

CONSTITUTIONS

Order of the Discalced Augustinians



Rome - 2023



CONGREGAZIONE
PER GLI ISTITUTI DI VITA CONSACRATA
E LE SOCIETÀ DI VITA APOSTOLICA

Prot. n. A.60-¹/99

DECRETO

Il LXXVIII Capitolo generale dell'Ordine degli Agostiniani Scalzi, in seguito ad uno studio approfondito, condotto in vista di una maggiore aderenza al carisma di fondazione, ha sottoposto a revisione il Testo Costituzionale, approvato dalla Santa Sede il 28 agosto 1983.

Con lettera del 9 aprile 2018, il Priore Generale ha quindi presentato richiesta di approvazione del Testo modificato delle *Costituzioni*, votato dall'Assise capitolare, celebrata dal 24 aprile al 29 maggio 2017.

Questa Congregazione per gli Istituti di Vita Consacrata e le Società di Vita Apostolica, dopo un attento esame del documento, al quale sono state apportate alcune rettifiche, in virtù del presente Decreto, approva le nuove *Costituzioni*, secondo l'esemplare redatto in lingua italiana che si conserva nel suo archivio.

Auspica vivamente che l'osservanza delle *Costituzioni* sia, per gli Agostiniani Scalzi, "felici di servire l'Altissimo in spirito di umiltà", un aiuto prezioso per realizzare la vocazione alla santità, sull'esempio e secondo la dottrina di Sant'Agostino.

Nonostante qualsiasi cosa in contrario.


Dal Vaticano, il 21 novembre 2019.

Presentazione della Beata Vergine Maria.



P. Pier Luigi NAVA, S.M.M.

Sottosegretario



+ José RODRIGUEZ CARBALLO, O.F.M.
Arcivescovo Segretario

Clarification: the current text of the *Constitutions* contains the changes made during the 78th General Chapter (April 24 –May 29, 2017) and the 79th General Chapter (extraordinary –April 25, –May 11, 2022), the text has been also updated and approved by the competent Dicastery of the Holy See with 4 (four) *Revision Rescripts* (July 24, 2018; March 28, 2019; November 21, 2019; March 28, 2023) and the further modifications were accepted definitively by the 80th General Chapter (XIII session; June 15, 2023).



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Prot. Reg. V; fol. 238/08

TO ALL MEMBERS OF THE ORDER.

PRESENTATION OF THE *CONSTITUTIONS*

The day of the annual feast of the Conversion of the Holy Father Augustine offers me the opportunity

TO PRESENT

to all the Confreres the text of the *Constitutions* of our Order, which has been revised by two General Chapters (the 78th and the 79th) and approved by the Holy See with a *Rescript* dated November 21, 2019 and February 22, 2023.

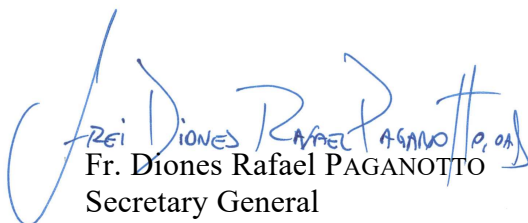
The text of the *Constitutions* is for each of us a sure code, a rule of life that helps to rediscover and live the dimension of religious consecration, particularly that proper of the Discalced Augustinians, as well as to enter the divine plan of salvation with confidence and to advance on the path to holiness.

With their juridical, spiritual and formative contents, permeated by the components of Augustinian spirituality, as it was lived and taught by the Holy Father Augustine in the *Rule*, the *Constitutions* offer the possibility of arriving at an intimate communion with God, the high point of Christian and religious perfection.


The *Rule*, the *Constitutions* and the *Directory* form the foundations on which to build the unity and communion of the Order, especially in this time when, by the breath of the Holy Spirit, the Discalced Augustinians are spread over four continents, assuming a multicultural and multiethnic face.

With the current *Constitutions*, we are certain that we are proposing the authentic spirit of our origins and Fathers who, on the occasion of the approval of the first *Constitutions* of 1598, affirmed that they were “sanctioned by the breath of the Holy Spirit, just and healthy, absolutely necessary for salvation, capable of leading to unity of hearts and uniformity of life”.

Rome, April 24, 2023,
Feast of the Conversion of the Holy Father Augustine.


Fr. Diones Rafael PAGANOTTO
Secretary General




Fr. Doriano CETERONI
Prior General

PRINCIPAL ACRONYMS AND ABBREVIATIONS

AGA	Archives of the General Curia of the Augustinians
AGAS	Archives of the General Curia of the Discalced Augustinians
ASR	Archives of the State of Rome
Can.	Canon
Cann.	Canons
ch.	Chapter
cfr.	confront
Con. Pet.	St. AUGUSTINE, <i>Contra Petilianum</i>
Conf.	St. AUGUSTINE, <i>Confessionum Libri Tredecim</i>
Const.	<i>Constitutions</i>
Dd.	that follows AGA, General Registries Fund
De Civ. Dei	St. AUGUSTINE, <i>De Civitate Dei</i>
De Doctrina Christ.	St. AUGUSTINE, <i>De Doctrina Christiana</i>
De Lib. Arb.	St. AUGUSTINE, <i>De Libero Arbitrio</i>
De Mor. Eccl. Cath.	St. AUGUSTINE, <i>De Moribus Ecclesiae Catholicae</i>
De S. Virg.	St. AUGUSTINE, <i>De Sancta Virginitate</i>
De Trin.	St. AUGUSTINE, <i>De Trinitate</i>
De Ut. Cred.	St. AUGUSTINE, <i>De Utilitate Credendi</i>
De Vera Rel.	St. AUGUSTINE, <i>De Vera Religione</i>
Ep.	St. AUGUSTINE, <i>Epistolae</i>
In Ep. Jo.	St. AUGUSTINE, <i>In Epistolam ad Parthos Tractatus</i>
In Jo.	St. AUGUSTINE, <i>In Johannis Evangelium Tractatus</i>
In Ps.	St. AUGUSTINE, <i>Enarrationes in Psalmos</i>
ms.	manuscript
no.	number
nos.	numbers
OAD	<i>Ordo Augustiniensium Discalceatorum</i> (Order of the Discalced Augustinians)
p.	page
pp.	pages
Reg.	St. AUGUSTINE, <i>Regula</i>
Serm.	St. AUGUSTINE, <i>Sermones</i>
Sol.	St. AUGUSTINE, <i>Soliloquia</i>
Vol.	Volume

* The abbreviations of the biblical books follow those proposed by the Bible of the NABRE (2011).

PROLOGUE

ORIGIN OF THE ORDER

God, to whom the restless human spirit yearns with all his being¹, has sent his Only Begotten Son to save the world. By redeeming men with His sacrifice, Jesus made them a holy people, gave them his Law of love and called some, by means of the evangelical counsels, to follow Him more closely comforting them with the abundance of the Spirit.

Among these called, the Holy Father Augustine stood out. He “renounced every worldly ideal from the bottom of his heart.”² Together with those who had joined him he dedicated himself to God “in fasting, in prayers and in good works, meditating day and night on the Law of the Lord”³. “Of the truths, which God revealed to him, he was part of those present and absent, teaching them with lectures and books”⁴. He lived and highlighted with his writings an attitude of profound humility, as the foundation of charity, which is love for unity⁵. This spirit inculcated in the *Rule* that he gave to the Augustinian community, modelled on the example of the first apostolic community.

The Augustinian life, which arose in the community of Tagaste, spread and evolved in different forms according to the needs of the times and the needs of the Church.

Pope Alexander IV in 1256 brought together various eremitic groups, mainly of Augustinian inspiration, in a community of contemplative and active life, constituting the Order of the Hermits of St. Augustine⁶.

Following the Reform decreed by the Council of Trent, some religious of the Order of the Hermits of St. Augustine, moved by the Lord to follow more closely the spirit of their Holy Father, towards the end of the 16th century gave rise to the Discalced Augustinians in Italy. They were joyfully serving the Most High in spirit of humility, like Mary, in the Church of today. This was favored by the Superiors of the Order and by the Decrees of Pope Clement VIII⁷.

¹ Conf. I, 1, 1; III, 6, 10.

² S. POSSIDIO, *Vita di S. Agostino*, Paoline, 1955, ch. 2.

³ S. POSSIDIO, *Vita di S. Agostino*, Paoline, 1955, ch. 3.

⁴ S. POSSIDIO, *Vita di S. Agostino*, Paoline, 1955, ch. 3.

⁵ Cfr. Conf. X, 28, 39; XII, 10, 10; Sol. I, 1, 4; In Ps. 4, 10; 18, II, 13; 21, II, 19; In Jo. 32,7-8; In Ep. Jo., prol., 1, 12; De Trin. IV, 7, 11.

⁶ *Licet Ecclesiae* of April 9, 1256; to have knowledge on eremitism: cfr. *Atti Congr. Univ. Catt.* 1959, published in 1962.

⁷ AGA, Dd., voll. 49, 50, 51, 52, 53; AGAS: Fr. EPIFANIO DA S. GIROLAMO, OAD, *Croniche et origine...*, ms., p. 18ff.; ASR, Agostiniani Scalzi, Conv. di Gesù e Maria, varied folders; Fr. GIOVANNI BARTOLOMEO DA S. CLAUDIA, OAD, *Lustri Istoriali*, Milano, 1700, p. 1ff.; FR. GABRIELE RAIMONDO, OAD, *Gli Agostiniani Scalzi*, Genova, 1955, p. 49ff.; FR. DAVID DA S. MARIA, OAD, *Bullae SS. PP. et Decreta SS. CC.*, Roma, 1742.

PART I.

NATURE, SPIRITUALITY, OBJECTIVE OF THE ORDER

1) The Order of the Discalced Augustinians (*Ordo Augustiniensium Discalceatorum*: OAD) is an exempt Clerical Institute of Pontifical Right. Its members, clerics and coadjutor brothers, in addition to the vows of chastity, poverty, obedience, following the spirit and doctrine of their Father St. Augustine, make a fourth vow, that of humility.

2) The Discalced Augustinian Family also includes the Discalced Augustinian Religious, the Regular and Secular Third Order and the other Associations aggregated according to the norm of Universal Law.

3) Called to holiness⁸, the Discalced Augustinians, following the example of St. Augustine and the first Augustinian community of Tagaste, propose themselves with the help of the grace to reach the perfection of evangelical love, seeking and enjoying communally⁹, in a peculiar attitude of humility¹⁰, God, which is a common non-private good¹¹ and is the sum of all goods¹². This charism is summarized in the formula: “Joyfully serving the Most High in spirit of humility”.

4) Aware of being created in the image and likeness of God – the Triune One¹³, they tend in common spiritual work to:

- make His image clear, imprinted in the soul but clouded by sin¹⁴;
- becoming true “possession” of God¹⁵;
- to build oneself as temple of God: He, in fact, “lives in the individual faithful as in as many of His temples and in the faithful gathered together as in His temple”¹⁶.

5) Integrated with baptism in the mystery of Christ, the humble Jesus¹⁷, and of the Church, the Mother who generates the monasteries¹⁸, they want to experience the density of this mystery:

- laying the foundation and hope¹⁹ in Christ, the way and the end of the journey of faith²⁰;
- faithfully imitating Christ²¹ in the joy of the new canticle²²;
- becoming chosen members of the Mystical Body, the total Christ²³, committed to building the City of God²⁴;

⁸ Lv. 19:2; LG 40.

⁹ In Ps. 41,2,4; 62,5; 33,s.2,6-7; In Ep. Jo. 10,7-8.

