

HANDBOOK FOR PROVINCIAL GOVERNMENT O. C. D.



DISCALCED CARMELITE GENERALATE
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This instrument makes no claim to being exhaustive in setting out the various problems that a provincial government may encounter. It offers only some guidelines and clarifications to facilitate the Provincial's task as to how to proceed in the various areas in which he must necessarily intervene and decide. Moreover, we omit here matters concerning elections and other duties of the Provincial Chapter (except for a few aspects concerning the extraordinary Provincial Chapter), which can be found in the document Practical Instruction for the Celebration of the Ordinary Provincial Chapter (approved by the General Definitory on 14 September 2022 – Prot. n. 2022/408 DF), which all the Provinces have at their disposal.

Abbreviations:

C = OCD Constitutions

N = Applicable Norms

can. = canon (of the Code of Canon Law)

1. Activities of the Provincial immediately after the Provincial Chapter

After the conclusion of the Provincial Chapter, the Provincial is required to:

- a) Convoke the Provincial Council “immediately after the Provincial Chapter” (C 207, a):
 - to make certain appointments listed in nn. 225 and 229 of the Norms;
 - to carry out other tasks that fall within the competence of the Provincial Council under n. 229bis of the Norms and whose decision it is not fitting to defer.
- b) Inform the Generalate of the results of the elections in the Province: the name of the Provincial, of the Provincial Councilors, of the Socius to the General Chapter and of his substitute.
- c) Send the General the report on the situation of the Province (N 218): the projects, the determinations of the Provincial Chapter, the economic situation of the Province and the statistics of the Province, together with all the other documents to be sent to the General Curia after the Provincial Chapter, as indicated in Appendix V of the *Practical Instruction for the Celebration of the Ordinary Provincial Chapter*.

2. Postulations

- a) After the elections in the Provincial Chapter, requests for postulation often reach the Generalate. Here it is important to bear in mind what our laws say: postulation “can be allowed only

in an extraordinary case” (N 175) and for “a grave cause” (N 176).

- b) It is therefore necessary, when postulation is requested, to set out fully the causes and reasons for which it is requested, so that the General Government may weigh the reasons for granting or withholding confirmation (cf. can. 182 § 1). It should be remembered that, under can. 182 § 2, the submission of the postulation must be forwarded to the competent authority within the time limit fixed, under pain of nullity of the postulation.

3. The Extraordinary Provincial Chapter

Convocation of the extraordinary Provincial Chapter

- a) “If the office of Provincial should become vacant within eighteen months from his election, the Vicar Provincial shall within three months convoke an extraordinary Chapter to elect a new Provincial”. (C 198).
- b) “If the office of Provincial should become vacant during the General Chapter, it will be for the Definitory, after consultation with the Provincial Council, to decide how the new Provincial is to be appointed.” (C 198).

Participants in the Chapter

The participants in the extraordinary Provincial Chapter are to be understood in the light of numbers 194 and 198 of the Constitutions and 208 of the Applicable Norms. This means that the Chapter is attended by:

- a) All the members of the current Provincial Council.
- b) The priors of the houses who, at the last ordinary Provincial Chapter, were designated in accordance with n. 208 of the Norms.

- c) The delegates of the Province elected (from the base) at the last ordinary Provincial Chapter.

This means that, unlike at the last ordinary Provincial Chapter, the extraordinary Chapter is not attended by the Provincial whose term expired at the last ordinary Chapter, nor by the Provincial Councilors and priors whose term expired at that same Chapter.

4. The provincial pastoral visitation

- a) The Constitutions ask the Provincial “to foster fraternal life and the spiritual good of each community” and to have “constant contact with the communities and make the pastoral visitation of all the convents of the Province at least once during the triennium” (C 201).
- b) “The Provincial should exercise great care in making his pastoral visitation. After it is completed he should not fail to inform the General of the state of the province.” (N 218), promptly sending him the final report of the visitation and any other documents worth bringing to his attention.
- c) “It is also recommended that he frequently visit all the houses personally, especially houses of formation, and participate for a few days in their community life” (N 218). This is essential since it is the Provincial who has the final word on the acceptance of candidates to postulancy, novitiate and religious profession. He must therefore have suitable and more direct knowledge of these realities.
- d) During the pastoral visitation, the Provincial must verify in every community:
 - 1) fraternal communion
 - 2) the life of prayer
 - 3) pastoral activity

