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Prot. n. 2022/475 DF

Dear Brothers,

I would like to share with you a very important event for our Order, which acquires particular importance in the approach of the imminent triennial Chapters.

This is the decree of the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life of 27th of October 2022 (Prot. no. 46705/2022), with which the “*Superior General of the Order of Discalced Carmelites, together with his Definitory*”, is authorized to “*proceed with the application of can. 625 § 3 of the CIC in the provision of the office of Superior, the validity of the relative constitutional provisions being suspended until the celebration of the next General Chapter*”.

What does this actually mean, and why does this document mark a delicate and decisive change for our Order?

The proper law of the Order of Discalced Carmelites has provided from the beginning of its history (more precisely: from the Brief of Pope Gregory XIII “*Pia consideratione*”, of June 22nd, 1580), that the Provincial Superior is elected by the Provincial Chapter and the canonical election is immediately proclaimed by the President of the Chapter, without the need for external confirmation. This exceptional norm, motivated at that time by the understandable intention of protecting the new Province of the Discalced in the context of the troubled process of transition towards total juridical autonomy from the Carmelite Order, was confirmed in subsequent versions of the OCD Constitutions, up to the post-conciliar text, approved by the Holy See in 1981.

Following the promulgation of the new Code of Canon Law in 1983, the Constitutions were revised to bring them into line with the norms of the CIC. The General Chapter of 1985 therefore also took into consideration the prescription of the new Code of Canon Law (can. 625 § 3), concerning the “*confirmation*” by the competent Major Superior in the case of the election of Superiors, as well as the “*suitable consultation*” in the case of their appointment by the competent authority, and asked the Holy See for confirmation of the ancient particular norm. On the basis of the reasons presented, the Congregation for Religious and Secular Institutes granted the requested dispensation by the decree of 5th of March 1986 (Prot. N. 20 - 1/86).

Now, more than 35 years have passed since the promulgation of the definitive text of the current Constitutions, and our Order is facing a very different and more complex situation than that of a few decades ago. We are naturally aware both of the motivations that gave rise to the Order’s uninterrupted juridical tradition on this question, which has undoubtedly contributed to shaping positively a strong sense of identity of the individual Provinces, and of the sensitivity widely shared in the Order in this regard.

However, we cannot ignore its limitations and problems, which are increasingly evident and frequent today: it happens that this exception is used – more or less explicitly and consciously – as an argument in favour of absolute self-determination in the provincial government, or even as a claim to autonomy with respect to alleged external interference. All this negatively affects the meaning and practice of the unity of the Order, giving rise to tensions and conflicts. Unfortunately, in some rare cases there has also been the election of candidates who, for well-founded reasons, should have been excluded from the office of Major Superior; in these particular events, the General Government lacked the essential juridical instrument

– wisely provided for by can. 625 § 3 of the CIC – in order to be able to exercise a corrective intervention, which would have spared serious and painful repercussions for the circumscriptions concerned.

On an honest and realistic reading of today’s situation, it appears frankly problematic – if not even unjustified and even harmful to the Order (cf. can. 83 § 2) – the persistence of the aforementioned juridical exceptionality, with respect to the current norm of the universal law of the Church and to the constant practice of all Institutes of Consecrated Life, without exception.

Therefore, in light of the situation described above, the General Definitory, convinced of the duty to apply correctly our legislative texts in the present time for the integral good of the Order, considered it necessary to consult the Dicastery for Legislative Texts on the appropriateness of a possible renunciation of the dispensation received and the adaptation of the Constitutions of the Order to the dictates of the CIC. The Dicastery replied on 3 October 2022 (Prot. N. 17824/2022) in the person of its Prefect. The Prefect shared the General Definitory thoughts and suggested that the question be presented to the competent Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life.

The decree of 27 October 2022 (Prot. n. 46705/2022) constitutes the response of the Holy See to our request. This decree establishes that the Superior General, together with the Definitory, proceeds to the application of the universal norm of can. 625 § 3 of the CIC, which provides for the election of the Major Superior (Provincial) to be confirmed by the competent Major Superior (Superior General), and thus suspends the current provision of the Constitutions (CC 156, 197). This permission is valid until the next General Chapter (which will be responsible for voting on the possible definitive modification of the constitutional text).

Naturally, this law must not be interpreted as a limitation to legitimate freedom in the conduct of the Chapters, on the contrary it constitutes a further guarantee with respect to possible disturbances.

Immediately after the election of the Provincial, the Chapter must then send in writing to the Superior General (also by email) the formal request for confirmation of the election. Only after receiving confirmation from the Superior General, will it be possible to officially proclaim the election and the person elected take possession of the office.

Dear Brothers, this change asks us to expand our minds and hearts, to respond with greater love to our vocation, “Take every care to preserve the unity of the Spirit by the peace that binds you together. There is one Body, one Spirit, just as one hope is the goal of your calling by God, There is one Lord, one faith, one baptism, and one God and Father of all, over all, through all and within all” (Eph 4:3-6).

With Holy Mother Teresa, the Church invites us to “keep on beginning, from good to better”, with joy, freedom and trust in the Holy Spirit.

Rome, 14th of November 2022
Feast of all the Carmelite Saints



Fr Miguel Márquez Calle
Sup. Gen.

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