

Commission for the Rereading of the OCD Constitutions

# A Lamp for my Feet

Rereading the Constitutions for a Renewal of Life

## Study Guide 10

Constitutions 143-166 (Part III: 1-3)

Government of the Order (I): Organisation of Order, Law, Offices.



General House  
Discalced Carmelites  
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## INDEX

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1-A. Text of the Constitutions .....	5
CHAPTER 1: THE ORGANIZATION OF THE ORDER .....	6
CHAPTER 2: THE CONSTITUTIONS, THE NORMS AND THE ORDINANCES OF THE GENERAL CHAPTER.....	7
CHAPTER 3: OFFICES .....	9
1-B. Norms .....	13
CHAPTER I: THE ORGANIZATION OF THE ORDER .....	13
2. Instructions for Personal and Communal Rereading .....	19
3. Introduction to Chapter III.1-3 of the Constitutions .....	25
4. Prayers .....	35



## 1-A. Text of the Constitutions

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### Part III: Government

C-143. Governing authority in the Church comes from the Holy Spirit [cf. 1 Cor 12:28]. It must be guided by his supreme gift of charity, for the sole purpose of promoting the growth and unity of Christ's Mystical Body according to the dictates of the Gospel. Therefore all our superiors, moved by the same Holy Spirit, should endeavor to exercise their authority at the service of their brothers in such a manner as to render it a genuine expression of God's love for them<sup>1</sup>. By combining exquisite kindness with evangelical fortitude they shall strive to foster a true family spirit so that they are loved before being obeyed<sup>2</sup>. It is also paramount for the good of the Order that superiors of every rank cultivate unity and harmony among themselves, in order to work together effectively for the common good<sup>3</sup>.

The manner and organization of government should be such that, while safeguarding the decision-making authority of

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<sup>1</sup> Cfr. RULE; CONST 34; CIC can. 618-619.

<sup>2</sup> Cfr. CONST 34; 'Let her strive to be loved, so that she may be obeyed'.

<sup>3</sup> Cfr. FOUR COUNSELS for Discalced Friars, from the holy Mother: 'The first thing is that the heads be united among themselves'.



superiors<sup>4</sup>, it provides for co-responsible involvement of all the religious<sup>5</sup>. All must be kept adequately informed in matters concerning the life and activity of the Order, the province and the communities. Higher superiors should also respect the due freedom of those of lower rank in the exercise of their respective offices.

Finally, all superiors, even those immediately concerned with the particular region or community entrusted to them, should be mindful of their duty to foster the unity and growth of the whole Order in full conformity with the demands of our Teresian charism.

## CHAPTER 1: THE ORGANIZATION OF THE ORDER

C-144. The Order is composed of provinces, that is to say, of immediate parts of the Order which have been duly set up with a sufficient number of houses under the same Major Superior for the purpose of fittingly promoting our life and with the common life, government and sufficient undertakings for rendering it present in some territory<sup>6</sup>.

C-145. It pertains to the General Chapter, after appropriate consultation, to set up new provinces, to amalgamate or divide existing ones, to change their boundaries and, if need be, to suppress them<sup>7</sup>. These same powers pertain to the Definitory outside the time of the General Chapter.

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<sup>4</sup> Cfr. PC 14.

<sup>5</sup> Cfr. IB.; CIC can. 618.

<sup>6</sup> Cfr. CIC can. 621.

<sup>7</sup> Cfr. CIC can. 581. 585.



C-146. Before a province is set up it must meet all the requirements laid down in our laws for that degree of autonomy enjoyed by provinces. Its situation with regard to houses and personnel, its spiritual and temporal resources and its vocation prospects, should be such as to sufficiently guarantee this for the future.

C-147. Besides provinces, other autonomous regions may be set up by the General Chapter or, outside the time of the General Chapter, by the Definitory. The canonical status of such regions will be more clearly defined in the Norms.

There may also be certain houses assigned to no province or region, but directly subject to the Definitory.

C-148. Canonical establishment of new houses and the suppression of existing ones in accordance with Canon Law, pertains to the Superior General with the consent of the Definitory after consultation with the Provincial Council<sup>8</sup>.

## **CHAPTER 2: THE CONSTITUTIONS, THE NORMS AND THE ORDINANCES OF THE GENERAL CHAPTER**

C-149. Our Constitutions interpret and clarify the Rule, showing how it is to be lived according to the mind of our Holy Parents. Together with the Rule they constitute the basic legislation of the Order

However, of themselves they do not bind under pain of sin, though such an obligation may arise when they contain

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<sup>8</sup> Cfr. CIC can. 609.1; 616.1.



something already imposed by divine or ecclesiastical law, or when they are imposed under precept by a superior.

C-150. Only the Holy See can interpret authentically, abrogate, change or modify the Constitutions, after two consecutive General Chapters have given a ruling with a two-thirds majority in each case<sup>9</sup>. The Definitory has the faculty to give practical rulings when doubts arise as to how the Constitutions are to be applied in particular cases.

C-151. The Norms explicate and complete the Constitutions with general statutes which should leave room for a healthy pluralism, according to local or regional needs and circumstances. Once approved by the General Chapter, these Norms remain in force unless they are modified by a subsequent Chapter.

C-152. The ordinances of the General Chapter, if approved by a two-thirds majority, are binding on the whole Order. But they automatically cease unless they are approved with the same majority in the next ordinary Chapter.

C-153. The ordinances of the General Chapter can modify the Norms. However, any change introduced becomes permanent only if approved in two consecutive General Chapters.