- 4) the administration of the economy
 - 5) the care of the building and goods of the convent, particularly those of greater value
 - 6) all the official books of the house: the “Acts of the Chapter (and of the Council)” (N 242 a); the “Mass Books” (N 269-274); the “Book of the Dead” (N 46); the “Books of income and expenses” (N 247 d); the “Inventory of movable or immovable goods” (N 247 c, N 265); the “Book of Provincial Visitations” and that of “General Visitations”; the “Chronicle”, etc. In addition, in the houses of formation the Books of clothing, of the scrutinies of the novices, of professions and of the renewal of temporary vows must also be verified.
 - 7) as well as all the particular problems affecting each community.
- e) In each community, during the visitation, the Provincial must meet with the whole community and with each individual friar, so as to obtain a fuller picture of the life of the community.
 - f) Furthermore, the Provincial must inform each community of the current situation of the Province: initiatives, projects, economic situation, the vocations situation with its difficulties and prospects, the situation of the other communities, etc.
 - g) “The Provincial also has the authority to inquire carefully into the faithful fulfilment of pastoral obligations as well as the preservation and cultivation of the spirit of the Order” (N 66 b).
 - h) “He shall also promote good relations and cooperation with the Bishops” (C 201), and during the visitation, when possible, he should arrange a meeting with the Bishop of the diocese in which the community is located.
 - i) During the pastoral visitation, each local Superior must present the community, its life and activities, its projects and prospects, as well as its difficulties and needs.

- j) The Prior of the community must also prepare the meeting of the members of the Secular Order with the Provincial, and, if the community is a parish, together with the parish priest, the meeting with the Parish Council.

5. Obligations of the Provincial in the formation of candidates

Promotion of vocations

The Constitutions invite everyone to “have the fostering of vocations to the Order very much at heart” (C 104), but ask the Provincial to coordinate this work by appointing certain religious, “endowed with particular qualities” (N 70 d, 71 b), so that they may devote themselves in a special way to this task.

Postulancy

C 106 states that “Great importance is to be attached to postulancy. All candidates must do a period of postulancy unless in special cases the Provincial decides otherwise, but always observing the norm of can. 597, par.2 concerning the suitable preparation of the candidates”.

C 107 states that “It is for the Provincial to accept postulants when he is satisfied he has sufficient information about them. He is also to decide on the duration of postulancy, and where and how it is to be done. It should not be excessively short, and cannot normally be prolonged beyond two years”.

The postulant may be dismissed by the Provincial, or, in an urgent case, by the superior of the house, “who must then inform the Provincial” (C 107).

The novitiate

- a) “It pertains to the Provincial to accept novices in accordance with universal law, with the consent of the community to which they

were entrusted” (C 114), or with the consent of the formation community constituted by the Provincial Council “when he sees fit” (N 72).

- b) It must take place in a house regularly designated for that purpose — without prejudice to what is determined by can. 647 § 3 — and must last twelve months (C 111). In particular and exceptional cases, by grant of the Superior General with the consent of the Definitory, “a candidate can make the novitiate in another house of the institute under the direction of some approved religious who acts in the place of the director of novices” (can. 647 § 2).
- c) “To complete the formation of the novices, one or several periods of formative apostolic activity, suitable to the Order, in addition to the time prescribed in n. 111 of these Constitutions, may be permitted to the novices, outside the novitiate community” (C 116). It is for the master of novices to judge the suitability of such periods of formative apostolic activity, for which, however, the consent of the Provincial Council is required. It is for the same Council to determine the conditions relating to these periods, without prejudice to what universal law determines (cf. can. 648 § 2; N 89). In any case, the novitiate cannot be extended beyond two years (can. 648 § 3).
- d) “No house of formation can be established, changed, transferred or suppressed without the consent of the Provincial Council after consultation with the Plenary Council where this exists. In the case of an inter-provincial house the above pertain to the Conference of Superiors. In all cases the approval of the Definitory is required.” (N 76).
- e) Before the beginning of the novitiate the candidates must present the documents required by n. 78 of the Norms, and then make a retreat which must last at least five full days (N 80 b).
- f) It is obligatory that “there should be a book in the novitiate house in which to register the names of the novices as well as the year,

month and day they begin their novitiate.” (N 81). The book in which the periodic scrutinies of the novices are recorded, with explicit indication of their outcome, should likewise be accurately maintained (cf. N 90).

- g) If a novice is absent from the community for more than three months, whether continuously or intermittently, the novitiate must be repeated from the beginning (C 112).
- h) “Besides presenting the documents prescribed by the Norms, before beginning the novitiate a candidate must sign a declaration that he will not be entitled to payment or any other remuneration from the Order for his work, or on any other grounds whatsoever.” (C 114).
- i) The novice, for a just cause he may also be dismissed by the Provincial, or, for urgent reasons, by the local superior, who should in each case notify the Provincial of the dismissal (C 118).

Temporary profession

- a) “At the end of the novitiate it is for the Provincial, with the consent of the formation community, to admit the novice to temporary vows. (C 120). (On the possible forms of the formation community, cf. N 72).
- b) Temporary profession must not be less than three years, nor more than six (C 120).
- c) It is for the Provincial Chapter to establish the duration of temporary vows within the minimum and maximum limits determined in the preceding paragraph, as well as the manner of the renewal of vows, that is, whether they are to be renewed annually or by some other possible arrangement (C 120).
- d) For the validity of temporary profession see the determinations of n. 95 of the Applicable Norms.
- e) Temporary profession is to be made “without any solemnity; the latter is reserved for solemn profession.” (N 96).