¹⁰ Reg. 7-8; De S. Virg. 51-52; Serm. 69,3; Ep. 118,3,22.

¹¹ Sol. I,13; De Mor. Eccl. Cath. I,26; De Lib. Arb. II,14,19; De Vera Rel. 45-47; 85-92.

¹² De Mor. Eccl. Cath. I,8,13; Conf. X,22,32.

¹³ De Trin. VII, 6,12.

¹⁴ De Trin. XIV,4,6; 18,20; XV,21; XII,11,16.

¹⁵ Sol. I,1,5; Serm. 47,16,29; In Ps. 34,s.1,12; 131,3.

¹⁶ Ep. 187,13,38; 6,20.

¹⁷ Conf. VII,18,24

¹⁸ In Ps. 132,9.

¹⁹ In Ps. 29,II,10; Conf. X,29,40.

²⁰ Conf. VII,18,24; In Jo. 22,8; 13,4.

²¹ De S. Virg. 27.

²² In Ps. 95,2; De S. Virg. 27.

²³ Con. Pet. II,239; In Jo. 13,12; 21,8; In Ps. 26,II,23; 29,II,5; 127,3.

²⁴ In Ps. 98, 4

- offering oneself to the world as a model of a small Church, the community being the most noble part of the garment of Christ²⁵.

6) “The love of truth seeks the quietness of contemplation”²⁶; therefore, they give priority to contemplative life²⁷. Thus, it:

- collects from external dispersion to interiority²⁸;
- opens up to personal and communitarian supernatural dialogue with God²⁹;
- makes docile to the promptings of the Holy Spirit³⁰;
- induces to live life as a perennial praise to God, since “the greatest human deed is only to praise God”³¹;
- inclined to the study of Holy Scripture and divine matters³².

7) “The need for charity wants a just work”³³. For this reason, Augustinian contemplation must itself be a fruitful apostolate and passionate search for those pastoral forms that allow one to bring one’s neighbor to the praise of God through all values: “kidnap everyone to the love of God by speaking, praying, discussing, reasoning with meekness, with sweetness”³⁴.

The apostolate is determined by the needs of the times and regulated by the directives of the Church and superiors. It inserts into the living reality of the local Church and opens up to the dimensions of the universal Church, who love and serve with very special love³⁵: “let us run, my brothers, let us run and love Christ. [...] Extend your charity all over the world, if you want to love Christ; because the members of Christ extend all over the world. If you love only a part, you are divided, you no longer find yourself united to the body”³⁶.

8) Faithful to this principle of the *Rule*: “The essential reason why you have gathered together is that you live unanimously in the House and have unity of mind and heart reaching out to God”³⁷, concretize asceticism in the fullness of common life, according to the model of the first community in Jerusalem³⁸.

The soul of common life is charity³⁹. It:

- “regulates the food, the discussions, the dress and the attitude”⁴⁰;
- does not possess anything as one’s own⁴¹;
- vivifies the apostolic activity of individuals so that it expresses the unity of hearts: “many bodies but not many souls; many bodies but not many hearts”⁴²;

²⁵ In Ps. 132,9.

²⁶ De Civ. Dei XIX,19.

²⁷ De Civ. Dei XIX,19; Serm. 104; Ep. 48; De Vera Rel. 39,72-73; Conf. IV,12,18; In Jo. 18,10; 15,25; In Ps. 41,17; 49,21.

²⁸ Cfr. precedent note.

²⁹ Conf. IX,4,7; Reg. 10; In Ps. 30,II,s.3,10; In Jo. 15,25.

³⁰ Serm. 169; 151.

³¹ In Ps. 44,9; Conf.V,1.

³² De Ut. Cred. 6,13.

³³ De Civ. Dei XIX,19.

³⁴ In Ps. 33,s.2,6-7; Conf. IV,12.

³⁵ FR. EPIFANIO DA S. GIROLAMO, OAD, *Croniche et origine della Congregazione de Padri Scalzi Agostiniani d’Italia*, ms. 1647, AGAS, passim.

³⁶ In Ep. Jo. 10,8.

³⁷ Reg. 3.

³⁸ Reg. 4; Serm. 356,1ff.

³⁹ In Ps. 33,s.2,10; 132,12.

⁴⁰ De Mor. Eccl. Cath. I,73; ivi, 33.

⁴¹ Reg. 4; 31; In Ps. 131,5.

⁴² In Ps. 132,6.

- cultivate dialogue and spiritual friendship⁴³;
- tends to form “one soul, the only soul of Christ”⁴⁴ without mortifying the personality of each religious, indeed, corroborating and increasing it.

9) Attentive to the call of Jesus⁴⁵ and aware that we are going “to the heights with the foot of humility”⁴⁶, the Discalced Augustinians intend to witness a peculiar interior attitude of humility that:

- promotes poverty, mortification and detachment from the world⁴⁷;
- makes them more available to the service of God and neighbor;
- facilitates fraternal life in community.

Such is the deeper spiritual meaning of the vow of humility⁴⁸ and of the sentence: “enter barefoot on this place, because it is holy. First strip your feet, that is, the affections of your soul, and remain naked and free”⁴⁹.

10) In the spirit of tradition, they contemplate in Mary the Mother of Grace⁵⁰ and of the faithful⁵¹, the model of consecrated life⁵² and the perfect type of the Church⁵³. She nourishes the life of the heart with delicate affections and makes the community a family. They venerate Mary with deep filial love and, with the special title of “Mother of Consolation”, they offer her to the faithful as a sign of hope and consolation for the pilgrim people of God⁵⁴.

⁴³ Serm. 350,3.

⁴⁴ Ep. 243,4; In Ps. 103,s.1,2; Reg. 3.

⁴⁵ Mk. 1:15; Lk 13:3.5.

⁴⁶ De S. Virg. 52.

⁴⁷ De S. Virg. 51-52.

⁴⁸ FR. EUSTACHIO CACCIATORE DA S. UBALDO, OAD, *Quodlibeta regularia*, Milano, 1691, pp. 118-119; 303-316.

⁴⁹ VEN. FR. GIOVANNI NICOLUCCI DA S. GUGLIELMO, OAD, *La scala dei quindici gradi*, Genova, 1615, no. 5.

⁵⁰ FR. EUSTACHIO CACCIATORE DA S. UBALDO, OAD, *De benedictione commentariolus*, Milano, 1695, pp. 63-64; 69-70.

⁵¹ De S. Virg. 6.

⁵² De S. Virg. 4.

⁵³ De S. Virg. 2.

⁵⁴ Lumen Gentium 68; De Genesi Contra Manichaeos II,24.

PART II.

LIFE OF THE ORDER

Section 1. LITURGICAL, CONSECRATED, COMMON AND APOSTOLIC LIFE

11) Religious life, in all its expressions, is a perennial worship of God. It puts the witness of the contemplation of divine things and of constant union with God in prayer as the soul of the consecrated, common and apostolic life first.

Chapter 1. Liturgical Life

12) To carry out the supreme work of man, which is the praise of God⁵⁵, and to achieve the unity of minds and hearts in God⁵⁶, they must put liturgical worship before every activity in their lives⁵⁷. It “is sacred action par excellence”, compared to which “no other action of the Church, in the same way and to the same degree, equates its efficacy”⁵⁸. The liturgy rightly “is considered to be the exercise of the priesthood of Jesus Christ; in it, by means of perceptible signs, the sanctification of man is given meaning and, in a way proper to them, and the entire public worship is exercised by the mystical Body of Jesus Christ, that is, by the Head and its members”⁵⁹.

13) By participating in liturgical celebrations “with the internal and external dispositions desired by the Church”⁶⁰, they reproduce in them what sacred rites contain and mean. Thus, as members of all the redeemed city, offer to God a “universal sacrifice by means of the High Priest, who has also offered himself for us in his passion, to make us become the body of such an excellent Head”⁶¹.

14) The center of all liturgical worship is the Eucharist, because it “contains all the spiritual good of the Church, that is, Christ himself”⁶². There is in it the sacrament of piety, the sign of unity and the bond of charity⁶³; there in it is where to live and what to live⁶⁴, but above all with it we reach the Augustinian ideal: the formation of the only Christ.

15) §1. In the Holy Mass, in union with the divine victim, they offer themselves and their neighbor, with all the values that refer to man, “as a living host, holy, pleasing to God”⁶⁵. In this way, the ultimate goal of creation and of every vocation is achieved: praise to the Father, through the Son, in the unity of the Holy Spirit.

§2. Priests celebrate the sacrifice of the altar every day by preparing the soul for such a sublime act, observing the liturgical norms, thanking with prayer and the fulfillment of daily duty⁶⁶.

⁵⁵ In Ps. 44,9.

⁵⁶ Reg. 3.

⁵⁷ Const. [1931] 51.

⁵⁸ Sacrosanctum Concilium 7.

⁵⁹ Sacrosanctum Concilium 7.

⁶⁰ Perfectae Caritatis 6.

⁶¹ Presbyterorum Ordinis 2; De Civ. Dei X,6.

⁶² Presbyterorum Ordinis 5.

⁶³ In Jo. 26,13.

⁶⁴ In Jo. 26,13.

⁶⁵ Rm. 12:1; Serm. 227.

⁶⁶ Can. 276, §2, 2°.

16) With the Eucharistic communion, they carry out the invocation of the Church: “we humbly pray: in communion with the Body and Blood of Christ, the Holy Spirit unites us in one body”⁶⁷.

17) Approaching the sacrament of reconciliation, they receive from God’s mercy, forgiveness of the offenses made against him and together they are reconciled with the Church, to whom they inflicted a wound with sin, and who cooperates in conversion with charity, example and prayer⁶⁸. Therefore, they frequently receive this sacrament with the spirit of humility, with which the holy father Augustine was animated, imploring the true contrition of the heart⁶⁹.

18) With the liturgy of the other sacraments and sacramentals they sanctify their life, by virtue of the divine grace that flows from the Paschal mystery⁷⁰.

19) They express the union of souls and hearts, the foundation of religious life, also with prayer in common, and especially with the liturgy of the hours. In it, putting into practice the exhortation of the only father Augustine: “when you pray to God with psalms and hymns, meditate with your heart what you utter with your voice”⁷¹, they actively associate themselves with the Church in the hymn of praise to the Father, whom the High Priest Jesus introduced on earth, and they cooperate “in building and increasing the mystical body of Christ”⁷².

Prayer in common has a special dignity, Jesus having said: “where two or three are gathered in my name, I am in their midst”⁷³. “He prays for us, as our Priest; He prays in us, as our Head; He is prayed by us, as our God”⁷⁴.

20) §1. All Priests, Professed clerics⁷⁵ and Novices are obliged to daily recitation of the Divine Office, by way of initiation into religious life.

§2. The Solemn professed and Priests should recite the canonical hours privately which they do not recite in common⁷⁶.

21) The Church strongly urges religious to study the Holy Scriptures, because their knowledge is knowledge of Christ and “their ignorance is ignorance of Christ”⁷⁷. Reading and meditating on them must constitute the favorite study of every Discalced Augustinian, because all Sacred Scripture is permeated with charity⁷⁸; each teaching brings us back to Christ⁷⁹; almost every page speaks to us only of Christ and the Church⁸⁰.

Chapter 2. Consecrated Life

22) The true worship of God consists in giving oneself fully to his love: “this is the true religion, this is the right piety, this is the true service of God”⁸¹. With the baptismal consecration they become a spiritual temple and a holy priesthood⁸²: “what vow will we then offer God if not the will to be his temple? We can offer him nothing more than to repeat what is said in Isaiah: ‘take

⁶⁷ Eucharistic Prayer II.