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<sup>9</sup> Cfr. CIC can. 587.2.





## CHAPTER 3: OFFICES

C-154. All our religious are called on to work together for the good of the Order and the Church. Those however who share in government have a special obligation, in virtue of the office they hold, to promote the good of the individual and of the community in a spirit of brotherly service, according to the spirit and the laws of the Order<sup>10</sup>.

C-155. Unless other qualifications are required by law, a solemnly-professed religious with passive voice is eligible for office. All things being equal, the most suitable candidates should be appointed without any exception of persons<sup>11</sup>.

C-156. In chapters, appointment to offices, is made by canonical election and acceptance on the part of the elected candidate. In the Definitory or in councils, appointments may be made either by election or by approval by secret vote of a candidate proposed by the President.

C-157. In elections a candidate must receive more than half of the valid votes to be elected. If there is no such majority in the first ballot a second is held. If even in the second ballot no candidate receives more than half of the valid votes, a third is held in which only the two candidates with the highest number of votes will have passive voice. If the first two places are shared by more than two candidates, then the matter will be decided by seniority of profession or, if the candidates were professed on the same day, by seniority of age. These two candidates do not vote in this ballot.

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<sup>10</sup> Cfr. CIC can. 618-619.

<sup>11</sup> Cfr. CIC can. 626.



Of the two candidates the one with the majority of votes will be canonically elected; if the votes are equal the senior by profession will be elected, and if they were professed on the same day the senior by age will be elected. This holds good for all elections.

C-158. For the election of the Superior General or of the Provincial, five normal ballots may be held. If by the fifth ballot no candidate has received the required majority, a sixth is held in which only the two candidates with the highest number of votes will have passive voice, according to what is laid down in the preceding number.

C-159. Whenever it is a case of postulation or of a re-election for which two-thirds of the votes are required:

[a] in the case of the Superior General or Provincial, if the one to be re-elected or postulated does not obtain the required votes in the third ballot, he is excluded from that office, and the election proceeds with a fourth ballot according to n. 158;

[b] in the case of filling other offices, whenever the one to be re-elected or postulated does not obtain the necessary votes on the second ballot, he also is excluded from office, and the election proceeds with a third ballot. If however the third ballot turns out inconclusive, for the fourth ballot only the two candidates are to be put forward who had more than the others in the third ballot, as laid down in n.157.

C-160. Personal power seeking must not be allowed to undermine the true nature of authority or usurp the place of genuine fraternal service in the community. For that reason it is strictly forbidden to all our religious, especially chapter members, within the chapter or outside, directly or indirectly to

solicit votes for themselves or others<sup>12</sup>. This however does not exclude the possibility of mutual consultation among electors regarding the suitability of candidates.

C-161. Appointments to offices, including those made between the ordinary chapter times, last only until the following ordinary chapter.

C-162. Resignation from an office, or refusal to accept one, is subject to the approval of the authority competent to make the appointment in question.

C-163. For a grave reason, for the good of the Order or of the religious himself, a religious may be removed from office or transferred from one office to another by the competent authority<sup>13</sup>. In such a case, before action is taken, the religious in question should be given the option of resigning from the office he holds.

C-164. As a general rule religious holding an office may be removed from it by the authority that made the appointment. But in the case of local superiors elected by the Provincial Chapter the competent authority for removing them from office is the Provincial Council; in the case of the Provincial or Provincial Councilors it is the Definitory, in which case it also pertains to the Definitory to determine how the new Councilor is to be elected.

C-165. According to our legislation the following are Major Superiors and Ordinaries: the Superior General, Provincials

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<sup>12</sup> Cfr. CIC can. 626.

<sup>13</sup> Cfr. CIC can. 624.3.



and their Vicars, and likewise other superiors with ordinary jurisdiction in a particular region, according to law<sup>14</sup>.

C-166. The vicar in charge while a superior is absent or otherwise impeded should not introduce innovations, nor do things not in keeping with the superior's mind or wishes.

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<sup>14</sup> Cfr. CIC can. 134.1; can. 620.

## 1-B. Norms

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### Part III: Government

#### CHAPTER I: THE ORGANIZATION OF THE ORDER

N-151. It is the responsibility of the General Chapter, or of the Definitory respectively, to determine the number of houses and of religious and other conditions mentioned in the Constitutions for the establishment, alteration or suppression of a province or other autonomous territories, after having consulted those religious who are involved.

N-152. Whenever the juridical status of a province is changed in any way while the Provincial Chapter is not in session, the superiors and other officials shall remain in office until the next Chapter, unless the Definitory shall decide otherwise.

N-153. When a new province is established: the General shall convoke an extraordinary Provincial Chapter, in which elections will be held as in an ordinary Provincial Chapter. The General himself or his delegate will preside, but without active voice.

N-154. What is said concerning the government of provinces applies also to semiprovinces, except for the following:

[a] instead of four Councilors, only two shall be elected;

[b] no delegate to the General Chapter shall be elected.

N-155. In order to promote expansion of the Order, houses immediately subject to the Definitory may be established; if several such houses are in the same territory, the Definitory may combine them into a Commissariat, with a Commissary as superior. The

Commissary, if possible, should be chosen from among the personnel assigned to the territory.

N-156. Before proceeding to the establishment of a new province or semiprovince, the Definitory can assume immediate jurisdiction over a territory for an appropriate length of time by establishing it as a Commissariat, until it is evident that it has all the requirements for being established as a new province or semiprovince.