- f) “The Provincial can permit temporary profession to be anticipated, but not beyond fifteen days” (N 97), and “for a just cause the Provincial can allow renewal of temporary vows to be anticipated, but not beyond a month”. (N 98).
- g) “It is also within the competency of the Provincial, after having listened to the formation community, to prolong the time of temporary profession, but only in such a way that the time of probation does not exceed nine continuous years (N 99). ((This extension of temporary profession should be granted only in particular cases).
- h) “For a just cause he may also be excluded by the Provincial, having heard the formation community, from renewing his vows or making solemn profession (C 133). The requirement to seek the opinion of the formation community is for the validity of the act (cf. can. 127 § 1); that opinion, however, is not binding on the Provincial.
- i) “Physical or psychic illness, even if contracted after profession, which, in the judgment of experts, renders the member unsuited to lead the life of the Order, constitutes a reason for not admitting him to renewal of vows or to solemn profession, unless the infirmity had been incurred through the Order's negligence or through work performed in the Order. ” (C 133).
- j) “But if a religious becomes insane during temporary vows, even though he be unable to make a new profession he cannot be dismissed from the Order” (C 133).
- k) If a religious professed with temporary vows wishes to leave the Order before the expiry of his vows, he must seek the indult, which may be granted by the Superior General with the consent of the Definitory (C 134).
- l) A religious professed with temporary vows may be dismissed from the Order before the expiry of his vows, for grave causes which may arise either on the part of the Order or on the part of

the professed religious himself, and it is for the Superior General with his Definitory to issue the decree of dismissal (C 134).

- m) “All documents of profession are to be signed by the superior who receives the vows, by the Master or the senior religious present at the same profession, and by the professed himself. The document is to be kept in the archives of the monastery. Moreover, in the case of solemn profession, the Pastor of the place of Baptism of the professed is to be notified” (N 107).

Admission to the ministries of Lector and Acolyte

- a) “After consulting the conventual chapter or the formation community of the house where they live, the Major Superior, observing universal law, can admit the friars to the ministries of Lector and Acolyte, according to the proper liturgical rite” (N 126).
- b) For the admission of candidates to the ministries it is necessary to hear the opinion of the Conventual Chapter or of the formation community: the latter when it concerns religious who are at some stage of formation. The opinion, however, of the Chapter or of the formation community is not binding

Readmission to the Order

- a) “If a religious who after completing the novitiate or after profession leaves the Order legitimately, and then asks to be readmitted, the General, with the consent of the General Definitory and having heard from the relevant Provincial Council, can readmit him without the obligation of repeating the novitiate” (N 106a). (The consent of the Definitory is required for the validity of the readmission. Equally, for validity, it is necessary to hear the opinion of the Provincial Council, which is not, however, binding).
- b) Under can. 641, the Major Superior has the faculty to admit candidates to the novitiate, according to the norms of proper law,

whether it concerns a first admission or the readmission of a candidate who has made the novitiate or who was a member of another Province and from which he legitimately departed, without prejudice to what is laid down by can. 643 § 1, 5. The authority, however, which alone can grant readmission without the obligation of repeating the novitiate, establishing where relevant the successive steps up to perpetual profession, is the Superior General with the consent of the Definitory.

- c) Canons 694-704 do not explicitly consider the case of the readmission to the Order of a dismissed religious. Nevertheless, it is not to be excluded, in accordance with the norms of prudence and in keeping with proper law and the practice of the Order. It is clear, however, that readmission cannot take place while the cause that led to the dismissal persists, and account must also be taken of the possibility of scandal.
- d) In cases where a religious who has legitimately left is admitted without the burden of repeating the novitiate, “It is up to the General also to determine a suitable probationary period. When this has been completed the candidate can be admitted to temporary vows, before making final profession, for a time to be determined by the General, which should not be shorter than three years nor longer than six (N 106 b). The Superior General, in certain cases and for a just cause, at the request of the Provincial, may shorten this period, “but not by more than three months” (can. 657 § 3).

Solemn profession

- a) “It pertains to the Provincial, with the consent of the community where the candidate is conventual, to admit a religious to solemn vows. (C 123; cfr. N 72 and 104).
- b) “A Religious cannot be validly admitted to solemn profession until he has completed at least three years of temporary vows” (C 122). Moreover, for liceity, twenty-five years of age are required (cfr. N 103).

- c) “It belongs to the Provincial Council to dispense, because of special reasons, from the required age and time, with due regard for universal law... Solemn profession can be anticipated for a just cause, but not beyond three months” (N 103).
- d) “Before solemn profession the friars are to spend three months in reflection and spiritual preparation as a kind of second novitiate. However, the Provincial Council, for special reasons, can reduce the required time.” (N 105).
- e) After solemn profession, it is necessary to inform the parish priest of the place of baptism of the professed. (N 107).

Transfer of a religious of perpetual (or solemn) vows from another Institute to ours (C 124; N 100)

- a) Before solemn profession in our Institute, he must undergo the novitiate.
- b) After the novitiate a further three years of formation and probation must elapse.
- c) It is for the Provincial Council to establish the manner of this probation.