⁶⁸ Lumen Gentium 11.

⁶⁹ Can. 664.

⁷⁰ Sacrosanctum Concilium 61.

⁷¹ Reg. 12.

⁷² Liturgia Horarum 24.

⁷³ Mt. 18:20; Liturgia Horarum 9.

⁷⁴ In Ps. 85,1.

⁷⁵ Cann. 276, §2, 3^o; 663, §3.

⁷⁶ Can. 1174.

⁷⁷ S. JEROME, *Comm. in Is., Prol.*; Dei Verbum 25.

⁷⁸ Serm. XIV Mai, in *Miscellanea Agostiniana I*, 1930, p. 292.

⁷⁹ In Ps. 137,9.

⁸⁰ Serm. 46,13.

⁸¹ De Civ. Dei X,3,2.

⁸² Lumen Gentium 10.

possession of us”⁸³. With religious consecration they dedicate themselves to God with a new particular worship⁸⁴ and place themselves in a new state of adhesion to Christ⁸⁵ and service to the Church⁸⁶: “man himself, consecrated in the name of God and promised to him, as he dies to the world to live on God, it is a sacrifice”⁸⁷.

23) The religious Profession commits them to observe the vows of chastity, poverty, obedience and humility, and to order their life according to the *Rule* and *Constitutions* which they are required to read frequently⁸⁸. The Profession of the evangelical counsels appears as a sign to effectively attract all members of the Church to live the Christian vocation⁸⁹. It does not oppose the true development of the human person, but by its very nature it is of great benefit by making religious members useful and active in the construction of the earthly city⁹⁰.

2.1 Chastity

24) With the vow of chastity, a distinguished gift of grace⁹¹, they choose to practice responsibly and joyfully the perfect continence in celibacy, an eschatological sign of the Kingdom of heaven⁹², to consecrate themselves with total dedication to the service of God and neighbor⁹³.

25) By responding to the vocation to chastity in religious life, they realize the fullness of love, which Christ lived and handed down to his Church; and testify to the Christian people that God is the only origin and purpose of all love and brotherhood⁹⁴.

26) To persevere and progress in chastity, the religious, aware of human frailty, develop their love for the Eucharistic Christ and the Blessed Virgin, corroborate the will with the grace of the sacraments and spiritual direction; guard the heart and senses with mortification⁹⁵; they do not neglect natural means, apt to develop one’s own psychological and emotional maturity; above all, know how to practice true brotherly love between them⁹⁶.

2.2 Poverty

27) By professing poverty for love of God, the Discalced Augustinians follow more closely the example of Jesus, made poor for our sake, and practice his teaching not to place security and hopes in earthly goods but in those of heaven. Thus, confident in the providence of the Heavenly Father, they more easily seek the kingdom of God and his justice, theirs and others’ sanctification. To men, too immersed in material values, they remind with their testimony the values of the spirit.

28) Poverty is a fundamental means for the realization of common life⁹⁷, in fact the more greed for earthly goods is destroyed, the more charity is built up in the hearts of brothers⁹⁸.

⁸³ In Ps. 131,3.

⁸⁴ Lumen Gentium 44.

⁸⁵ Lumen Gentium 45.

⁸⁶ Perfectae Caritatis 5.

⁸⁷ De Civ. Dei X, 19.

⁸⁸ Reg. 49.

⁸⁹ Lumen Gentium 44.

⁹⁰ Lumen Gentium 46.

⁹¹ Perfectae Caritatis 12; Lumen Gentium 42.

⁹² Can. 599.

⁹³ De S. Virg. 8.

⁹⁴ Perfectae Caritatis 12.

⁹⁵ Reg. 22-24.

⁹⁶ Perfectae Caritatis 12.

⁹⁷ Reg. 4.

⁹⁸ De Doctrina Christ. III,10,16; Reg. 31.

29) §1. With a simple vow, the religious renounces the right to use and dispose of temporal goods, without the permission of the Major Superior⁹⁹.

§2. The Simple professed retains ownership of his goods and the ability to acquire others, but towards the end of the Novitiate the Novice gives up, for the whole duration that precedes Solemn Profession, the administration, use and use of his own goods to anyone who wants; with the permission of the Major Superior, he can change this provision even after Simple Profession.

§3. If this transfer was not made due to lack of goods and then there would have been added afterwards, or, if it has already been done, others may have been added, one must issue or repeat the said concession despite the vows made¹⁰⁰. In case of exit from the Order, this loses all value.

§4. Before the Simple Profession, one draws up the will, which is also valid according to Civil Law¹⁰¹.

§5. To modify, for just cause, the above provisions and in no. 32 the permission of the Major Superior is sufficient¹⁰².

30) With a solemn vow, the religious becomes incapable of both possessing and managing temporal goods¹⁰³.

31) Everything that the religious, whether Simple professed or Solemn professed, receive by private initiative or in consideration of the Order, receive it for the Order. If in doubt, the offer is presumed given to the Order. Pensions, subsidies, insurance and salaries received by individuals are also acquired for the Order¹⁰⁴.

32) Before Solemn Profession he must make a radical renunciation of his property, possibly in a legally effective form with value starting from the day of his Profession¹⁰⁵. According to tradition also draw up the handwritten declaration of poverty.

33) The Order, the Provinces, the Commissariats and the Houses have the legal capacity to purchase, possess, administer and dispose of temporal goods. However, any form of luxury, excessive profit and accumulation of goods should be avoided. Provinces, Commissariats and Houses are sensitive to the needs of the poorest, so that the most fortunate of means will help others¹⁰⁶.

34) §1. In the use of temporal goods, it is not enough to depend on superiors, but internal and external poverty must be practiced. Therefore, avoid any superfluity and excessive spending. All observe the common life in food, clothing and furnishings. The Superiors watch over this and set a good example.

§2. In making use of the communication tools, the necessary discretion must be observed and all that may harm one's vocation and endanger the chastity of a consecrated person should be avoided¹⁰⁷.

35) Being subject to the labor Law, they undertake to carry it out with responsibility and dedication, thus obtaining the material means, trusting in the providence of the Lord.

⁹⁹ Can. 668, §1-2.

¹⁰⁰ Can. 668, §1-2.

¹⁰¹ Can. 668, §1.

¹⁰² Can. 668, §2.

¹⁰³ Can. 668, §5.

¹⁰⁴ Reg. 32; Can. 668, §§3-4.

¹⁰⁵ Can. 668, §4.

¹⁰⁶ Perfectae Caritatis 13; De Opere Monachorum 25,33.

¹⁰⁷ Can. 666.

2.3 Obedience

36) Since Jesus made human redemption with his obedience, the religious, cooperators in the redemptive work, make obedience the program of their lives. She, “mother and guardian of virtue”¹⁰⁸, is the response of love and service to God in the spirit of Christ within the Church. In the generosity of this response, the religious makes available to the community of brothers and the people of God “both the energies of the mind and will, as well as the gifts of grace and nature”¹⁰⁹.

37) §1. The vow of obedience obliges the submission of the will to the legitimate Superiors when they command according to the *Constitutions*¹¹⁰.

§2. One seriously obliges when the command is given, according to no. 136 of the *Constitutions*, in serious cases, in writing or before two witnesses, with the formula: “by virtue of holy obedience”.

38) One obeys the Superior with a spirit of faith “as a father, with due honor not to offend God in the person of him”¹¹¹.

Those who exercise some authority, Office or assignment in the Order willingly abide by the prescriptions and directives of the higher authority, giving the brothers an example of submission.

39) “Far from diminishing the dignity of the human person, religious obedience leads to its full development, having increased the freedom of the children of God”¹¹². Therefore, observe the prescriptions of our *Constitutions* and the dispositions of the Superiors “not as servants under the Law, but as free men under Grace”¹¹³.

2.4 Humility

40) Our Fathers introduced, from the beginning, the vow of humility in the *Constitutions*, made it the distinctive badge of the Order, defended it and wrote about it widely. With this vow they intended to observe the *Rule* more perfectly and to relate more intimately to the spirit and doctrine of the holy father Augustine. Its essence consisted, and still does, in not seeking honorific positions.

41) With a vow of humility, the religious promise not to aspire to those ecclesiastical Offices which, although understood as a diakonia, could stimulate human vanity; that is, not to procure directly or indirectly, with external and deliberate acts: for the Professed, ecclesiastical dignities outside the Order and, within it, the Offices of Major and local Superior; for the coadjutor brothers, those Offices which they can access with a passive voice.

42) The vow of humility is an effective means of sanctification because, by freeing oneself from the defects of vanity, it makes their service to the Order and to the Church more accepted and more fruitful.

43) With the practice of humility, they strive to have the feelings of Jesus, who divested himself by taking the nature of a servant. Thus, they materialize the desire of the Church, which rejoices to find in its bosom many faithful, who follow more closely this annihilation of the Savior¹¹⁴.

¹⁰⁸ De Civ. Dei, XIV,12.

¹⁰⁹ Perfectae Caritatis 14.

¹¹⁰ Can. 601.

¹¹¹ Reg. 44.

¹¹² Perfectae Caritatis 14.

¹¹³ Reg. 48.

¹¹⁴ Lumen Gentium 42.

Chapter 3. Common Life

44) Following the exhortation of the *Rule*, they try to implement a perfect common life in the Houses in observance of the same rules and animated by the same Spirit. Even external uniformity favors and expresses the unity of hearts: “this is the sacrificial offering of Christians: many, but one body of Christ”¹¹⁵.

45) The common life corresponds to a profound need of man, created by God as a social being, and is in the religious state a very valid means to live their baptism more perfectly, for which they have been called to carry out in them the yearning for Jesus: “that all may be one. Like you, Father, you are in me, and I in you; that they too are one in us, so that the world may believe that you sent me”¹¹⁶.

46) In the common life one mainly protects charity: “it regulates the food, the speeches, the dress and the attitude. Violating it is the same as offending God; if there is something that opposes it, it truncates and rejects it; if something disturbs it you don’t allow it to last a day or, because Jesus and the Apostles have so strongly recommended it, that where charity is lacking, everything is useless, where instead there is, everything is valid”¹¹⁷. Aware that fraternal dialogue enriches the person, they exchange knowledge, experiences, suggestions and resolutions.

47) To foster interior life, prayer, study and peace, silence is lovingly guarded in the Houses, regulated in such a way as to allow an orderly recreation that facilitates the relaxation of minds and fraternal communication.

48) §1. Faithful to the penitential spirit of the Reformation, they love and practice mortification to voluntarily participate in the sufferings of Christ, tame their lust, remove selfishness and build unity in charity ever more solidly¹¹⁸.

§2. They should also remember that observance of the rules, of common life and of vows, the difficulties of life, the weight of age and the persecutions suffered for the kingdom of God are an excellent expression of penance¹¹⁹: “when we chastise our body with temperance [...] this too is a sacrifice”¹²⁰.

49) The religious habit, a sign of their consecration¹²¹, is made up of a cassock, hood and belt, from which the crown of the Rosary hangs.

50) One should observe the cloister which is a requirement of common life: The Houses are an oasis of interiority and peace for a distracted society¹²².

51) Sick religious should be considered as members of the suffering Christ. They occupy the first place in the hearts and delicate care should be given them that each would desire for himself in similar cases. The sick should accept suffering as a means of personal sanctification, convinced of the good that they can bring to the community and to the Church. Seriously ill persons are promptly comforted by the sacraments.

¹¹⁵ De Civ. Dei X,6.

