a holy life under the Gospel of Our Lord, Jesus Christ.

XIII. **The Penitential Life of Those in the Association**

- A. The penitential life is that defined in the Rule, Statutes and formation programs of the Association, which shall be deemed sufficient in and of itself to lead a holy life consistent with the Gospel of Our Lord, Jesus Christ.
- B. This penitential life includes all acts of penance, however great or small, that go beyond the Rule as determined by the individual member including devotions and almsgiving which are neither defined, nor binding, under the Rule, but have been approved by the individual's spiritual director.

XIV. **Membership Requirements**

- A. Catholic men and women, young and old, may join the Association provided they are baptized, at least 14 years of age, and are faithful to the Church. *"No heretic or person in bad repute for heresy is to be received."*

B. **Types of Members**

1. **'Postulants'** are those who begin to live the life of penance as a means of discerning whether to proceed more deeply with formation.

---

<sup>7</sup> Rule of 1221, Article 32

2. **'Novices'** are those who have made a temporary or first commitment to join but have not yet made a pledge of any kind to live the First Rule. Everyone who joins the Association first becomes a novice.
3. **'Pledged'** are those who have made a permanent commitment to live the tenets of the Rule and Statutes of the Association through a competent Church authority, which shall be deemed to mean a cleric, a spiritual director within the Association, or another pledged member. Not every member needs to "pledge" to live the Rule. However, all members in formation are expected to strive towards pledging themselves in time. It is completely acceptable for an individual to become and remain a friend or associate without further formation.
4. Anyone can become a member in the Association without violating any other profession or commitment they have made within the Church. It is understood that friends and associates of the Association commit themselves only to learn and love the Rule and Statutes of the Association, to support other members that are seeking to pledge to the lifestyle, and to periodically attend meetings of the Association wherever they are held.

#### C. **The Responsibilities of Membership**

1. **For Postulants:** To discern whether they may be called to live a life of Penance according to the Rule and Statutes of the Association.
2. **For Novices:** To discern their calling to live according to the tenets of the Rule and Statutes of the Association as they prepare to pledge to the lifestyle.
3. **For Pledged:** To live the Gospel according to the tenets of the Rule and Statutes of the Association of the Brothers and Sisters of Penance of St. Francis, and to contribute to the growth and health of the Faith in their homes, their parishes, and the Church, wherever they live.
4. **For Friends and Associates:** To remain affiliated with the Association in some active way, and live the spirit of the Rule and Statutes in some way.
5. **For All Members:**
  - a. To sincerely strive to live the Gospel more perfectly.
  - b. To participate in the life of the Association in an appropriate way.
  - c. To know and love all other members of the Association, and the Orders represented among the membership of the Association, as best they can.

- d. To help the Church fulfill its mission in the world.
- e. To form their spirituality as penitents as defined in the Rule and Statutes of the Association.

#### **D. Separation of Pledged members**

1. Those who wish to leave the Association may do so with proper dispensation.
2. Where it is necessary to correct or discipline someone it shall be done in accordance with the Rule.<sup>8</sup>

### **I. The Government of the Association**

The officers of the Association will be those specified in the Rule itself: Minister, Visitor, Treasurer, and Messenger. Their terms of office can be established by each chapter. However, unless otherwise defined such officers should never be elected for more than one year except with the continuing consent of their constituents. The responsibilities will be as follows:

#### **A. Responsibilities of the Minister:**

1. Keep the records of the Association
2. Fulfill the requirements of the position as defined in the Rule, namely:
  - a. Screen and process membership<sup>9</sup>
  - b. Record the dates and places for meetings<sup>10</sup>
  - c. Care for needy members directly or through others in the Association<sup>11</sup>
  - d. Visit members who are sick<sup>12</sup>
  - e. Be true peacemakers<sup>13</sup>
  - f. Correct and discipline members if needed<sup>14</sup>

---

<sup>8</sup> Rule of 1221, Chapter 8

<sup>9</sup> Rule of 1221, Article 29 and 30

<sup>10</sup> Rule of 1221, Article 19

<sup>11</sup> Rule of 1221, Article 20

<sup>12</sup> Rule of 1221, Article 22

<sup>13</sup> Rule of 1221, Articles 26 and 27

<sup>14</sup> Rule of 1221, Articles 34-36



- g. Make sure that appropriate communications with members are maintained
- h. Organize and/or conduct all meetings of the Association

**B. Responsibilities of the Visitor:**

- 1. The Visitor should be a priest, deacon, or religious. In their absence, a willing and discreet professed member of the Association who feels called and supported in the role, may act as Visitor if given special permission to do so by the appropriate ecclesiastical authority and agreeable to the affected membership.
- 2. The Visitor must fulfill the requirements of the position as defined in the Rule, namely:
  - a. Provide spiritual direction to the Association particularly and to all members specifically, where they request it<sup>15</sup>
  - b. Monitor membership for Catholicity<sup>16</sup>
  - c. Guide the Association in matters of discipline and correction<sup>17</sup>

**C. Responsibilities of the Treasurer:**

- 1. Keep the finances for the Association consistent with the Rule
- 2. Distribute any funds acquired by the Association<sup>18</sup>
- 3. Provide for the needs of the brothers and sisters and other poor as possible from Association funds or solicitations<sup>19</sup>