Admission to the Diaconate and to the Priesthood

- a) “Only after solemn profession and the completion of the course of studies prescribed by the Church may our friars be admitted to the diaconate and priesthood by the Provincial, with the consent of the formation community.” (N 132).
- b) “Friars endowed with a special calling and aptitude may be promoted to the permanent diaconate by the Provincial with the consent of the conventual chapter or of the formation community, according to the norms laid down by the lawful ecclesiastical authority” (N 133).
- c) “Friars received into the Order as non-clerical may, according to the judgment of the Provincial Council, be promoted to the

priesthood if they freely petition this. All the prescriptions required by law are to be observed.” (N 134).

- d) “After they have completed their curriculum of studies and before being promoted to the priesthood, students are to participate in pastoral care, exercising their diaconal order for a suitable period of time, to be determined by the Provincial Council” (N 127).
- e) Before diaconal or priestly ordination, the Provincial must present to the ordaining Bishop the “Dimissorial Letter” as a guarantee that the candidate is suitable for Sacred Orders.

Other elements concerning the Provincial’s responsibility for formation

- a) He must ensure that the Province has a formation project covering the whole period of formation. This guarantees continuity in formation and does not allow for improvisation.
- b) He must give special attention to the formation of formators.
- c) He is also responsible for the formation of religious for the various offices and for ongoing formation (C 125-126).
- d) “By decision of the Provincial Council, after consultation with the Provincial Prefect of Studies, friars should be sent for specialization either to our Theology Faculty in Rome or to outside faculties, even civil universities; the religious spirit and discipline are always to be safeguarded.” (N 129).

6. The Provincial as animator of communities and promoter of pastoral activities

- a) “The Provincial -- who is charged with fostering and coordinating the life and activity of the province -- shall strive to ensure that all

the religious, according to the task assigned to each, work together in love and harmony.” (C 201).

- b) “With a view to promoting the spiritual good of each community and to fostering a genuine fraternal spirit, he shall maintain close contact with all the houses in the province, making the pastoral visitation of all of them at least once during his three years term” (C 201).
- c) “He shall also promote good relations and cooperation with the Bishops” (C 201).
- d) “It is the right and duty of Provincials in their respective provinces to promote the forms of apostolic activity deemed more suitable as well as to coordinate them in keeping with their own resources and needs” (N 51).
- e) “They should take care that the religious are adequately trained, in accord with recent Church norms, for the various ministries they are to be assigned to” (N 51 b).
- f) “It is for the Provincial with his Council to maintain a balance amid the varied activities and undertakings. For the good of the Church itself” (N 52).
- g) The Provincial must foster the creation, for each community and together with it, of a real and feasible pastoral project, so that “all the religious may be kept abreast of the apostolic activity of the community, the province and the Order” and “planning, whereby individualism and a scattering of forces in the apostolate may be avoided” (N 48 a, b).
- h) It belongs to the Provincial “to inquire carefully into the faithful fulfilment of pastoral obligations as well as the preservation and cultivation of the spirit of the Order” (N 66 b).
- i) Even in the exercise of an external apostolate, even one entrusted to one of our religious by a Bishop (cf. can. 678 § 1), the religious also depend on their own superiors and must remain faithful to the discipline of the Order.

- j) Provincials must see to it that “a sufficient number of religious should be provided for each house according to pastoral needs, lest the spirit of prayer and the common life suffer detriment” (N 51 c); therefore, “New houses of the Order shall not be established nor retained, unless a sufficient number of religious, that is, never less than three solemnly professed” (N 161).
- k) “It is for the Definitory, in consultation with the Provincial Council, to accept a parish or to withdraw from an existing one” (C 97).
- l) “It pertains to the Provincial, after consultation with his council, to present a religious suited for the office of Pastor to the local Ordinary” (N 66 a).

7. Privation of offices

- a) “As a general rule religious holding an office may be removed from it by the authority that made the appointment.” (C 164). For removal from, or transfer from, one office to another, grave causes are required, relating to the good of the Order or of the religious himself, under n. 163 of the Constitutions (cf. can. 624 § 3). In such cases the religious should, if possible, be invited first to submit his resignation from his office (C 163).
- b) When it concerns local superiors elected in the Provincial Chapter, the competent authority is the Provincial Council (C 164), as is also the case for the master of postulants, of novices and of students and for the first councilors of houses (N 226 g).
- c) “The entire Provincial Council must be present for decisions involving designation for, removal from or privation of office.” (N 227).
- d) “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 164).

When the office of Provincial remains vacant, proceedings should follow nn. 198 and 203 of the Constitutions.

- e) It belongs to the General Definitory “to accept the resignation of Provincials, Delegates and Substitutes to the General Chapter when the Provincial Chapter is not in session, after consulting the Provincial Council; likewise to accept the resignation of Delegates for those territories which, besides provinces, are represented in the General Chapter” (N 197 e).
- f) “It is the special responsibility of the General Definitory to remove from office Definitors and Provincial Superiors” (N197f).