N-157. A Commissariat shall be administered in the same way as a semiprovince, in keeping with the special statutes approved by the Definitory.

N-158. [a] Where peculiar circumstances make it advisable, the Provincial Chapter may organize different houses in some region or territory distant from the center of the province into a Regional Vicariate, according to norms established by the Definitory. The Vicariate shall be governed according to the aforementioned norms and special statutes to be drawn up for the Vicariate by the Provincial Chapter, after having consulted the religious living in the territory, and approved by the Definitory.

[b] A Regional Vicariate is part of the province to which it belongs. The Provincial is the Major Superior and the proper Ordinary of the religious assigned to the Vicariate. The Regional Vicar, however, will be in charge of the immediate administration of the Vicariate, in accordance with the faculties granted to him by the Provincial Chapter. He shall be elected for three years by a special Congress of the Vicariate, over which the Provincial or his Delegate will preside. In this Congress provision will be made for other offices and duties in the Vicariate.

[c] Matters concerning the assignment of religious to a Regional Vicariate and their transfer to other houses of the province shall be decided after joint consultation between the Provincial and the Regional Vicar and with the religious involved.

[d] A Regional Vicariate shall be represented in the Provincial Chapter by the Regional Vicar and one delegate elected by the religious assigned to the Regional Vicariate.

[e] The Vicar and the delegate shall have active voice only in the election of the Provincial, the Councilors and the delegate to the General Chapter, and also in other business to be dealt with by the Chapter.

N-159. For the canonical establishment of houses the prior written consent of the diocesan Bishop is required. The consent of the diocesan Bishop is also required in order that a religious house be converted to apostolic works different from those for which it was established. A lawfully established house may not be suppressed without prior consultation with the diocesan Bishop<sup>1</sup>.

N-160. It is the responsibility of the Provincial Chapter to decide concerning the distinction of houses into Pories and Residences, and the requirement for each, in conformity with the provisions of the number immediately following.

N-161. New houses of the Order shall not be established nor retained, unless a sufficient number of religious can be assigned to maintain our special way of life and to provide apostolic service in a suitable manner, taking into account the needs of the church and the appropriate expansion of the Order<sup>2</sup>.

N-162. Whenever some new building is to be erected, the plans are to be approved by the Provincial Council, who will as soon as possible send a copy of these plans to the Definitory for information and review. Once approved, the plans cannot be altered without the written approval of the Provincial Council. The approval of the Council is required to make any alterations in an already existing building, unless they are minor, within the limits laid down in n.224 of the Constitutions.

N-163. Houses which, for whatever reason, are immediately subject to the Definitory should conform in matters pertaining to religious life and government to similar houses in Provinces, but with the

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<sup>1</sup> Cfr. CIC can. 609.1; 612; 616.1.

<sup>2</sup> Cfr. CIC can. 610.

obligation of having recourse to the General or to the Definitory in cases where houses in Provinces are obliged to seek the approval of the Provincial or the Provincial Council.

Regarding elections or appointments for houses of this sort, the General or, according to circumstances, the Definitory, after having consulted the communities involved insofar as possible, shall provide for those procedures which otherwise would be performed by the Provincial Chapter or Council, or by the Provincial, according to the legislative norms.

N-164. The monastery of Mount Carmel, the Teresianum in Rome in its totality and the International Centre of Teresian–Johannine Studies in Avila shall not be incorporated into any province, but shall be under the immediate jurisdiction of the Definitory.

## CHAPTER 2: OFFICES

N-165. Superiors and Chapters in our Order possess ecclesiastical power of governance for both the internal and external forum, in accordance with universal and proper law<sup>3</sup>.

N-166. Superiors are to exercise their authority in a spirit of service. Docile to the will of God, they are to govern their subjects as God's sons and, promoting their voluntary obedience with reverence for the human person, they are to listen to them willingly and foster their working together for the good of the institute and the Church<sup>4</sup>.

N-167. Superiors are to attend to their duties tirelessly in a spirit of service. They should make every effort to build a fraternal community in Christ with the religious entrusted to them. Superiors should nourish their religious on the word of God and lead them to the celebration of the sacred liturgy. They are to be an example to

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<sup>3</sup> Cfr. CIC can. 596.

<sup>4</sup> Cfr. CIC can. 618.



them in cultivating virtues and in observing the laws and traditions of our Order. They should solicitously visit the sick<sup>5</sup>.

N-168. In order that communion with the Apostolic See be better fostered, superiors are to promote knowledge of the documents of the Apostolic See which affect members entrusted to them, and ensure that they are observed<sup>6</sup>.

N-169. Superiors are to recognize the due freedom of the religious concerning the sacrament of Penance and the direction of conscience, without prejudice to the discipline of the institute. They should provide them with suitable confessors, to whom they may confess frequently<sup>7</sup>.

N-170. Major Superiors should not interfere with the duties of subordinate superiors, except when there is some deficiency on the part of those subordinates, or with prudence, when this seems to be required in a particular case.

N-171. Superiors are obliged to be in residence and should not assume duties which may be detrimental to the proper exercise of their office<sup>8</sup>.

N-172. In carrying out their pastoral visitations, Visitorators are to inquire into the welfare of the Order in a positive way by means of frank dialogue with the religious, so that the religious life may be strengthened and defects, if there be any, may be corrected with charity.

In particular cases, if they deem it appropriate, they can impose a precept according to the formula customarily used.