¹¹⁶ Jn. 17:21.

¹¹⁷ De Mor. Eccl. Cath. I,73; Ivi 33.

¹¹⁸ De Mor. Eccl. Cath. I,17.

¹¹⁹ Paenitemini III, a,b,c.

¹²⁰ De Civ. Dei X,6.

¹²¹ Can. 669, §1.

¹²² Can. 667, §1.

52) The charity that unites them during life also manifests itself in generously supporting the souls of the deceased confreres. Therefore, the suffrages established in the *Directory* should be fulfilled.

Chapter 4. Apostolic Life

53) Apostolic activity, which derives from intimate union with God¹²³, belongs to the nature of religious life: “true sacrifice is every good work with which we are committed to uniting in holy communion with God, so that it is referred to the Ultimate Good¹²⁴. It must interpenetrate the whole consecrated life for the full implementation of the precept of the *Rule*: “love God first and therefore the neighbor”¹²⁵ and for the construction of that temple of God to continue and expand continuously, where “the stones are thus collected and, through the charity, so close in unity, that they are not placed one above the other but all together form a single stone”¹²⁶.

54) The activity of the religious is inspired by the actions of Jesus and the apostles, both corroborated by personal dialogue with God in the spiritual life and by the collaboration of the confreres within the community.

55) Those who, especially for their Office, are most in contact with the people of God, should practice with particular commitment the virtues that are highly appreciated in society: goodness, sincerity, constancy, justice and kindness¹²⁷.

56) The Religious should know how to be zealous and indefatigable, using their gifts of mind and heart in the search for new ways for fruitful apostolic work¹²⁸.

57) The first field of apostolate for the Discalced Augustinians must be considered the Community.

58) Each religious Community by its own nature is part of the particular Church: “love this church, be in this church, be this church”¹²⁹. They should have a filial respect for the Bishop, indulging his zeal and industriousness, always in respect to the *Constitutions*¹³⁰.

59) The religious, mindful of what the holy father Augustine said: “if you want to love Christ, extend charity to the whole world, because the members of Christ are scattered everywhere”¹³¹, join the Church and her ministry, and their spiritual life is a consecration to the good of the whole Church to root and consolidate and expand the kingdom of God in souls¹³².

60) §1. Since the gift of faith reaches man through evangelization, the preaching of the Word of God, liturgical celebrations, dialogue, the spread of the good press and the use of the means of social communication, is increased corresponding to our religious poverty.

§2. To print writings concerning religion or customs, the religious must also obtain the license of their Major Superior¹³³.

¹²³ Ep. 48.

¹²⁴ De Civ. Dei X,6.

¹²⁵ Reg. 1; Perfectae Caritatis 8.

¹²⁶ In Ps. 95,2.

¹²⁷ Presbyterorum Ordinis 3.

¹²⁸ In Ps. 33,s.2,6-7.

¹²⁹ Disc. 138,10.

¹³⁰ Cann. 678; 680. The references to the cann. better explain the type of relationship with the Bishop, but the concept is repeated in the *Directory* in a personalized form.

¹³¹ In Ep. Jo. 10,8.

¹³² Lumen Gentium 44.

¹³³ Can. 832.

61) §1. Religious priests, in the exercise of divine worship, shine with zeal for the glory of God and concern for the conversion of hearts, of knowledge and of prudence, of patience and evangelical charity.

§2. In the administration of the sacraments and in liturgical celebrations, the norms and rubrics established by the competent authority are followed.

62) The visible Church is concretized in local communities, among which the parish has a prominent place. In fact, it offers a shining example of a communitarian apostolate; a cell of the Diocese, it joins forces with diocesan initiatives; sensitive to the needs of the people of God on earth, it contributes to the good of the missionary Church in the world.

63) §1. The Secular Fraternities, considered by the Church to be a leaven of Christian perfection among the faithful, are cared for and developed according to the needs of the times, so that they become an effective instrument of witness in society¹³⁴.

§2. They have spirituality in common with the first Order. The members of the Secular Fraternities are our first collaborators in the apostolate. They should therefore be adequately trained in Christian commitment, deriving from Baptism, Confirmation and their particular vocation¹³⁵.

64) §1. The Church, the universal sacrament of salvation, by its nature is missionary, promoting the glory of God-who-is-Love and our happiness¹³⁶. The Religious, being chosen members of the Church, share in its very nature. Superiors encourage the aspirations of those who feel called to the missionary apostolate¹³⁷.

§2. Missionary vocations, contact with missionaries and help with missions should be cultivated. Each one, according to personal possibilities, fulfills his duty and commitment to evangelization¹³⁸.

65) The Religious, to the usual forms of apostolate, add new ones, using available methods and means. Every form of apostolate is conducted in agreement and under the guidance of the competent Superiors. They, in agreement with the Community, will take care of the programming¹³⁹.

¹³⁴ Can. 303.

¹³⁵ Can. 677, §2.

¹³⁶ Ad Gentes 2.

¹³⁷ Can. 677, §1.

¹³⁸ Can. 783.

¹³⁹ Can. 671.

Section 2. FORMATION FOR RELIGIOUS AND PRIESTLY LIFE

Chapter 1. Principles of Formation

66) *Formation in general.*

§1. All the work of formation is based on the Christian doctrine of man, a living image of God, luminously explained by the holy father Augustine¹⁴⁰.

§2. The vitality of religious institutes depends above all on the formation of their members. Therefore, candidates should be ensured complete religious and priestly formation: human, spiritual, intellectual and pastoral¹⁴¹, according to the dispositions and directives of the Church and of the Order.

§3. The components of this formation should be organized and developed in such a way as to contribute to the unity of religious life and to the preparation of the Priest of Christ for the apostolate in today's social life¹⁴².

§4. The *Ratio Generalis Institutionis* regulates the formation of our formandi and religious¹⁴³.

67) *Human-Christian formation.*

§1. Authentic Christian education promotes the integral formation of the human person. Aspirants and young religious should be helped to develop their physical, moral and intellectual capacities harmoniously, to acquire a more mature sense of responsibility, to use personal liberty rightly, courageously overcoming obstacles¹⁴⁴.

§2. The family environment is a natural condition for the human growth of the individual; therefore, in the Houses of formation they must create a family atmosphere which, enlivened by love for God and for men, is a necessary condition for the correct, healthy and complete formation of the young people who enter the Order¹⁴⁵. Furthermore, they must be brought to a suitable experience of human things and relationships with the family¹⁴⁶.

§3. Young people should be guided to perfect their character by opening up to the communitarian dimension, to have fortitude, to esteem sincerity, respect for justice, fidelity to the word given, kindness of treatment and charity in conversing¹⁴⁷.

§4. They should consider discipline to support common life, a necessary element for self-control and for the development of one's personality. Discipline must be practiced in such a way that it forms in the soul of those being formed the aptitude to welcome the authority of superiors for supernatural reasons, for duty of conscience and for intimate conviction¹⁴⁸.

§5. They live in intimate communion with the Father through the Son in the Holy Spirit. They get used to living united to Christ in all their life; they reproduce the paschal mystery of Christ, deepen it in meditation on the Word of God, in active participation in the mysteries of the Church, especially in the Eucharist.

¹⁴⁰ De Magistro 11,38; De Vera Rel. 39,72.

¹⁴¹ Ratio Fundamentalis I,3.

¹⁴² Perfectae Caritatis 18; Ratio Fundamentalis 1,3.

¹⁴³ Can. 659, §3.

¹⁴⁴ Gravissimum Educationis 1.

¹⁴⁵ Gravissimum Educationis 3.

¹⁴⁶ Optatam Totius 3.

¹⁴⁷ Optatam Totius 11.

¹⁴⁸ Optatam Totius 11.

§6. They should love the Virgin Mary, given to us by Jesus as mother and teacher of interior and apostolic life; from her they should learn to live according to the gospel¹⁴⁹. In fact, devotion to Our Lady from the very beginning has been a characteristic of the Order.

§7. May they be penetrated by the mystery of the Church, united filially with the Vicar of Christ; participate in the life of the whole Church, because “everyone possesses the Holy Spirit to the extent that he loves the Church of Christ”¹⁵⁰.

68) Religious formation.

§1. An authentic formation in religious life must be based on the conviction that the evangelical counsels, based on the words and examples of the Lord and recommended by the apostles, are a divine gift, which the Church always preserves¹⁵¹. Therefore, let the young people commit themselves to accepting this gift and to living it with a generous spirit¹⁵².

§2. The formandi are made aware of the burdens they will have to assume, through a clear information of the sacrifices required by religious and priestly life¹⁵³, are started to correct the tendencies of the old man and to develop in himself the new man with a progressive adhesion to Christ¹⁵⁴.

§3. A wise education should be given to celibate life for the kingdom of heaven, bringing those in formation to the knowledge of the dignity and duties of Christian marriage, and of the superiority of virginity consecrated to Christ, so that they make a complete donation to God of the body and of the soul with mature deliberation and magnanimity¹⁵⁵.

§4. The formandi are inculcated with the love and spirit of the Order. They should be gradually trained in contemplative life, emphasizing the beauty and efficacy of personal and communitarian prayer, of meditation on the Word of God, of silence. They are educated in the exercise of individual virtues, especially of charity and those concerning the vows.

69) Intellectual and apostolic formation.

§1. The soul desires nothing more tenaciously than the truth: the gradual conquest of it is equivalent to the progressive knowledge of God¹⁵⁶. The aim of the doctrinal formation is that the formandi acquire, in addition to a general culture adapted to the needs of the times, a vast and solid doctrine of the sacred sciences, so that, having well founded and nourished their faith in them, they are able to conveniently announce the Gospel message and to insert it in contemporary culture¹⁵⁷.

§2. An intelligent education to apostolic work is not only based on the cultural formation of young people but tends to develop and implement personal inclinations, a gift from God, for the personal and communitarian good. It must also encourage openness of mind and heart to the signs of the times.

§3. Priestly formation is permeated by a pastoral spirit; therefore, the pastoral aspect must be placed in particular light in the teaching of all theological subjects¹⁵⁸.

¹⁴⁹ Optatam Totius 8.

¹⁵⁰ In Jo. 32,8.

¹⁵¹ Lumen Gentium 43.

¹⁵² Optatam Totius 3.

¹⁵³ Optatam Totius 9.

¹⁵⁴ Eph. 4:22-24; De S. Virg. 27.

¹⁵⁵ Optatam Totius 10.

¹⁵⁶ In Jo. 26,8.

¹⁵⁷ Ratio Fundamentalibus IX, 59.

¹⁵⁸ Ratio Fundamentalibus XVI, 94.

§4. Young people should be carefully and gradually prepared for the proclamation of the Word of God, for catechesis and for the exercise of other priestly activities.

Chapter 2. Centers for Formation

70) The formation of the candidates of the Order is carried out in the centers intended for this in the individual Provinces, that is, in the Houses of Aspirancy, Postulancy, Novitiate and of the Professed.

71) The erection, suppression, transfer and change of locations are acts reserved to the Prior General with the consent of the General Definitory, except for particular norms of Universal Law.

72) The Prior General with the consent of the General Definitory, in derogation of the prescript of no. 70 of the *Constitutions*, can establish Houses of Formation immediately subject to central authority, if in its judgment the common good requires it.

73) Except as prescribed in no. 72 of the *Constitutions*, each Province or Commissariate, for particular circumstances, may send its candidates for formation to the centers of another Province or Commissariate, with the consent of the respective Provincial or Commissariate Councils and the Prior General.

74) Each center has the requisites and subsidies necessary to achieve the set goals.