8. Absence from the religious house - Exclaustration

- a) “For traveling and staying outside the cloister, our friars need the permission of the competent superior. In some circumstances this permission may be general.” (N 43 a).
- b) “Without prejudice to what is laid down by n. 76 of the Constitutions, when it is a question of a prolonged absence from the house, the Provincial Superior, with the consent of his Council and for a just cause, may grant a religious permission to live outside the religious house, but not for more than a year, unless it be for reasons of health or study. The same permission may be granted to exercise an apostolate in the name of the Order, but only within the territory of his own Province, without prejudice to n. 67 d of the Applicable Norms” (N 43 b), according to which “it is not permitted that, in the absence of a community of our Order, a single religious be sent to the service of a diocese”.
- c) “The General, with the consent of his Definitory, for a grave reason, can grant an indult of exclaustration to a solemnly professed

member, but not for more than *five* years, and with the prior consent of the local Ordinary where he must reside if this concerns a cleric.” (N 140; can. 686 § 1 [*updated on 11 February 2022*]).

- d) “Extending the indult or granting it for more than *five* years is reserved to the Holy See, according to law” (can. 686 § 1; N 140).
- e) The exclaustreated religious is deprived of active voice from the moment his petition for exclaustreatment is forwarded by the Provincial Superior to the Definitory, and has neither active nor passive voice for the whole duration of the indult and for a suitable period of time thereafter — to be fixed by the Provincial Council — from the day of his return (C 136 a, b).
- f) “When any friar will be living within the territory of another province for some time, the Provincial of this province is to be advised beforehand.” (N 43 d).
- g) It is necessary to regularise, in accordance with the law, cases in which religious continue to live illegitimately outside the religious house even after the permission has expired (N 150). Such a situation cannot be allowed to continue without being resolved. The Provincial, on reaching the end of his term, must inform his successor of these cases.

9. Separation from the Order

1. Transfer to another Religious Institute

- a) Transfer between religious Institutes does not require the license of the Holy See but only the consent of the two Superiors General and their respective Councils (can. 684 § 1-4).
- b) The license of the Holy See is necessary in the case of a transfer to a secular Institute or a Society of Apostolic Life. It belongs to

the Holy See itself to establish the manner of the transfer (can. 684 § 5).

2. Petition for secularization

- a) “When a solemnly professed member, for very grave reasons weighted before God seeks an indult to leave the Order or of secularization, the Provincial is to transmit the petition with a personal opinion and that of the Provincial Council, and other information pertaining to the granting of the petition, to the General, who will refer it to the Holy See, according to law.” (N 141).
- b) “If the member is a cleric it is necessary first to find a Bishop willing to incardinate him into a diocese or at least receive him *ad experimentum*” (N 141).

3. Dismissal of religious

- a) A postulant and a novice may be dismissed by the Provincial or, in an urgent case, by the superior of the house, who must then inform the Provincial (C 107; 118).
- b) In order to dismiss a religious professed with temporary vows, before the expiry of his vows, the Provincial must request it from the Superior General, having first informed him in detail of the religious’s situation. “It pertains to the Superior General with his Definitory to give the decree of dismissal” (C 134).
- c) In order to dismiss a religious of solemn vows it is necessary to follow n. 140 of our Constitutions and the canons of Canon Law there indicated:
 - First of all there must be a grave, external, imputable cause, juridically proven. The causes are set out in cann. 694-696;
 - there must be incorrigibility, notwithstanding the interventions and the appropriate sanctions adopted by the superiors;

- the canonical warnings, and observance of the other prescripts of the law, are also necessary (can. 697). If the Major Superior, having heard his Council, considers that a process of dismissal should be begun, the evidence having been gathered, a first canonical warning is to be given in writing or before two witnesses who can attest to it, informing the religious that, if he does not comply, he will be dismissed from the Order, and declaring to the religious himself his full freedom to defend himself;
- if the warning has no effect, after 15 days from the first warning a second canonical warning is given. If this second warning also proves fruitless, and the Major Superior with his Council judges that incorrigibility is sufficiently evident and that the defense presented by the religious is insufficient, the Major Superior shall send to the Superior General all the acts, signed by himself and by the secretary as notary, together with the responses of the religious, likewise signed by him.
- The person concerned always retains the possibility of presenting his defense directly to the Superior General (can. 698).
- In the document sent to the Superior General everything must be fully described: the situation of the religious for whom dismissal is requested, the reasons for which dismissal is requested, all the attempts made by the religious superiors, and the assistance provided to the religious to help him overcome the crisis and return to the right path.
- The Superior General, with his Council (which, for the validity of the act, must consist of at least four members), having weighed everything, issues the decree of dismissal (can. 699).
- For the validity of the decree, it is necessary to state that the religious, again in accordance with the law, may have recourse to the Holy See against the decree of dismissal within 30 days of notification of the decree; in such a case, while the recourse

is pending, the dismissal has no effect and is suspended (can. 700).