Religious are to deal in a trusting manner with a Visitorator, to whom when lawfully questioned they are bound to reply truthfully and with

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<sup>5</sup> Cfr. CIC can. 619.

<sup>6</sup> Cfr. CIC can. 592.2.

<sup>7</sup> Cfr. CIC can. 630.

<sup>8</sup> Cfr. CIC can. 629.

charity. It is not lawful for anyone in any way to divert the members from this obligation or otherwise hinder the scope of the visitation<sup>9</sup>.

N-173. No one is to be appointed to incompatible offices. In our Order the following are incompatible:

[a] the office of Definitor with the office of Secretary General;

[b] the office of Provincial with any other office in the province.

N-174. When, in particular cases, it is necessary to hold an election with votes sent by letter, a suitable method for doing this is to be approved by the Definitory.

N-175. Postulation according to the provisions of Canon Law can be allowed only in an extraordinary case. For postulation to be allowed, recourse to the Holy See is necessary, not only if an impediment of universal law is involved, but also in the case of a postulation made in the General Chapter; if, however, an impediment of common law is not involved, and the postulation is made outside of the General Chapter, recourse to the Definitory suffices<sup>10</sup>.

N-176. Unless a grave reason recommends the contrary, care must be taken that the same religious does not continue in offices of governance for a rather long period of time without an interruption<sup>11</sup>.

N-177. When an office has been filled, the predecessor, unless he has accepted an incompatible office, shall continue to fulfill the duties of the office until his successor takes possession of it, unless the law provides otherwise.

N-178. Chapters, the Definitory and Councils have the right to impose an oath of secrecy if in some particular case they should deem it appropriate.

*(N.B. The new formulation of number 164 of the Norms was approved by the General Chapter of 2015)*

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<sup>9</sup> Cfr. CIC can. 628.3.

<sup>10</sup> Cfr. CIC can. 180-183.

<sup>11</sup> Cfr. CIC can. 624.2.

## 2. Instructions for Personal and Communal Rereading

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### I. **Lectio** (Reading)

#### *Personal Reading of the Text*

1. Observe the spiritual and the fraternal dimensions of the service of authority (CC 143).
2. Gather the information and the norms which the text offers on the territorial organization of the Order (CC 144-148; NN 151-164). In particular, observe what is said with regard to:
  - a. provinces,
  - b. other autonomous territories (semi-provinces, commissariats),
  - c. regional vicariates,
  - d. monasteries (pries and residences), including those which have not been assigned to any circumscription,
  - e. the monastery of Mount Carmel, the Teresianum complex in Rome and the St Teresa-St John of the Cross International Centre in Avila.
3. Point out the nature of the Order's Constitutions and Norms. What rules does the text provide to address these legislative texts, as well as the ordinances of the General Chapter (CC 149-153)?
4. Arrange what the text offers on the topic of offices or ministries (CC 154-166; NN 165-178):
  - a. In general;

- b. In particular cases:
  - the office of General,
  - the office of Provincial,
  - the office of Major Superior and Ordinary,
  - the office of pastoral Visitator,
  - the office of local superior,
  - the office of the one who, as a Vicar, temporally takes the place of a superior who is absent or hindered,
  - postulation or re-election for which is required two-thirds of the votes

## II. Meditatio (Meditation)

### ***First Community Meeting***

1. You are now invited to read the Introduction, which is to be found in Part 3 of the Study Guide.  
A better understanding would be helped by knowing the context from which it arises; compare the text of part III:1-3 of the Constitutions (CC 143-166) and part III:1-2 of the Norms (NN 151-178) on the Government of the Order (Organization of the Order, law and offices) together with numbers 1-25, 59-74 and 75-85 of chapter 5 (on Government) from the Decrees of the O.C.D. 1968 Special Chapter.
2. Community discussion in order to deepen practical understanding of the text. Some questions follow to assist with this:
  - a. *Comparison with our life*
    1. At a local, regional and general level, is the Government of the Order perceived by the religious as a service of charity to the brethren that has been inspired by the Holy Spirit?

2. How are all the religious to take joint responsibility in the exercise of government, keeping in mind the common good and the mission entrusted to the Order?
3. The Norms (166-167) offer their own distinctive ways of exercising the offices of governing the Order. How do you perceive these characteristics in your community and circumscription? To what extent does our style of authority help confiding in the brethren, aware that “real lordship consists in possessing nothing” (*Life* 40:16)?

*b. Comparison with the situation of the world and the Church*

1. What efforts are made in your circumscription to exercise a collegial form of “spiritual authority”, as a service of communion, of accompaniment of the brethren towards a conscious and responsible fidelity (cf. *New wine* ...41)? Do those exercising authority do so with the awareness of being “those first responsible for the community, as guides of their brothers and sisters in the spiritual and apostolic life” (VC 43)? Do you perceive in your community/circumscription a style of authority that is centralizing and/or self-sufficient (cf. *New wine*...44)?
2. Does there exist a rotation of persons and changes of government offices between the members of the Circumscription, in such a way that it is not concentrated in the hands of a few? Are there difficulties in your circumscription to find religious disposed to take on the service of authority?
3. Is there an awareness that the authority of the superiors is “fraternal and spiritual, and while those entrusted with it must know how to involve their brothers and sisters in the decision-making process... the final word belongs to authority and, consequently, that authority has the right to see that decisions taken are respected” (VC 43)?