Chapter 3. Formators

75) In the Formation Houses, everyone, according to the different tasks, must contribute to the education of the candidates; therefore, they contribute to establishing an atmosphere of observance and serenity; however, those directly responsible for formation are the Major Superior, the Prior and the Master.

76) The formators are rich in religious, priestly, apostolic spirit and expert connoisseurs of the youthful soul and its problems; are endowed with wise discernment and a prudent balance, affability and understanding, enthusiasm and aptitude for dialogue, rich in communication and experts in Augustinian spirituality.

77) Not considering their responsibility, uncertainties or improvisations, the formators, in proportion to their duties, should continually update their spiritual, Augustinian, pedagogical and technical preparation.

78) The formators should be chosen from among the most suitable Priests and have an awareness of how much the success of the candidates' formation can depend on their way of thinking and acting¹⁵⁹.

79) The formators have the task of training candidates for spiritual and religious life, taking into account the age and ability of each; encourage them to respond with joyful gratitude to the love of God; they should convince them that accepting the gift of one's vocation involves self-discipline, regular observance and overcoming difficulties.

80) The Masters of the Formation Houses are nominated according to the modalities established by Proper Law.

81) A necessary means of formation is spiritual direction, a privileged way to listen to the interior teacher and to conform to the same sentiments of Christ¹⁶⁰.

¹⁵⁹ Optatam Totius 5.

¹⁶⁰ Phil. 2:5-11; Conf. IX,9,21.

Chapter 4. Vocational Promotion

82) Among the many vocations incessantly incited by the Holy Spirit in the People of God, the vocation to the religious state and to the priestly (ministry) has particular importance¹⁶¹.

83) The vocation is manifested in different moments of human life and in various ways: in adolescents, adults and, in “seedling state”, also in children, as attested by the constant experience of the Church¹⁶².

84) May vocation promotion be sustained by fervent communitarian and personal prayer and penance; be carried out with all forms of pastoral action. The example of our life, “in which the spirit of service and true Easter joy is clearly reflected”¹⁶³, is the best presentation of our Order and the best invitation to embrace the religious state¹⁶⁴.

Chapter 5. Aspirancy

85) The Aspirancy is intended to help those who show signs of vocation to our Order, to know better the call of God and to follow it more easily. In what is of such importance, which requires particular assistance from the Holy Spirit, Aspirants are lovingly followed and helped by formators to live fully the baptismal commitment and to deepen the sublime gift of vocation¹⁶⁵.

86) Great importance is given to the Aspirancy and its development: the life and future of the Order depends on it; *Directory* establishes the duration and specific objectives.

87) The life of the Aspirancy is suitable for the age of the candidates and according to the norms of psychology and pedagogy; may the free response to vocation be promoted with all care¹⁶⁶.

88) Particular attention should be paid to studies, so that our candidates have intellectual training suitable for their age and condition. The program of the studies is such as to allow Aspirants to continue them elsewhere without harm¹⁶⁷.

Chapter 6. Postulancy

89) §1. In order for the candidate to be admitted to the Novitiate, he must have an aptitude for community life, adequate human and spiritual preparation, and discretionary and affective maturity, to be verified in a suitable trial period called Postulancy.

§2. His goal is: to allow a judgment on the candidate’s aptitudes and vocation; to verify the degree of human and religious culture and, when necessary, to complete it to the extent deemed necessary; to allow a progressive transition from the life of the world to that of the Novitiate.

90) Aspirants are admitted to the Postulancy by the Major Superior¹⁶⁸, presenting a specific written request.

Chapter 7. Novitiate

91) The Novitiate is the time for direct experience of religious life in the Discalced Augustinians. The Novice, living together with the religious, verify his vocation, know and

¹⁶¹ Ratio Fundamentalis II, 7.

¹⁶² Ratio Fundamentalis II, 7.

¹⁶³ Presbyterorum Ordinis 11.

¹⁶⁴ Perfectae Caritatis 24.

¹⁶⁵ Ratio Fundamentalis III, 11.

¹⁶⁶ Ratio Fundamentalis III, 13.

¹⁶⁷ Optatam Totius 3.

¹⁶⁸ Const. 220, a.

assimilate the spirit of the Order and the obligations to be assumed. Superiors are aware of the Novice's intentions and suitability¹⁶⁹.

92) Admission Requirements:

§1. The candidates, to be admitted to the Novitiate, should have the following:

- a) they should be free from canonical impediments¹⁷⁰;
- b) should have a baptism and confirmation certificate, civil free status¹⁷¹;
- c) should present the request to the Major Superior;

§2. The *Quoad Mores* opinion of the local Chapter of the Postulancy House is also required, expressed by secret vote. The Major Superior, although it is an advisory vote, does not depart from it without serious reasons.

§3. In the case of secular clerics or consecrated persons from Secular Institutes or Societies of Apostolic Life, the Major Superior, before their admission, abides by the prescriptions of cann. 644; 684, §5.

§4. In addition to the prescribed documents, the Major Superior requests all other information he deems appropriate.

93) Admission.

§1. The admission is the responsibility of the Major Superior; he ensures that all the conditions and documents for the validity and lawfulness of the admission, prescribed by Universal Law¹⁷² and Proper¹⁷³.

§2. The Novitiate begins with the INITIATION RITE TO RELIGIOUS LIFE and it is preceded by a period of spiritual exercises¹⁷⁴.

§3. The Novitiate is not repeated if a Professed candidate for Sacred orders passes from being coadjutor brothers, and vice versa.

94) §1. The Novitiate lasts twelve months¹⁷⁵. Absences from the Community and from the Novitiate House, which exceed three months, continuous or interrupted, render the Novitiate invalid¹⁷⁶.

§2. Absences of less than three months and longer than fifteen days must be supplied¹⁷⁷.

§3. The Novitiate is not interrupted if the Novice or all Novices are transferred to another Novitiate House.

§4. In special and exceptional cases, the Prior General, with the consent of the General Definitory, may grant that the candidate validly perform the Novitiate in a House of the Order other than that of the Novitiate, but under the direction of an expert religious who takes the place of the Master of Novices¹⁷⁸.

95) Formation.

¹⁶⁹ Can. 646.

¹⁷⁰ Can. 643, §1.

¹⁷¹ Can. 645.

¹⁷² Cann. 643; 645.

¹⁷³ Const. 92; Dir. 94.

¹⁷⁴ Dir. 10, §2.

¹⁷⁵ Can. 648, §1.

¹⁷⁶ Can. 649, §1.

¹⁷⁷ Can. 649, §1.

¹⁷⁸ Can. 647, §2.

§1. The direct formation of the Novices and the internal progress of the Novitiate are the responsibility of the Master. While remaining responsible for the implementation of the training program agreed with the Major Superior and the Prior, he can be assisted, in agreement with the Superiors, by suitable and experienced people. In order to carry out the formation program, the testimony of Augustinian life of the religious Community is indispensable.

§2. The Novice bases his behavior on the religious life program outlined by our *Constitutions*. He should not be satisfied with a purely external observance, but give an intimate and generous response to the invitations of the Spirit. He should learn to live our spirituality with joy, to know the history of the Order and its vitality in the Church.

96) Chapter Approvals.

§1. At the end of the fourth, eighth and eleventh months of the year of Novitiate, the Local Chapter, after hearing the report of the Master, expresses their opinion by secret vote on the suitability of each Novice for religious life and informs the Major Superior.

§2. If in the first two Chapters the Novice has not received at least half of the favorable votes, his dismissal is proposed to the Major Superior. If in the third chapter he has obtained only half of the favorable votes, the Prior reports the Capitular outcome to the Major Superior who either dismisses the Novice or he can extend the probationary period but not for more than six months¹⁷⁹.

§3. Towards the end of this period, the Novice is subjected again to the judgment of the Local Chapter which, by secret vote and with an absolute majority, will verify its suitability for religious life.

§4. The minutes of the individual Chapter acts are transcribed by the Master in the appropriate register and signed by the Vocals.

§5. After the third Local Chapter mentioned in §1, the Novice, if deemed suitable, presents a written application to the Major Superior of the Novitiate House to be admitted to the Profession.

§6. The Novice is however free to leave the Order when he thinks it appropriate¹⁸⁰.

Chapter 8. Profession

97) The Church, with her authority, not only elevates the Profession of the evangelical counsels to the dignity of a canonical state, but with her liturgy she presents it to the Christian people as a state consecrated to God¹⁸¹.

98) The religious should not forget that by virtue of their Profession they commit themselves to live more holier than other Christians. Therefore, they should ask insistently for the help of grace to persevere and progress constantly in perfection, thus bearing witness to the greatness of the vocation to which God has called them.

99) §1. The Profession is Simple and Solemn: the first is emitted at the end of the Novitiate for four years; the second is of perpetual vows.

§2. Simple Profession renders acts contrary to vows illegal but not invalid; it also suspends the vows made before, as long as the Professed remains in the Order. Solemn Profession renders acts contrary to vows not only unlawful but, if unvalidatable, also null.

100) Requirements for the validity of the Simple Profession:

¹⁷⁹ Can. 653.

¹⁸⁰ Can. 653, §1.

¹⁸¹ Lumen Gentium 45.

- a) the candidate must have completed eighteen years of age¹⁸²;
- b) the Novitiate year must be completed in accordance with nos. 94; 96; 102 of the *Constitutions*¹⁸³;
- c) the candidate's full freedom of decision manifested with an express request to take the vows¹⁸⁴;
- d) the admission on the part of the Major Superior with the consent of the Council¹⁸⁵;
- e) the Novice Major Superior or the Major Superior of the Novitiate House or a Delegate legitimately receives the Simple Profession.

101) Requirements for the validity of the Solemn Profession:

- a) four years have passed since Simple Profession¹⁸⁶;
- b) the candidate must have completed twenty-one years of age¹⁸⁷;
- c) the *Quoad Mores* opinions of the Communities in which the Professed has spent at least six months;
- d) the candidate's full freedom of decision manifested with a written request;
- e) the admission of the Major Superior with the consent of his Council;
- f) the Major Superior has obtained the consent of the Prior General.

102) The Major Superior can, for a just cause, allow the Simple Profession to be anticipated, however of not more than fifteen days¹⁸⁸; Solemn Profession of no more than two months¹⁸⁹.

103) §1. At the expiry of Simple Profession¹⁹⁰, the Professed asks to emit the Solemn Profession or to renew the Simple Profession for a specific time.

§2. The time of Simple Profession must not exceed six continuous years, except for can. 657, §2.

§3. For the renewal of the Simple Profession, it is required that an application for the Professed has been submitted accompanied by the opinion *Quoad Mores* of the Local Chapter, expressed by secret vote, and the admission of the Major Superior of the Professed.

§4. However, upon the expiry of the vows, the Simple professed can freely leave the Order, and the Major Superior can deny him the renewal of vows or admission to Solemn Profession.

104) A religious of solemn vows who, according to the norm of can. 684, pass from a Religious Institute to our Order, before being admitted to Solemn Profession, must undergo a trial period of at least three years, according to the directives of the Major Superior.

105) Within the two months preceding the Solemn Profession, the candidate makes an act of renunciation of his assets, freely registering them to whoever he wishes. The document includes the clause that the renunciation will have full value only after the Profession has taken place¹⁹¹.

106) §1. The Solemn Profession is preceded by an immediate preparation period of at least two months under the guidance of a religious designated by the Major Superior who will establish the program to be carried out.

¹⁸² Can. 656, 1°.

¹⁸³ Can. 656, 2°.

¹⁸⁴ Can. 656, 4°.