- With legitimate dismissal, the vows cease ipso facto, as do the rights and obligations arising from profession (can. 701 [*updated on 2 April 2023*]).
- If the religious is a cleric he may not exercise sacred orders until he finds a Bishop willing to receive him into his diocese under can. 693, or at least permit him the exercise of sacred orders (can. 701; C 141).
- In the case of legitimate dismissal, the religious may not claim any compensation for any activity carried out in the Order; the superiors, however, should provide for him with charity and evangelical justice (can. 702; C 142).

10. Responsibility for the good administration of the goods of the Province

- a) “Responsibility for the administration of temporal goods rests with superiors and their respective Councils according to law. Under their authority bursars are directly in charge of administration, fulfilling this duty in a genuine spirit of service to their brethren” (C 222).
- b) “The Provincial Bursar, under the authority of the Provincial and Provincial Council, takes care of the administration of goods belonging to the Province, and sees that administration throughout the Province is so coordinated that all the houses contribute in due proportion to provincial expenses, and that there is an effective sharing of temporal goods between all the houses.” (C 228).
- c) “To foster the spirit of mutual trust among us in this regard, superiors should see to it that the friars are kept properly informed concerning the economic status and the administration of goods in houses, provinces and the Order” (N 245 b).

- d) “Acts of extraordinary administration are valid only if expressly authorized by the competent authority, in accordance with what is laid down by law” (C 223).
- e) “For the validity of alienation and any other business transaction by which the patrimonial condition of the juridical person could be adversely affected, there is required the written permission of the competent superior, given with the consent of his Council. Moreover, the permission of the Apostolic See is required if the transaction involves a sum exceeding that which the Apostolic See has determined for each region, or if it concerns things donated to the Church as a result of a vow, or objects which are precious by reason of their artistic or historical value” (N 249, 2; can. 638 § 3).
- f) Account must be taken of the table drawn up by the General Definitory concerning the competence of superiors for extraordinary expenses and the contracting of debts, in accordance with what has been established in n. 224 of the Constitutions.
- g) “Superiors and Councils should consult Bursars in deciding questions which pertain to the administration of goods” (N 245c).
- h) “Superiors and their Councils have the right and duty to inspect and discuss carefully all matters concerning the administration of goods, including bank-books and other records of this sort.” (N 246).
- i) Given the great importance that bursars have in the administration of the goods of the Province (see N 247), it is necessary that the Provincial Council, which appoints the Bursar of the Province, choose a capable person, possessed of some financial acumen. It is important, indeed necessary, that the Provincial ensure bursars have the opportunity to attend specialized courses in this field, given the many risks this work carries in today’s world.
- j) It is advisable also to have an economic commission as a means of assistance and oversight, not because there is a lack of trust in

the person of the Bursar, but because this is good and useful in itself.

- k) Our laws require that the Provincial Bursar “every six months present to the Council a documented report on the administration (...), inform the individual communities each year of the economic situation of the Province (...), and every three years send to the Bursar General the report on the economic situation of the Province already presented to the Provincial Chapter” (N 260 a, b, c).
- l) Major Superiors and their councils are urged to be very prudent in contracting debts (N 248).
- m) “Money that is deposited in banks must be registered in the name of the Order, province or house respectively, with at least two signatures, namely, that of the bursar and either the superior or another religious designated by the superior” (N 252).
- n) “It is the responsibility of the Provincial Council to impose taxes on monasteries for the support of houses of formation and for other expenses for the common welfare of the province,” (N 258 a).
- o) The same Council is also responsible “to transfer assets from one monastery to another, after consulting the Chapter of the monastery from which they are being taken, whenever the common good requires it” (N 258 b).
- p) Furthermore, the Council may “take superfluous income, and even immovable goods, from a particular monastery and to use them for the welfare of the province, after consulting the Conventual Chapter” (N 258 c).
- q) With regard to ordinary expenses the faculties of the Provincial and local superiors are to be defined by the Provincial Council. (C 225).

11. Permission for religious to teach and to publish books

- a) “It is for the Provincial Council to grant permission for friars to teach in public schools or to assume some other regular position outside our houses, always respecting the requirements of the common life.” (N 226 i).
- b) “It is the prerogative of the Provincial, after obtaining the written judgment of censors to grant to his friars permission to publish books and other writings, other requirements having been fulfilled” (N 223).

12. The erection and suppression of religious houses

- a) “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” (C 148).
- b) “For the canonical establishment of houses the prior written consent of the diocesan Bishop is required” (N 159).
- c) “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” (N 159).
- d) “A lawfully established house may not be suppressed without prior consultation with the diocesan Bishop” (159). It is necessary to hear his opinion and, as far as possible, to proceed bearing in mind the needs of the Church. In any case, the bishop’s opinion is not binding in this matter.

- e) “New houses of the Order shall not be established nor retained, unless a sufficient number of religious, that is, never less than three solemnly professed” (N 161).
- f) “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.” (N 162).
- g) “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 162).