**D. Responsibilities of the Messenger:**

- 1. Publish what is said and done by members of the Association<sup>20</sup>

**E. Concerning Every Member:**

---

<sup>15</sup> Rule of 1221, Article 21  
<sup>16</sup> Rule of 1221, Article 30  
<sup>17</sup> Rule of 1221, Chapter 8  
<sup>18</sup> Rule of 1221, Article 20  
<sup>19</sup> Rule of 1221, Article 38  
<sup>20</sup> *ibid.*

1. Every member must live the lifestyle and promote it for the Love of God within their families and the Church.
2. There will be one set of officers for the entire Association, who will constitute the executive committee of the Association. They may delegate their authority to any outlying groups to ensure the peace and health of the Association everywhere. They will be selected by pledged members of the Association.
3. All pledged members will be eligible to be officers of either a local chapter or executive body, subject to their selection according to the following norms.
  - a. The normal procedure for election will be for a simple committee to identify willing and capable members for each office, and for the officers to be elected from among these people by secret ballot. Mail ballots will be permitted.
  - b. A majority of those voting will determine who has been selected to serve.
  - c. Officers will perform their duties as much as possible from their own homes.
4. A collegial relationship of dependence and care will be established with all religious and priests.
  - a. Of dependence in that we will obey them in all matters of faith and morals and heed their advice relative to matters of the Rule and Statutes.
  - b. Of care, in that they may rely on aid from the Association<sup>21</sup> if they are in need of it.
5. The general assembly:
  - a. A collective meeting of all of the members of the Association will be held annually if at all possible, perhaps at a retreat. A Visitor will preside at these meetings if at all possible, and guide the proceedings, which will be designed to promote a Catholic spirituality and unite the total Association. Other groups within the Church may be invited to send delegates to these meetings.

---

<sup>21</sup> Rule of 1221, Article 20

6. Meetings:

- a. Monthly meetings will be held in each community or area consistent with the intentions of the Rule and Statutes as stated in the First Rule itself.<sup>22</sup> These meetings can be held in individual's homes but should always follow the following agenda.
  - i. Begin with prayer
  - ii. Promote the spiritual formation of the members present
  - iii. Involve a faith sharing of all members
  - iv. Answer anyone's questions on life in the Association
  - v. End with prayer, and if time and circumstances permit, fellowship

7. Liberties, Rights, or Obligations:

The liberties, rights, and obligations of the various members of the Association are those defined by the Gospel itself and the Rule and Statutes of the Association. Questions on these matters should be referred to the ministers of the Association and/or the Visitor as defined in the Rule and Statutes.

Wherever two or more pledged members of the Association are located, an individual chapter or circle of the Association may be established and named. Hence chapters may be established and named after individual parishes, Saints, or Our Lady. Names in honor of Mary are recommended. For instance, if a new chapter is established at St. James parish, in Medjugorje, it can be appropriately named either as the St. James chapter of the Association of the Brothers and Sisters of Penance (BSP), or the Queen of Peace Chapter of the BSP, or otherwise similarly named.

The lifestyle of all chapters and rules of governance are as contained in these Constitutions, which can be revised by members of the St. Anthony of Padua Chapter of the Association in concert with the will of all chapters as guided by the BSP Visitor. Questions on all matters of formation of new chapters should be directed to the Minister or Visitor of the St. Anthony of Padua Chapter of the Association.

---

<sup>22</sup> Other translations of the Psalms from Church approved scriptural sources may be used.

8. Administration of temporal goods and financial policies:

The Association of the Brothers and Sisters of Penance of St. Francis is a bona fide non-profit Association. There will be no mandatory dues, fees, or assessments associated with membership in the Association. If money is needed to conduct the business of the Association, the ministers or treasurer may solicit donations from the members after stating their use and extending the blessing of God. Any goods owned by the Association as acquired by donations or purchases belong to the Association and all within it, provided they are so intended and identified.

9. The Right of Possession

Individual members do not own the possessions of the Association. Association possessions will be held and controlled by the ministers of the Association unless otherwise delegated for as long as they hold the office.

---

**Addendum**

The Association first received the approval of Archbishop Harry J. Flynn, Archdiocese of St. Paul and Minneapolis, in a letter dated October 22, 1996. This approval was reaffirmed by Archbishop Flynn in a second letter to Bruce Fahey SFO, on June 14, 1999 and then further delineated in a follow up letter from Archbishop Flynn in August of that same year.

Additional letters of support prior to the new millennium came from Bishop Roger L. Schwietz O.M.I., Catholic Diocese of Duluth, on August 5, 1999; from Bishop John G. Vlazny, Diocese of Winona, on December 17, 1996; and from Bishop Robert E. Mulvee, Diocese of Providence, via Vicar General Rev. Msgr. William L. Varsanyi, on January 30, 1998 with a follow up letter of permission to live the Rule of the Association on November 3, 1999.

These Constitutions as represented above are tentative. In the event of conflicts between them and other articles of the Rule, please seek clarification from the Minister of St. Anthony of Padua Chapter, as the tradition and practices of the Association will change and become defined over time.