## III. Oratio-Contemplatio (Prayer-Contemplation)

### *Personal Prayer*

1. In the exercise of his office as a servant of all (cf. Rule 19), the Superior must be distinguished by a charity similar to that of God, an evangelical firmness, an exquisite humanity, noted for promotion of family spirit and active obedience motivated by love, creative collaboration and responsible collaboration with the other superiors for the vitality of the Order, the promotion of co-responsibility of all the religious for the good of the house, the province and the Order, solicitude for the unity, development and faithfulness to the charism of the whole of the Teresian Carmel (cf. Constitutions 143, 210). Look at Christ, the Good Shepherd, in some of the traits of your superiors.
2. Do you find in the Constitutions and Norms a real itinerary for searching for God and sanctity? Help yourself today with some point from the Constitutions to pray and keep alive your desire to know and carry out God's will by means of them.
3. By means of a theological act unite yourself to the Lord, come into his presence through human mediations: in the Rule and Constitutions, in Superiors, the community, in the ecclesial reality...
4. Meditate upon this Precaution of our Holy Father St John of the Cross:  
"Let the second precaution be that you always look on the superior as though on God, no matter who he happens to be, for he takes God's place. And note that the devil, humility's enemy, is a great and crafty meddler in this area. Much profit and gain come from considering the superior in this light, but serious loss and harm lie in not doing so. Watch, therefore, with singular care that you not dwell on your superior's character, mode of behaviour, ability, or any other methods of procedure, for you will so harm yourself as to change your obedience from divine to human, being motivated only by the visible traits of the superior, and not by the invisible God whom you serve through him. Your obedience is vain and all the

more fruitless in the measure that allow the superior's unpleasant character to annoy you or his good and pleasing manners to make you happy. For I tell you that by inducing religious to consider these modes of conduct, the devil has ruined a vast number of them in their journey toward perfection. Their acts of obedience are worth little in God's sight, since they allow these considerations to interfere with obedience. If you do not strive, with respect to your personal feelings, to be unconcerned about whether this one or another be superior, you will by no means be a spiritual person, nor will you keep your vows well" (Precautions: 12).

What do you hear there, that is radically true for all time and place?

5. Read and meditate of chapter 32 of the Way of Perfection which: "discusses the words of the Our Father: «Fiat voluntas tua sicut in coelo et in terra», the great deal a person does when he says them with full determination; and how well the Lord repays this".

## IV. Actio (Action)

### *Second Community Meeting*

1. *From the Constitutions to life:*
  - a. The objective of the service of authority is the building up of the body of Christ (Constitutions 143). In addition, so that the friars appointed to authority may exercise their authority in a "spirit of service" and promote "voluntary obedience" (Norms 166) they must be selected and trained on a permanent basis. In your circumscription: What are the initiatives that promote the training of superiors? What else would you propose in this area?
  - b. "Gentleness", "discretion" and "understanding" are the Teresian virtues of the person who presides (cf. F 18:6-8). What resources can a superior use in order to exercise a true paternity with the brethren and "so they [superiors] are loved before being

obeyed” (Constitutions 143)? How do we combine affection and firmness in relationships?

- c. What means would you propose that would serve to help the superior (cf. Norms 167) to build, together with the religious, a true fraternity and thus combat religious individualism in the friars and to promote “a family spirit” (Constitutions 143)?

## 2. *From Daily Life to the Constitutions*

- a. Do you believe that the constitutional text is homogenous in itself and do you see also expressed in it openness to new anthropological insights with regard to authority-brother relationship lived according to our charism (cf. FT 19-20; CNU 4:27)? What new emphasis or elements would you add in this regard?
- b. The superior is the guardian of the life and the faith of each friar and of the whole community. What elements of human and spiritual formation of the superior would you suggest, referring in particular to the indications in the document *Faciem tuam*, according to which the superior is called, in the first place, to become “a pilgrim in search of God’s will” (FT 12-15, cf. *New wine...* 41-54)?
- c. What other observations would you propose in regard to this part of the legislative text on the government of the Order?

*The contributions of this “Action” section must be written, collected, and sent to the contact person of the circumscription who will synthesize the work of the communities and send them to the international commission (email: [constocd@gmail.com](mailto:constocd@gmail.com)) in the month of July of 2018.*



## **3. Introduction to Chapter III.1-3 of the Constitutions**

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We now enter into the third part of the Constitutions, dedicated to the government of the Order. It opens with an introductory number, and includes six chapters which speak of the organization of the Order (I), its own law (II), offices (III), the three levels of government – general, provincial and local — (IV-VI) and economic administration (VII). Also in the analysis of this topic must be taken into account the six corresponding chapters of the Norms (there has been no chapter dedicated to our own law).

### **STRUCTURE OF THE THREE CHAPTERS**

Chapter I, composed of five numbers (144-148) and completed by fourteen numbers of the Norms (151-164), deals with the organization of the Order, according to our own legal tradition and deals in detail with the following topics: Provinces (CC 144-146; Norms 151-153), other autonomous territories (CC 147; NN 154-158), monasteries subject directly to the Definitory (CC 147; NN 163-164) religious houses and new buildings (CC 148; NN 159-162).

Chapter II contains five numbers (CC 149-153) and is dedicated to the Order's own law. It deals with fundamental laws (the Rule and Constitutions) (CC 149-150) and other regulations in our own law (the Norms, and the Ordinances of the General Chapters) (CC 151-153).