¹⁸⁵ Can. 656, 3°.

¹⁸⁶ Can. 658, 2°.

¹⁸⁷ Can. 658, 1°.

¹⁸⁸ Can. 649, §2.

¹⁸⁹ Const. 193, i.

¹⁹⁰ Const. 99, §2.

¹⁹¹ Can. 668, §1.4.

§2. The Major Superior of the Professed should notify the Parish Priest of baptism as soon as possible of the Solemn Profession¹⁹².

107) The Simple Profession, its eventual renewal and the Solemn Profession are emitted according to the *Ritual* and with the following formula:

Most Reverend Father, I ask you and all the brothers present here to witness my gratitude to God and my willingness to respond to him who called me to follow him in the Augustinian community.

Therefore, I Fra N. freely and voluntarily consecrate myself to God and commit myself with vow, to live the evangelical counsels of chastity, poverty, obedience and humility, according to the Rule of the Holy Father Augustine and the Constitutions of the Order of the Discalced Augustinians, for (... year/years / until death).

I therefore ask you, Most Reverend Fr. N. (Competent Major Superior or his Delegate) to accept my (Simple/Solemn) Profession on behalf of the Church and of the Order with which I present my life to the Most Holy Trinity so that it may be a living, holy and acceptable host.

May Mary the Most Holy Mother of Consolation, the Holy Father Augustine, the example of the confreres, the prayers of the people of God help me to persevere in this holy purpose. Amen. Deo gratias.

(Place, Date, Signature)

Chapter 9. Professed House

108) The Professed House welcomes the Professed who continue their religious formation.

109) §1. The Master, the main person responsible for the formation of the Professed, recalls what they learned in the Novitiate for further study; highlight the usefulness of studies as a means of human, religious and priestly formation; above all, help them to meditate on the great theological truths, a source of union with God and of intimate joy.

§2. He should make them aware of the responsibilities and the dangers they will face. Do not hide from them the difficulties of religious and priestly life.

110) §1. Having the Priest to evangelize all men, the Professed candidates for the priesthood, develop their own faculties so as to be able to put themselves in contact with others in a way corresponding to the different conditions of the people. Above all, they must learn the art of speaking properly, of listening patiently and of treating everyone with respect, animated by humble charity, so that they can manifest to others the mystery of Christ living in the Church¹⁹³.

§2. The Professed brothers take care of their spiritual and theological formation through study paths aimed at making their presence in the communities more qualified.

111) All doctrinal teaching is centered on the mystery of Christ which, according to Augustinian thought, permeates the entire history of humanity, acts continuously in the Church and operates mainly through the priestly ministry¹⁹⁴.

¹⁹² Can. 535, §2.

¹⁹³ Ratio Fundamentalibus VIII,51.

¹⁹⁴ Optatum Totius 14.

Chapter 10. Formation for the Sacred Orders

112) §1. Preparation for ministries and Sacred Orders tends to form the genuine and profound priestly spirit, which is configured on that of Christ, victim and Priest; it based on the assiduous meditation of the Divine Word; it develops with the exercise of the theological virtues, with the spirit of prayer, with the filial adhesion to Mary the Most Holy Mother of Priests and with intimate and active participation in the liturgy, to reproduce the Paschal Mystery¹⁹⁵.

§2. The candidates should acquire the sense of the Church, increase their love for all and the spirit of conscious obedience to authority. They must understand well that the priesthood is a humble, selfless and generous ministry of service to the Church, which is Christ.

§3. To ensure the fruitfulness of their future priestly ministry and to defend themselves from the dangers to which they are subject due to human frailty, must learn how to use all the goods and values that the world offers, in the spirit of Christ and in the full domain of themselves, through the joyful fidelity to the religious vows and to the ever more profound spirituality of our Order.

113) For the promotion to the Sacred Orders, besides Solemn Profession¹⁹⁶ and the other conditions prescribed by Universal Law¹⁹⁷, the following are required:

- a) the *Quoad Mores* opinions of the Communities in which the Professed has spent at least six months;
- b) the candidate's written request to his Major Superior;
- c) the consent of the Major Superior¹⁹⁸;
- d) the *Dimissorial Letters* of the candidate's Major Superior or Major Superior of the Professed House.

Chapter 11. Ongoing Formation

114) The formation of the religious is a lifelong commitment. Therefore, to adapt constantly and progressively to the needs of their own vocation, the religious should always be docile disciples of Christ, "the inner teacher, in the school of the heart"¹⁹⁹, and commit themselves to diligently perfecting their human, spiritual, doctrinal, Augustinian and technical culture.

§2. The Superiors should provide opportune occasions, subsidies and time to the religious²⁰⁰.

¹⁹⁵ Optatam Totius 8.

¹⁹⁶ Can. 1019, §1.

¹⁹⁷ Cann. 1031; 1032; 1035; 1039.

¹⁹⁸ Const. 220, e.

¹⁹⁹ Conf. IX,9,21.

²⁰⁰ Can. 661.

PART III.

GOVERNMENT OF THE ORDER

Section 1. STRUCTURE, LAWS, AUTHORITY

Chapter 1. Structure of the Order

1.1 Real Structure

115) The Order of the Discalced Augustinians is composed of Provinces, Commissariats, Delegations and Houses.

116) §1. The Province is a part of the Order, canonically erected according to Universal and Proper Law. It consists of a fair number of religious, Houses and all that in an ordinary regime of government is necessary for an autonomous life in the religious, formative, vocational and administrative field. It is governed by the Prior Provincial assisted by the Provincial Council²⁰¹.

§2. The Commissariat is a part of the Order that has a fair number of religious and Houses, but is unable to secure the normal ordinary regime of government. It is governed by a Commissary assisted by Commissariat Council.

§3. The Delegation is a group of religious and Houses, outside the territory of the Provinces, and is governed by a Delegate.

117) §1. When a Province cannot guarantee the normal ordinary regime of government, despite having a fair number of religious and Houses, the Commissariat regime is to be established, and it is governed by the Commissary assisted by the Council of the Commissariat applying the established norms for a Commissariat community.

§2. When a Delegation develops by number of religious and Houses and the common good requires it, it can be elevated to a Commissariat.

118) Erecting and suppressing a Province, dividing and uniting existing ones, suppressing them with a single act, authorizing the transition from Province to Commissariat, from Delegation to Commissariat, from Commissariat to Province is reserved to the General Chapter²⁰².

119) Out of the time of the General Chapter, it is up to the Prior General, with the consent of the General Definitory, to erect Delegations, to set norms for their functioning, to nominate the Delegate and to grant him the appropriate faculties, to nominate the local Priors and to form the Communities.

120) The criteria for dividing, erecting, suppressing, changing are given not only by the number of religious, but by the common good of the Order, by the quality of life and the healthy functioning of the Province for the good of the Church and the civil society.

121) §1. The House is the permanent seat of the religious who live under the same local authority²⁰³ and from where they exercise their missions.

²⁰¹ Can. 621.

²⁰² Cann. 581; 585.

²⁰³ Can. 608.

§2. The seats of Aspirancy, Postulancy, Novitiate and for the Professed are called Formation Houses.

§3. All our Houses are exempt from the jurisdiction of the Local Ordinary, according to Universal Law²⁰⁴.

§4. The erection of new Houses and the suppression of existing ones, is up to the Prior General with the consent of the General Definitory.

§5. In addition, the written consent of the diocesan Bishop is required for their erection²⁰⁵; and should be consulted for their suppression²⁰⁶.

1.2 Personal Structure

122) The Order is consisting of Religious professed clerics and Religious professed brothers, having equal duties and rights according to our *Constitutions*, except those that derive from the Sacred Order or the particular Offices, unless for no. 131 of the *Constitutions*. The Novices enjoy all the favors granted to the Order. They are obliged to observe with our systems as an experiment.

123) §1. Each Professed should be inscribed in the Province, or the Commissariat, for which the Novitiate began or, in their absence, to the Order. With the inscription, the religious becomes the son of the Province or the Commissariat. Whoever starts the Novitiate in the Delegation is inscribe in the Order.

§2. The inscription does not confer immovability. The Prior General can assign a religious to a House of another Province or Commissariat, after having consulted both the Major Superiors and the person concerned.

§3. The transfer of a religious to another Province or Commissariat is granted by the Prior General, subject to the consent of the Major Superiors with their respective Councils.

124) Each religious (Professed clerics and religious professed brothers), except as mentioned in no. 123 of the *Constitutions*, be assigned as a member of a House, either by the Chapters or by the Major Superiors, with the consent of their Councils.

125) The Major Superior may allow a religious, with a written request, to remain absent from the House for not more than a year, for a just cause and with the consent of his Council, unless he recovers from an illness, to attend for his studies, or to exercise the apostolate on behalf of the Order²⁰⁷.

126) The religious enjoy the privileges granted directly to the Order by the Holy See, and those common to other Religious Institutes.

127) The tertiaries, institutions, parents and relatives, benefactors and all those who, in some way, are aggregated or affiliated to the Order, enjoy the spiritual benefits granted to it and participate in the charism of the Order.

128) §1. The Secular Third Order, the Confraternity of the Belt and other Augustinian Confraternities, are erected by the Prior General.

§2. The Prior General with the consent of his Definitory can aggregate to the Order Religious and Secular Institutes and secular and associations of the faithful²⁰⁸.

²⁰⁴ Can. 591.

²⁰⁵ Can. 609, §1.

²⁰⁶ Can. 616, §1.

²⁰⁷ Can. 665, §1.

²⁰⁸ Const. 195, m.

Chapter 2. Active and Passive Voice

129) With an active voice, one has the right to participate by voting in elections, decisions and councils of the different communities of the Order; with the passive voice, one has the opportunity to be elected or nominated to the Offices and nominations that require it.

130) All religious with solemn vows have an active and passive voice. The exercise of this right is governed by Universal and Proper Law.

131) For the exercise of the active and passive voice, beyond the conditions established by Universal Law, it is required on the part of the Order:

a) for Religious professed clerics, they must be Priests with solemn vows and are assigned to a Community under no. 116 of the *Constitutions*;

b) for Religious professed brothers, they must be Solemn professed and are assigned in a Community. However, they cannot be elected to the Office of Prior General or Vicar General, Prior Provincial or Vicar Provincial, Commissary or Commissariat Vicar; they cannot be nominated to the Office of Local Prior or Vice Prior and other Offices that require the Sacred Order²⁰⁹.

Chapter 3. Laws, Provisions, Precepts

132) §1. The Order, in the spirit of the Gospel and the *Rule* of St. Augustine, is regulated, in addition to the Laws and provisions of the Church:

a) by the *Constitutions* and the *Directory* of the Order;

b) by the provisions and precepts of the General Chapter, of the Prior General with the consent or opinion of the Definitory.

§2. In addition:

a) the Province is regulated by the provisions and precepts of the Provincial Chapter, the Prior Provincial with the consent or opinion of the Council;

b) the Commissariat is regulated by the provisions and precepts of the Commissariat Council and the Commissary with the consent or opinion of his Council;

c) the Delegation is regulated by the provisions and precepts of the Delegate, according to the faculties granted to him;

d) the House is regulated by the provisions and precepts of the Local Chapter and the Local Prior.

133) §1. The provisions and precepts referred to in no. 132 of the *Constitutions*, given by authorities inferior to the General Chapter, except for what is provided by the no. 140 of the *Constitutions*, be conformed to the mind of the same General Chapter and cannot be contrary to the Universal Law and Proper.

§2. The inferior authorities in their provisions and precepts must respect what has been eventually decided on the matter by the superior authorities.