13. Religious in the territory of another province

- a) Our Order is structured in Provinces. According to the Constitutions (nn. 144-146), the constitutive elements of a Province are:
 - 1) A sufficient number of erected houses/communities.
 - 2) Dependence on the same Major Superior.
 - 3) Canonical erection by the General Chapter or the General Definitory.
 - 4) The assignment of a determined territory.

The first three elements are explicitly mentioned in the CIC, can. 621; the fourth belongs to our proper law (C 144), in continuity with the tradition of the Order and with a secular custom having the force of law [cf. e.g. *Acta Ordinis OCD* 27, 1982, p. 105]. The decree erecting a Province always determines the territory assigned to it properly and exclusively. Consequently, the presence, within the same ecclesiastical territory — and thus within the same dioceses — of houses or communities belonging to different Provinces is not permitted. Territoriality is the concrete condition for living and effectively bearing witness to the fraternal dimension of our vocation

within a given portion of the Church.

Within this charismatic and juridical framework, the possible presence of a house or community of one Province within the territory of another requires recourse to a *dispensation*, which the General Definitory may grant only exceptionally and where justifying causes exist.

The Definitory has issued the *Declaration on communities present within the territory of another Province* (12 March 2020, Prot. n. 2020/171 DF), which sets out the juridical framework of the matter:

- 1) Religious who succeed to houses already erected in another Province must be placed “at the service” of the Province to which such houses belong, with the corresponding rights and duties according to our laws. They enjoy active and passive voice in the Province in which they reside and retain passive voice in the elections of the Chapter and Council of their own Province (cf. NA 135-136).

The Extraordinary Definitory of Lisieux (2023) approved a new model agreement between Circumscriptions; consequently, previous agreements concerning the transfer of a religious to service in another Province must also be reviewed.

- 2) As for communities founded outside the territory of the Province, the Definitory, in dialogue with the Provinces concerned, will evaluate case by case the ways of regularising their presence; if this is not possible, they must be abandoned.
- 3) On the basis of the principle of territoriality established by the Constitutions, the Definitory does not permit Provinces to enter into agreements with dioceses outside their assigned territory for individual religious or communities to take on the care of parishes or other pastoral ministries.

With regard to “religious who live alone in the exercise of their pastoral service in a diocese outside the territory of their own

Province”, Norm 67 d (amended and approved by the 2021 General Chapter) specifies that “it is not permitted that, in the absence of a community of our Order, a single religious be sent to the service of a diocese”.

14. Obligations of the Provincial towards the Nuns

- a) “In accordance with our Holy Mother St Teresa’s express wish, our apostolic mission in the Church obliges us to be available for the spiritual guidance and formation of the nuns of the Order. This should be a prime concern to all, and superiors, especially Major Superiors, should make adequate provision for this in an organized way within their respective jurisdictions. (C 103; see C8).
- b) “It is the responsibility of the Provincial, in accordance with universal law and the Constitutions of the Discalced Carmelite Nuns, to exercise vigilance over the monasteries entrusted to his care. Moreover, in a spirit of fraternal charity he should also be solicitous toward those monasteries which are entrusted to the particular vigilance of the diocesan Bishop” (N 219).

15. Obligations of the Provincial towards the Secular Carmel

- a) “We have a similar fraternal duty towards the members of our Secular Order, also towards those religious families who share in our life and spirit.” (C 103; N 56).
- b) “The Provincial Superior, usually aided by the Provincial Delegate, is the Superior of the Secular Order within his territory. He is responsible for the well-being of the Secular Order within the

territory of his jurisdiction. He must visit the communities of his jurisdiction and appoint their Assistants, having heard the Council of the same. Recourse is had to him in the first instance when disputes arise” (*Constitutions OCDS*, 43).

- c) “The Spiritual Assistant of each community is ordinarily a religious of the Order. (...) Only the Superior General of the Order, in circumscriptions where there are no friars, or the Provincial within his circumscription, may appoint as Assistant someone who is not a religious of the Order, always with the permission of his legitimate superior” (*Constitutions OCDS*, 44.45).

16. Guide for the general pastoral visitation

1. Fundamental purpose of the pastoral visitation

In the Constitutions (n. 173), the pastoral visitation, made personally by the Superior General or through others, is presented as one of the instruments he must use in his task of caring for the good of the Order, of promoting its vitality, and of fostering cooperation between the Provinces and the Centre of the Order.

The importance of pastoral visitations in the planning and work of the General Definitory is thus clear. It is a service of animation and renewal offered to the religious and to the communities, in a truly fraternal spirit, seeking the unity and vitality of the Provinces.

2. Objectives of the general pastoral visitation, more specifically:

2.1. To promote the renewal of the Province or circumscription, of the communities and of the individual friars, by analysing and assessing together with the confreres the general situation, particular problems and the most pressing needs of the individual areas in which the religious carry out their life and various apostolic services: formation, pastoral ministry, teaching, missions, etc.

2.2. To promote the dynamism and planning of the Provinces or circumscriptions in order to foster creative fidelity to the charism, in the light of the signs of the times and of places and of the documents of the Church and of the Order.