Chapter III has 13 numbers (CC 154-166) and is expanded by fourteen numbers of the Norms (NN 165-178). It speaks of offices in general:

the fundamental principles in carrying out offices (CC 154, 166; NN 166-171, 178), the requirements for accepting offices (CC 155; NN 173), the legal provisions for offices (CC 156-160; NN 174-176); renouncing or not accepting an office (CC 162), duration of offices (CC 161; NN 171), loss of office (CC 162-164); Major superiors and Ordinaries (165) and the pastoral visit (NN 172). The application of these general norms often requires additional norms which are found in the following chapters of the third part of the Constitutions and the Norms.

### **COMMENTARY ON THE INTRODUCTORY NUMBER (CC 143)**

This number—in a gospel, conciliar and Teresian spirit— speaks about the nature and fundamental characteristics of the service of government in the Order. This service is considered as a work of the Holy Spirit, as one of his charisms, subordinate—as all his gifts—to charity (cf. 1 Cor 12:28,31), “for the sole purpose of promoting the growth and unity of Christ’s Mystical Body according to the dictates of the Gospel”, “for the service of their brothers”. The superior, in the exercise of his duty, as servant of all (Rule 19), must be distinguished by a charity similar to that of God, evangelical steadfastness, exquisite humanity, the promotion of family spirit and obedience motivated by love, creative and responsible collaboration with the other superiors for the vitality of the Order, the promotion of co-responsibility of all the religious for the good of the house, the Province and the Order (including appropriate information, respect for the principle of subsidiarity and concern for the unity, development and faithfulness to the charism of the whole of the Teresian Carmel).

### **COMMENTARY ON CHAPTER I**

#### **Provinces (CC 144-146; NN 151-153)**

The province is the fundamental structure of our Order, and as such, our religious Institute is composed of provinces as a unique territory distinct

from the territory of other provinces. The Constitutions define provinces as “immediate parts of the Order, which have been duly set up with a sufficient number of houses under the same Major Superior for the purpose of fittingly promoting our life and with the common life, government and sufficient undertakings for rendering it present in some territory” (144) and points out that “before a province is set up it must meet all the requirements laid down in our laws for that degree of autonomy enjoyed by provinces. Its situation with regard to houses and personnel, its spiritual and temporal resources and its vocational prospects, should be such as to sufficiently guarantee this for the future” (146). These conditions guarantee juridical and vital autonomy of a Province.

The specific assessment of the conditions indicated (also the number of houses and of religious) pertains to the General Chapter and, respectively, to the Definitory, which—in agreement with n. 145 of the Constitutions and n. 151 of the Norms and taking into account also the foreseeable future— can set up new provinces, amalgamate, divide, maintain, define another form for those already existing and, if it is necessary, suppress some of them, after having listened to the opinion of the religious involved. Not excluded is the transformation of a province into a circumscription with a lesser grade of autonomy. As soon as a new province is established, an extraordinary provincial chapter is convoked (NN 153). Whenever the juridical situation is changed in any way, the rules concerning offices must be observed (NN 152). If a Province is divided or suppressed, the established norms concerning temporal goods must be observed (cf. CC 226).

### **Other autonomous territories (CC 147; NN 154-158, cf. 220)**

Among other possible circumscriptions with varying degrees of autonomy, also in view of the growth of the Order and its presence in new territories, our own law provides for:

\* Semi-provinces (governed like a province), with only two exceptions in respect to a Province: two councillors, no socius to the General Chapter (CC 147; NN 154);

\* Commissariats (governed like a Semiprovince, except with their own statutes approved by the Definitory, NN 157), formed of various religious houses immediately subject to the Definitory (CC 147; NN 155), including the situation of preparation and discernment in view of the establishment of a Province or Semi-province (NN 156);

\* The Regional Vicariate, set up by the provincial chapter, is composed of various houses situated in a region or territory distant from the centre of the province. It forms part of the province on which it depends and is governed in accord with the norms given by the Definitory, the special statute prepared for the vicariate itself and approved by the provincial chapter, and afterwards by the Definitory (CC 147; NN 158 a) in accord with numbers 158 b-e of the Norms;

\* the Provincial Delegation, for a distant territory, set up and governed in accord with numbers 220 a-d of the Norms.

It would be very useful if the Definitory were to establish concrete norms for each one of the abovementioned circumscriptions (the Norms mention them only in the case of a Regional Vicariate; cf. NN 158 a).

### **Monasteries directly subject to the Definitory (CC 147, NN 163-164)**

There can be various reasons for the existence of houses not assigned to any circumscription and subject immediately to the Definitory: its need for exercising the general government (the General House), a special tie with the Centre of the Order (Stella Maris monastery on Mount Carmel, of which the Superior General hold the title of "Prior of the holy Mount Carmel), the exercise of an important service for the whole Order (the International College in Rome, the Teresa-St John of the Cross International Centre in Avila), houses situated in territories distant from another circumscriptions of the Order. These monasteries are governed in a similar way as those which are dependent on Provinces and in accord with the other prescriptions of number 163 of the Norms. The Stella Maris monastery on Mount Carmel, the International College in Rome and the Teresa-St John of the Cross

International Centre in Avila cannot be incorporated into any Province (NN 163).

### **Religious houses and new buildings (CC 148; NN 159-162)**

The religious house or monastery is another essential element, along with the province or the other autonomous circumscriptions, which form part of the juridical and vital structure in which each religious realizes his own vocation. The monastery, legally established, is essential for the religious community (composed of at least three religious) who must live under the authority of a superior appointed according to the law that pertains (can. 608; CC 76).