134) §1. a) To abrogate articles of the *Constitutions*, amend them and/or draw up new ones, a two-thirds majority of the votes of the General Chapter and the approval of the Holy See²¹⁰ are required.

²⁰⁹ Cann. 129, §1; 596, §2.

²¹⁰ Can. 587, §2.

b) It is the competence of the Holy See to give authentic interpretation of the *Constitutions* at the request of the Prior General with the consent of the General Definitory.

§2. It is the task of the General Chapter to suspend, for particular circumstances, some articles of a disciplinary nature of the *Constitutions*.

§3. To abrogate articles of the *Directory*, amend them and/or draw up new ones, a two-thirds majority of the General Chapter's votes are needed²¹¹.

§4. The Supreme Authority of the Order should bear in mind that the stability of the Laws contributes to the good of the Community.

135) §1. In addition to the General Chapter, the Prior General with his Definitory has the power to issue practical statements on dubious points of the *Constitutions* and the *Directory*, and to suspend for particular circumstances of time and place some disciplinary provision. Decisions on the matter must be approved by two-thirds of the Vocals, if it concerns the *Constitutions*; an absolute majority instead for the *Directory*.

§2. The decisions about the General Chapter and of the Prior General have their value under the norm of no. 141, §§1-2, a-b of the *Constitutions*.

136) Those who have the right to give the formal precept of obedience, according to the can. 601 and no. 37 of the *Constitutions* are:

- a) the Holy See;
- b) the Prior General for the whole Order;
- c) the Prior Provincial for the whole Province;
- d) the Commissary for the whole Commissariat;
- e) the Major Superiors within the sphere of their jurisdiction, but not by a single act to the entire Community to which they preside.

137) It is not acceptable any custom that may diminish the vigor of the regular observance against the *Constitutions* and the *Directory* of the Order.

138) The *Rule*, the *Constitutions*, the *Directory*, the provisions and precepts of the Superiors, except for the formal precept of obedience, do not oblige by itself under moral guilt, but only to the penalty, unless it is a matter of disdain of it. The prescriptions taken from other sources (Divine and Ecclesiastical Laws, matter of vows) and reported according to their nature, preserve their original obliging value.

139) Appeal.

§1. Against the dispositions, the simple and formal precepts, be it either of collegial or personal authority, is given to the interested the faculty of recurring *in devolutivo* to the superior authority.

§2. The appeal has to be motivated and done within ten days of the notification of the above provisions, usually by hierarchical order²¹².

140) Dispensation/Exemption.

§1. The dispensation from the *Constitutions* and the *Directory* concerning the prescriptions that relate to regular observance, is granted to the individual Houses and for a given period of time established by the Major Superiors. The Local Superior, unless it is established differently in other places, can dispense only the individual religious and in individual cases.

²¹¹ Can. 587, §4.

²¹² Can. 1736, §2.

§2. The dispensations are not to be conceded without a just and reasonable cause, taking into account the gravity of the Law from which is being exempted²¹³.

141) Cessation.

§1. The provisions and precepts cease:

- a) by their very nature, or at the set deadline;
- b) for the revocation made by the competent authority;
- c) by the cessation of the Office from which it derives²¹⁴.

§2. The provisions and precepts given by the collegial authority cease, as well as in the cases provided in the §1, a-b:

- a) those of the General Chapter, with the subsequent General Chapter;
- b) those of the Provincial Chapter, the Commissariat Chapter, with respective subsequent Chapters;
- c) those of the Local Chapter with the renewal of the Local Offices by the time defined by the *Constitutions* and the *Directory*.

142) The Superiors, Chapters, have power both in the internal and external forums, under Universal Law²¹⁵ and Proper.

143) The superior authority intervenes if the decisions taken by the inferior authority do not comply with the *Constitutions* and the *Directory*, or oppose to the higher good, or when the prescribed procedures are not observed. The lower authority may appeal under no. 139 of the *Constitutions*.

Chapter 4. Authorities, Decisions, Offices, Elections

144) §1. The authority is a service of love. Having received it from God through the ministry of the Church, it has the task of protecting and promoting fidelity to the charism and mission of the Order, and to concretely organize its life.

§2. The authority is personal and collegial: personal authority is exercised by Superiors; the collegial one is exercised by the Chapters.

§3. In the Order, the authority resides in the General Chapter and in the Prior General.

§4. The Roman Pontiff, to whom we must express humble obedience and fidelity, is the Supreme Superior, also by virtue of the vows²¹⁶.

§5. The exercise of authority is governed by Universal and Proper Law.

4.1 General Norms

145) §1. Each meeting should be preceded by a convocation made by the competent Superior, notifying all the interested Vocals. The meeting's principal issues, date and location should be indicated in the convocation²¹⁷.

§2. The defect of convocation does not invalidate the act, if the Vocals, nonetheless, attend the meeting. The interested non-convoked Vocal, and therefore absent to the meeting, after having being communicated by the Superior, can interpose recourse demanding the annulment of the

²¹³ Can. 90, §1

²¹⁴ Can. 58, §§1-2.

²¹⁵ Cann. 596; 620; 622.

²¹⁶ Can. 590, §2.

²¹⁷ Can. 166, §1.

act. The Superior is obliged, before ordering the act to be enforced, to make known to the interested non-convoked Vocal, what have been established and the reasons behind it, except for Universal Law²¹⁸.

§3. All those who has the right, in any way certain of the convocation, are obliged to attend to the assembly of which they are a member, even if they have not been officially notified; the reasons for possible absences must be acknowledged by the Presider.

§4. No one who does not have a voice in the college can be allowed to vote²¹⁹.

146) Each assembly, in order to be legitimate, must have at least three Vocals, and an absolute majority of the members must be present in it. The Superior, in any case, should make it sure that the participation of the Vocals be as much as ample as possible²²⁰.

147) It is the duty of the Presider:

- a) to declare the opening and conclusion of the assembly and individual meetings;
- b) to conduct the meetings;
- c) to give the floor in the discussions;
- d) to call on eventual elections, declare the outcome and confirm Superior's Offices under no. 169, §1 of the *Constitutions*.

148) The assemblies, reflecting our fraternity, may proceed in spirit of charity and freedom of expression.

149) All issues, except in particular cases provided for by the *Constitutions*, are decided by an absolute majority of valid votes²²¹.

150) Exhausted all the issues proposed by the Presider, every Vocal can present other matters concerning the college, and the conclusions should be voted by the majority if considered necessary.

151) The common good requires all Vocals to exercise the right to vote, especially if it is an elective or deliberative vote.

152) Only the Vocals present in the seat²²² are entitled to vote. These must be at least two-thirds in the elections²²³; absolute majority in other cases. Except for the cases provided for some elections, votes cast by letter or by proxy cannot be admitted.

153) §1. The scrutiny of the votes is done by the presider, and by the two vocals, who sit beside him by order of precedence, except if scrutinizers are not provided for the election²²⁴.

§2. If the number of votes in the count exceeds that of the voters, the vote is null²²⁵.

154) The minutes of the meetings should be diligently transcribed in the respective register by the Secretary or, in his absence, by one of those present, nominated by the Presider. The minutes should be signed, except for special prescriptions, by all Vocals.

155) In order to favor among the Vocals, the freedom of speech and the peace among the religious, a discrete silence is to be observed on the issues discussed in the assembly. The secrecy is obligatory when it comes for the good of the Order or the individual confreres.

²¹⁸ Can. 166, §2.

²¹⁹ Can. 169.

²²⁰ Can. 115, §2.

²²¹ Can. 119, 1^o.

²²² Can. 167.

²²³ Can. 166, §3.

²²⁴ Can. 173, §1.

²²⁵ Can. 173, §3.

Appropriate measures are to be taken against those who reveal what the majority of the Vowels have retained not be disclosed.

156) On discussing issues of greater importance, the decision can be postponed for another session.

157) The vote is secret, expressed by a small white ball in approving, the black in opposing, or by other conventional means. Nonetheless, on issues of less importance, if the totality of Vocals agrees, the votes can be verbally expressed, always excepting the contrary dispositions of our *Constitutions*²²⁶.

158) A proposition which, in the college²²⁷, has obtained equal number of favorable and contrary votes, is a subject of further debate and voting; in the event of a new tie, the Presider decides.

159) Every decision should be done in accordance with the established terms.

4.2 *Offices and Elections*

160) §1. The Offices, to be conferred by election, are:

- a) Prior General, Major Superior;
- b) Presider, two Vice Presidents and the Secretary of the General, Provincial and Commissariat Chapter;
- c) Vicar General and Definitors, Provincial Vicar and Councilors, Commissariat Vicar and Councilors;
- d) Deputies of the General, Provincial, Commissariat Chapters;
- e) Local Economo and Vice Prior.

§2. The Offices to be nominated by the competent authority with the consent of the Council are:

- a) Secretary General, Provincial Secretary and Commissariat Secretary;
- b) Procurator General;
- c) General, Provincial and Commissariat Economo;
- d) Master of Novices, Professed brothers, Postulants and Aspirants;
- e) Delegate of a Delegation;
- f) Deputies and Substitutes of the Plenary Congregation;
- g) Local Prior.

§3. All other Offices in the Order are called Commissions and are not conferred through election, but by nomination, *ad natum superioris* and by precept of our own Law.

161) No one can validly give the vote to himself, nor to procure, directly or indirectly, votes for himself or others. However, it is permissible to inquire about the qualities of the possible candidates.

162) Before proceeding to any election, the Presider recalls the prescriptions of the present Chapter, in particular the nos. 163-172 of the *Constitutions* and reads in our *Constitutions* and *Directory* everything concerning the Office to be occupied.

163) §1. For the validity of any election, it is required that the Office be juridically vacant.

²²⁶ Can. 172, §1, 2°.

²²⁷ Colleges must be specified: the meeting where elections are held is a college, the Council or the Definitories are not colleges.

§2. Besides the case of death, the Offices are vacated, by written resignation, accepted by the competent authority, after an official notification has been made to the person concerned by dismissal; transfer; and on the expiry of a pre-determined time set by the Proper Law²²⁸.

164) §1. To nobody be conferred two incompatible Offices, meaning, Offices which cannot be exercised simultaneously by the same person.

§2. The Offices of the General Curia are incompatible with those of the Provincial or Commissariat Curia. Both are incompatible with each other.

165) §1. The vote is null if it is not free, secret, certain, absolute, determined²²⁹.

§2. The invalid ballots are not computed in the total; therefore, the majority is established by the valid votes only.

166) §1. The religious who obtains the required majority of votes is canonically elected.

§2. Run-off: If in the third scrutiny nobody has obtained the required majority, a fourth scrutiny takes place, also called run-off, in which are submitted only two candidates, who, themselves, do not vote, and are chosen in the following manner:

- a) the two who had the most votes on the third scrutiny;
- b) the one who has obtained more votes, and older in Profession among those who have equal number of votes.
- c) the two elders of Profession among those who have equal number of votes;
- d) if they have equal time of Profession, be chosen the older in age.

The two candidates admitted to the run-off do not vote.

§3. In the fourth scrutiny is elected the one who has obtained more votes; the older of Profession, if there is parity of votes; the older of age, if there is parity of Profession.

§4. There can be five scrutinies for the election of the Major Superiors. If in the third scrutiny nobody has obtained the required majority, the presider may suspend, for a time, the session. If in the following scrutiny nobody obtains the required majority is proceeded the run-off between the two candidates who have obtained the biggest number of votes in the fourth scrutiny. The criteria for the run-off are those of the §2.