2.3. To examine, within the socio-cultural and ecclesial context of the Province or circumscription, the priority objectives of the General Chapter expressed in the Chapter Document.

3. Means to be used in general pastoral visitations:

3.1. Meetings with religious working in the same pastoral field, to promote reflection on our charism, animate initiatives, examine problems and seek practical solutions. To assist this reflection, the help of specialists in the various fields may also be sought.

3.2. Dialogue with individual religious. All will have the opportunity, should they wish, to speak personally with the visitor.

3.3. The Plenary Council or General Assembly at the close of the visitation, to create a climate and an awareness of communion and co-responsibility with regard to the situation of the Province or circumscription and the decisions of the visitation.

3.4. Dialogue with the Provincial Council or the Council of the circumscription so that it may take responsibility for helping the religious to carry out the decisions of the visitation and to programme meetings among religious working in the same field to assess the decisions of the visitation and their subsequent implementation.

4. Points to be examined in the meetings:

4.1. Initiatives and proposals for improving our spiritual and fraternal life.

4.2. Situation of the pastoral field: general environment, main problems, means for resolving them.

4.3. Situation of initial and ongoing formation.

4.4. Cooperation with other Provinces or circumscriptions.

5. Final report on the Province

5.1. At the close of the Visitation, a meeting with the Plenary Council or General Assembly will be held. The Visitor will then present his final report on the life of the Province or Circumscription and set out his conclusions, together with any decisions to be taken.

5.2. The Visitor's report will then be submitted to the General Definitory, which, after examining and approving it, will formally forward it to the Province, together with any decisions to be implemented. This report must be sent to all the communities.

6. Organization of the general pastoral visitation

6.1. The precise dates, the venues for meetings, and all practical matters will be established in dialogue with the Provincial.

6.2. The Provincial, with his Council, shall propose the complete programme of the visitation, with the precise date of the visit to each community, and shall send it to the visitor for any corrections and for approval.

6.3. The Provincial, once the programme is approved, shall send it to every house of the Province so that the communities may have time to prepare for the visitation and individual religious may plan their absences.

6.4. At the beginning of the visitation, the visitor meets the Provincial Council so that it may present to the visitor the situation of the Province, its projects and its main difficulties.

6.5. There follow the visit to each house, the meetings with each individual religious and with each community.

6.6. The visitor may fraternally visit the monasteries of the Discalced Carmelite Nuns within the territory of the Province or circumscription being visited and, in agreement with the Father

General, organise formation or reflection gatherings at the level of Federations or Associations.

6.7. Meetings with the Secular Order should be arranged and, if possible, with other groups of the Carmelite Family.

6.8. A meeting with the Parish Councils and a visit to the diocesan Bishop are also desirable.

6.9. For the occasion, the official and unofficial books to be examined and signed must be presented: the “Acts of the Chapter (and of the Council)” (N 242 a); the “Mass Books” (N 269-274); the “Book of the Dead” (N 46); the “Books of income and expenses” (N 247 d); the “Inventory of movable or immovable goods” (N 247 c, N 265); the “Book of Provincial Visitations” and that of “General Visitations”; the “Chronicle”, etc. In addition, in the houses of formation the Books of clothing, of the scrutinies of the novices, of professions and of the renewal of temporary vows must also be presented.

6.10. At the end, there will be a meeting with the Provincial Council and a meeting with the Plenary Council of the Province.

17. Collaboration with the Centre of the Order

- a) The Provincial “shall see to it that the province maintains close ties with the central government of the Order, and he shall willingly give his support to any projects for the common good of the Order which have the backing of the Superior General or Definitory” (C 201).
- b) “Our Theology Faculty and Institute of Spirituality in Rome are to be considered the centers of intellectual life and specialization in spiritual doctrine for the whole Order. Therefore, by diligent cooperation the provinces should strive to make the prestige and educational value of this center grow steadily for the good of the whole Order” (N 111; See also N 112).

- c) The Provinces are asked for ever greater sensitivity and cooperation as regards personnel needed for service in the General House or in the Houses under the immediate jurisdiction of the General Definitory.
- d) “With the cooperation of the Provinces, the Definitory should be provided with sufficient economic resources to care adequately for the needs of the General Curia and the various institutions dependent upon it, and to promote suitable projects both for the common good and the expansion of the Order.” (N 253 a).
- e) “To put into practice the spirit of communion and participation, the Definitory and Provincial Councils can prescribe the manner in which provinces should contribute to the economy of the Order, and houses to the economy of the province, always in keeping with norms set forth by the General and Provincial Chapters” (N 245 a).
- f) “Provinces whose economic condition permits it should willingly contribute more than the taxes imposed by the Definitory for the common welfare of the Order, in a spirit of fraternal solidarity” (N 255, cfr. N 253 b).
- g) It is the Provincial’s responsibility to communicate promptly to the General House the death of religious of the Province, so that provision may be made, in accordance with justice and charity, for the suffrages prescribed for our deceased.
- h) The Provincial is responsible for the prompt completion of the provincial statistics forms, sent every year by the General House.

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