Our present legislation speaks simply of the house or the monastery, leaving to the provincial Chapter the decision of distinguishing between priories and residences and their respective requirements (NN 160). According to the present canonical legislation, each religious house must be legally established, that is, erected in accordance with the law (can. 608-611). However, the statistics of the Order, at the 31st of December 2016, show that at that time we had 514 canonically erected houses and 127 houses not canonically established. Fr Pedro Rafael Zubieta writes concerning this: "(...) it is a phenomenon that must be overcome" (P. R. ZUBIETA, *El derecho de los Carmelitas Descalzos*, Burgos, 2008, p. 276).

The competent authority to canonically erect or suppress a religious house is the Superior General with the approval of the Definitory, having listened to the Provincial Council (CC 148). Besides, the Norms demand, in agreement with the Code of Canon Law, the prior approval, in writing, of the diocesan Bishop for the establishment of the house (can. 609 § 1; NN 159) and prior consultation with the diocesan Bishop for its suppression (can. 616 § 1; NN 159; in this case the opinion of the Bishop is not binding). The Norms also indicate a negative criterion for the creation or the maintenance of a religious house: New houses of the Order shall not be established nor retained, unless a sufficient number of religious can be assigned to maintain our special way of life and to provide apostolic service in a suitable manner,

taking into account the needs of the Church and the appropriate expansion of the Order” (NN 161).

In the context of establishing a house, the Norms also speak about the building of a new house or any other building. Approval is needed for the project from the Provincial Council or, respectively, from the Definitory. As well, the project must be presented to the Definitory for its knowledge and inspection (NN 162). For any change, permission is required in writing from the Provincial Council or, respectively, from the Definitory (ibid). To make substantial changes to an already constructed building, it is also necessary to have the approval required by the particular case. What must also be kept in mind are costs related to the preparation of the project by an architect, the revision of the plan by internal and external experts, the cost of the expenditure, extraordinary costs, the incurring of debts and alienation of property (ibid.; NN 263; CC 224).

## **COMMENTARY ON CHAPTER II**

### **The fundamental law of the Order: The Rule and Constitutions (CC 149-150)**

The Rule and Constitutions are considered as the fundamental laws of our Order. In fact, the Code of Canon Law considers the Constitutions as the fundamental code of any religious Institute that, in order to preserve faithfully the vocation and unique identity of the institute, must contain the rules relating to the Patrimony of the Institute, governance, the discipline of members, their incorporation and formation, the proper object of the sacred bonds, by adequately harmonising the spiritual and juridical elements (canons 578 & 587 §§ 1 & 3). In our case, the Constitutions explain the Rule according to the spirit and purpose of our Founders and invite us to their observance. They do not oblige us under sin, unless it concerns a requirement coming from religious vows, from a divine or ecclesiastical law or from a formal precept of the Major Superior (CC 149, 40). Faithfulness to one’s own vocation, however, requires faithfulness to the spirit and the form

of life described in the Constitutions. In some cases, their violation can require the application of penalties.

In relation to the text of the Constitutions, the competence lies with the Apostolic See (for approval, the authentic interpretation, derogation, change and exception), with General Chapters (the proposal, agreed to with two-thirds of the votes from two consecutive Chapters, for derogation or change or exception), with the Definitory (for the resolution, by a practical statement, of any doubt arising out of any constitutional norm).

### **Other regulations of our law: Norms, Ordinances of the General Chapter (CC 151-153)**

The Norms complete the Constitutions and can be revised and adapted according to the needs of places and times. The General Chapter gives approval to them: “Once approved by the General Chapter, these norms remain in force unless they are modified by a subsequent Chapter” (CC 151).

The ordinances of the General Chapter are regulations established by the General Chapter, which are binding for all the religious of the Order and the whole Order (approved by two-thirds of the votes, they cease to be valid if the following Chapter does not approve by the same majority of votes). They can change the Norms, but their modification or definitive derogation requires approval of two consecutive Chapters.

## **COMMENTARY ON CHAPTER III**

### **Fundamental principles in fulfilling offices (CC 154, 166; NN 166-171, 178)**

Our own law, before discussing the different levels of government of the Order, deals with general aspects relating to offices, which are roles

assigned in a stable form by the competent authority, to be exercised for a spiritual good (cf. can. 145 § 1).

The following are the fundamental principles for the exercise of offices in the Order, particularly the office of Superior: collaboration of all of the religious for the good of the Church and the Order; to promote the good of each religious according to the spirit and laws of the Order and the regulations of the Church (CC 154; This principle is amply discussed in numbers 166 & 167 of the Norms which, in their turn, recall the content of canons 618-619); promoting communion of the religious with the Apostolic See, by means of knowledge of the documents of the Magisterium of the Church concerning religious and their observance (NN 168); respect for the principle of subsidiarity, with the exception of the absence of a superior of lower grade or for reasons of prudence in particular situations (NN 170); the obligation of the residence of the superior and prudence in taking on other commitments (NN 171); respect for secrecy in the office (NN 178); respect for the freedom of conscience of the religious in relation to the sacrament of penance and to spiritual direction, without prejudice to the discipline of the Order (NN 169); the actions of the Vicar who substitutes for a superior who is absent or otherwise impeded, should be in accordance with the wish or intention of the superior (CC 166).

The Norms establish that “Superiors and Chapters in our Order possess ecclesiastical power of governance for both the internal and external forum, in accordance with universal and proper law” (NN 165).

### **The requirements for assuming offices (CC 155; NN 173)**

Concerning the requirements for assuming offices, our own law requires: that the directives of common law be observed, that deal with solemnly professed religious with passive voice, the election of the most suitable without any exception of persons (CC 155), respect for incompatibility of offices (NN 173). For some offices, a priest is required of appropriate age and a certain number of years of solemn profession.



## **The canonical provisions for offices (CC 156-160; NN 174-176)**

The Constitutions and requirements of the Norms provide for different forms of canonical provision for offices in our Order: the canonical election and acceptance by the one elected (CC 156-158; NN 174), the designation (CC 156), postulation (CC 159; NN 175), re-election (CC 159). In providing for offices it is necessary to ensure that the same religious do not remain too long and without interruption in the office of government, unless a serious cause advises otherwise (NN 176) and it is prohibited to procure votes, not only for oneself but also for others, directly or indirectly, although the possibility of exchanging views on the suitability of candidates for offices is permitted (CC 160).

## **Resignation from office and refusal to accept an office (CC 162)**

The person holding an office can, for a just cause, resign from it. The resignation, to be valid, must be presented to an authority that is competent to make the appointment in question. This authority must accept or reject it. The same applies to not accepting an office (CC 162). For special cases, see CC 188; NN 197 d-e, & 226c.

## **Duration of offices (CC 161)**

The Constitutions establish a very useful standard: "Appointment to offices, excluding those made between the ordinary chapter times, last only until the following ordinary Chapter" (CC 161). Also, the Norms regulate with precision the intermediary time between the provision of an office and the taking of possession by the successor, assuring that there is continuity in the functioning of the office (NN 177; CC 214).

## **Loss of office (CC 162-164)**

The law proper to the Order provides for various forms of losing office: removal (does not imply assignment to a new office and does not necessarily imply a penal character) (CC 163-164), transfer to another office (CC 163), resignation (CC 162; see above). In the first two cases, it is

required that the holder of the Office should be opportunely invited to resign (CC 163).

### **Major Superiors and Ordinaries (CC 165)**

In religious Institutes, the name Major Superior is used for superiors who govern the whole Institute, or a Province or equivalent part, and the same applies to their respective vicars (can. 620). Therefore, in our Order this name refers to the Superior General, the Provincial, the Superior of a Semi-Province and their respective Vicars. Given that our Order is a clerical religious Institute of Pontifical right, as a consequence, our Major Superiors are also Ordinaries for their religious (can. 134 § 1 & 620; CC 165).

### **The pastoral visit (NN 172)**

The pastoral visit is a juridical instrument for the promotion of fraternal life and the spiritual good of the Order, Provinces and the rest of autonomous circumscriptions, of communities and religious, and for the correction – with charity – should there be faults. Major Superiors have the competence of making the visit which must be carried out personally or by means of others; the General carries it out once to all communities during the sexennium (CC 173) and the Provincial, at least once during the triennium (CC 201).

## **BIBLIOGRAPHY**

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## 4. Prayers

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*Each meeting will begin with an invocation to the Holy Spirit and will end with a prayer. Here we propose some models.*

### **Initial and final prayer**

«Oh, good shepherd, Jesus,  
good pastor, clement pastor, merciful pastor:  
this poor and miserable pastor lifts his cry up to you;  
a weak pastor, inexperienced and useless but, even so, a shepherd of your  
flock.

Teach me your servant, Lord, teach me, I ask of you,  
through your Holy Spirit,  
how to serve my brothers and pour myself out for them.  
Grant me, Lord, through your ineffable grace,  
to know how to support with patience their weaknesses,  
to know how to share their sufferings with benevolence  
and to offer them help with discretion.

That, taught by your Spirit, I learn how to console the sad,  
to strengthen the fainthearted, to raise up the fallen,  
to be weak with the weak, to become indignant with those who suffer  
scandal,

to make me all for all in order to save all.

Place on my lips words that are true, just and pleasing,  
that build them up in faith, in hope and charity,  
In chastity and humility, in patience and obedience,  
in fervour of spirit and commitment of heart.

I confide them to your holy hands and to your tender providence,

So that no one snatches them from your hands nor from the hands of your servant,  
to whom you have confided them,  
but may they persevere joyfully in their holy intent and,  
by persevering, obtain eternal life, with your help,  
our most sweet Lord,  
who lives and reigns for ever and ever. Amen ».

*Faciem tuam, Domine, requiram, 30*

## **Prayer to Mary**

Sweet and holy Virgin Mary,  
at the moment of the angel's announcement,  
with your believing and searching obedience, you gave Christ to us.  
In Cana you showed us, with your attentive heart,  
how to act with responsibility.  
You did not wait passively for your Son to do something,  
but you went to him, letting him know what was needed  
and, with discrete authority, took the initiative of sending the servants to him.  
At the foot of the cross,  
obedience made you Mother of the Church and of believers,  
while in the cenacle all the disciples  
recognized in you the sweet authority of love and of service.  
Help us to understand that all true authority in the Church  
and in consecrated life has as its foundation  
in being docile to the will of God and, in fact,  
each one of us becomes authority for others  
by our own life lived in obedience to God.  
Merciful and compassionate mother,  
«You, who have done the Father's will, with willing obedience»,  
make our lives once more attentive to the Word,

faithful in allegiance to Jesus, Lord and Servant,  
in the light of the Holy Spirit and with his strength,  
joyful in fraternal communion,  
generous in mission,  
solicitous in service of the poor,  
hoping for that day when the obedience of faith  
culminates in the feast of unending love.

*Faciem tuam, Domine, requiram, 31*







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