167) §1. Who has been “postulated”, having canonical impediment to his election, to be elected needs the qualified majority, meaning, of at least two-thirds of the votes²³⁰.

§2. If the candidate did not reach that majority in the first two scrutinies, he would lose his passive voice.

§3. The election of the “postulated” has to be confirmed by the prescriptions of the Universal Law²³¹.

168) The qualified majority of two-thirds, provided for the re-election to some Offices, is required in the first two scrutinies; for the re-election of Major Superiors up to the third. If the expected majority is not reached, the rules in no. 167, §2 of the *Constitutions* are to be applied.

4.3 *Perfection of the Election*

169) §1. After the election, the elected, if present, goes out of the session, and the Presider asks if there are doubts about the juridical requirements of the elected. Having nothing against, the

²²⁸ Can. 184.

²²⁹ Can. 172.

²³⁰ Can. 181, §1.

²³¹ Can. 182.

elected is inquired for acceptance²³². With the acceptance of the Office, the election is perfect except for the following cases:

- a) the election of Prior Provincial and Commissary is perfect only with the confirmation of the Prior General²³³;
- b) in case of doubt, the issue is discussed and clarified by the college, the Presider confirms or not the validity of the act.

§2. The Major Superiors, once elected, being at the venue of the Chapter, emits the Profession of Faith and the Oath of Fidelity.

170) §1. The vacant Offices must be filled up, as soon as possible, according to the prescriptions of *Constitutions*, except for particular provisions²³⁴.

§2. If within two months of the vacancy the competent body does not provide for the election or appointment, they are devolved to the immediately superior body.

171) The election is null:

- a) if in the convocation more than one-third of Vocals have been neglected²³⁵;
- b) if in the election an alien to the College has been admitted²³⁶;
- c) if one vocal who, at that moment has no active voice, has, nonetheless, been admitted, and, except for his vote, the elected would not have reached the required majority of votes²³⁷;
- d) if in the scrutiny the number of the votes exceeds the number of electors²³⁸.

172) The renunciation to an Office, taking into account can. 189, has to be written and submitted to the competent authority who, after evaluating the reasons and eventually accepting it, has to notify the interested on the acceptance, and proceed the election, according to the precept no. 170, §1 of the *Constitutions*.

Chapter 5. The Superiors

173) The Major Superiors govern the entire Order, or a Province or part equated with it and likewise their respective Vicars²³⁹. Those who govern a House are called Local Superiors or Local Priors²⁴⁰.

174) §1. The Superiors should remember that their authority is a service of love to the confreres: “We are your servants but in Jesus. We are your leaders and servants: we are your leaders, but only if we make ourselves useful”²⁴¹.

§2. Being reminded in fulfilling God’s will and promoting the good of the communities entrusted to them, let them not regard themselves fortunate because they govern with power, but rather because they serve with charity²⁴², in a true spirit of service towards their brothers, in such a way to express the charity with which God loves them²⁴³.

²³² Can. 147.

²³³ Can. 625, §3.

²³⁴ Can. 165.

²³⁵ Can. 166, §3.

²³⁶ Can. 169.

²³⁷ Can. 171, §1, 2°.

²³⁸ Can. 173, §3.

²³⁹ Can. 620.

²⁴⁰ Cann. 608; 629.

²⁴¹ Disc. 340,A,3.

²⁴² Reg. 46.

²⁴³ Perfectae Caritatis 14.

§3. Let them encourage fidelity to the charism by urging the religious to be “servants of the Most High in spirit of humility”; taking care with the compliance of the rules; take and support initiatives for the growth of the Order; favor the works of apostolate provided by our statutes.

§4. Let them guide their subordinates as children of God, fostering voluntary submission with due respect to their personality, so as to obtain an active and responsible obedience²⁴⁴.

§5. Let them inspire in their brothers trust and confidence, willingly receiving their advises, promoting the union of mind and hearts, awakening and supporting dialogue, though remaining firm in their authority of deciding²⁴⁵.

§6. Let them precede all in the regular observance, in the apostolic zeal and mutual respect, convinced that it is useless to inculcate good values with words and then contradicting it with conduct.

175) The Prior General, the Prior Provincial, the Commissary and their respective Vicars have the title and authority of Ordinary and Major Superior under the norms of the Universal Law²⁴⁶ and of our Proper.

176) The Major Superiors and the Local Prior have the power of jurisdiction be it in the internal or external forums²⁴⁷.

177) Each Superior exercises his authority in the perimeter of his proper Community, according to the powers conferred on him by the Universal and Proper Law²⁴⁸.

178) Let the Major Superiors promote meetings and talks between each other and with the religious of their Province or Commissariat and other Provinces and Commissariat in order to strengthen the bonds of fraternal communion and closer cooperation in the apostolate.

179) Let the Major Superiors give the other dependent Superiors due autonomy and let them not interfere in the exercise of their Office except in accordance with the norm no. 143 of the *Constitutions*. These, in turn, lend due respect to the Major Superiors, bearing in mind what was mentioned in no. 38 of the *Constitutions*.

180) With evangelical spirit and filled with great comprehension, let the Superiors try hard to eradicate abuses, correct defects, restore the observance of the rules with opportune and paternal admonitions, recurring even to punishment, if justice and charity may require to.

181) The Superiors are to reside constantly in their own religious House and have common life with the confreres entrusted to them²⁴⁹.

²⁴⁴ Perfectae Caritatis 14.

²⁴⁵ Perfectae Caritatis 14.

²⁴⁶ Cann. 620; 622.

²⁴⁷ Can. 596, §2.

²⁴⁸ Can. 617.

²⁴⁹ Can. 629.

Section 2. THE COMMUNITY OF THE ORDER

Chapter 1. The General Chapter

182) §1. The General Chapter, due to its own composition and for the authority proper to it, represents the Order, being its supreme legislative and elective organ.

§2. It assembles to discuss whatever may be for the good of the whole Order, being aware of the demands which Christ the Lord addresses to his Church, and of the instructions that the latter gives to the faithful, in the evolution of times.

§3. With such aim takes decisions, gives orientations, revises and updates the *Constitutions* and the *Directory*, according to the precept no. 134 of the *Constitutions* and in the spirit of the *Rule* and the tradition of the Order.

183) The General Chapter, according to the norms of the Universal Law²⁵⁰ and ours in particular, discusses the states of the Order, elaborates the plan of work to be accomplished in the following six years, elects the Prior General and the other members of the General Curia after having established its number²⁵¹.

184) §1. The General Chapter takes place every six years and is convoked by the Prior General, in particular cases, by the Vicar General²⁵².

§2. The Prior General, with the consent of the General Definitory and with the opinion of the Major Superiors and Delegates, can indict the celebration of an Extraordinary General Chapter.

185) The Vocals at the General Chapter:

§1. By virtue of their Office:

- a) the Prior General, the Vicar General and the General Definitors;
- b) the Procurator General, the Secretary General and the Economo General;
- c) the Prior Provincials, Commissaries and Delegates.

§2. By election:

- a) the Deputies elected by the base, of each Province and the Commissariats, and, in the judgment of the central authority, the Delegations and the Houses immediately subject to it, which number cannot be, in its totality, inferior to that of the participants by virtue of their Office.

Chapter 2. The Plenary Congregation

186) The Plenary Congregation:

- a) is an important consultative body of the Order;
- b) is governed by Proper Law;
- c) is convoked and chaired by the Prior General.

187) The Plenary Congregation is responsible for assisting the Prior General in:

- a) to verify the implementation of the program of the General Chapter;
- b) to foster dialogue among the diverse communities of the Order;

²⁵⁰ Can. 631.

²⁵¹ Const. 199, §2.

²⁵² Dir. 160, §2.

- c) to promote, with opportune initiative, the observance of the rules;
- d) to prepare the next General Chapter.

188) The Vocals at the Plenary Congregation:

- a) the Prior General, the Vicar General and the General Definitors;
- b) the Procurator General, the Secretary General and the Economo General;
- c) the Provincials and the Commissaries;
- d) the Delegates or, if hampered, by decision of the General Definitory, a representative for each Delegation;
- e) the Deputies for each Province and Commissariat.

Chapter 3. The Prior General

189) The Prior General is the personal authority that presides and governs over the Order taking care intensely its good and trying to unite the souls and activities for a firm and agreed action²⁵³.

§1. Promotes the religious and apostolic life, communion and solidarity between Provinces, Commissariats, Delegations and among the religious; the observance of the *Constitutions* and the *Directory*, the program and mandates of the General Chapter;

§2. In order to better fulfil his mandate, he does the Canonical Visit, to have a fraternal conversation with the religious.

190) The Prior General has ordinary power over every Province, Commissariat, Delegation, House and the religious, according to Universal and Proper Law.

191) The religious called to carry out this important Office, in addition to what is required by Universal and Proper Law, as is indicated in the nos. 173-181 of the *Constitutions*, must stand out for its prudence, science, religious observance, love of the Order.

192) §1. For his election, it is required that he has completed thirty years of age and at least ten years of Solemn Profession²⁵⁴.

§2. He is elected in the General Chapter, and his mandate lasts six years, after which he can be re-elected with a two-thirds majority of the vote, under no. 168 of the *Constitutions*.

193) Faculties and personal duties of the Prior General:

- a) to confirm the election of Prior Provincials and Commissaries;
- b) to approve the Acts of the Provincial and Commissariat Chapters before their promulgation;
- c) to nominate, in particular cases, General Visitors to each of the Provinces, Commissariats, Delegations and Houses with the faculties that he deems appropriate;
- d) to dispense the individual religious, for a certain period of time and for valid reasons, from the *Constitutions* and the *Directory* with regard to regular observance; the whole Community, if there are special reasons, up to two months;
- e) to convoke the General Chapter, the Plenary Congregation and the General Definitory, under the norms of nos. 184; 186, c; 201, §1 of the *Constitutions*;
- f) to transfer or to transfiliate a religious according to norm of no. 123, §2-3 of the *Constitutions*;

²⁵³ Can. 622.

²⁵⁴ Can. 623.

- g) to accept the renunciation of the Office of General Definitor, Priors and Masters of the Houses under the General Curia;
- h) to give consent for admission to the Solemn Profession;
- i) to allow the emission of the Simple Profession outside the Novitiate House; to anticipate, for just reason, the Simple Profession of not more than fifteen days²⁵⁵ and the Solemn Profession of not more than two months²⁵⁶; to impose a probationary period on a religious with Simple vows readmitted to the Order²⁵⁷;
- j) to issue norms for the Officers and special assignments of the General Curia;
- k) to allow a religious, for particular reasons, to temporarily dwell in another House;
- l) to express his vote and to submit to the Holy See the request for indult of a Solemn professed to leave the Order²⁵⁸;
- m) to have a fund at his disposition, of which every year has to be accounted for to the Definitory;
- n) to reduce the Masses of the *Legati*²⁵⁹.
- o) to judge in the first or second instance the disputes referred to can. 1427, §2; 1438, §2.

194) Faculties and duties of the Prior General with the consent of the General Definitory:

- a) to set up Delegations, erect and suppress Houses, declare Houses immediately subject to central authority; erect, suppress, transfer and change the Formation Houses²⁶⁰ or subject them directly to the central authority²⁶¹;
- b) to start with new works for the Order, accept Parishes, open Schools and homes for the aged;
- c) to authorize the candidate to accomplish the Novitiate in other House, according to the norm of no. 94, §4 of the *Constitutions*;
- d) to deprive a religious, for grave reasons, of the active and passive voice, up to six months; and, in any case, for a fixed period, except for no. 195, d of the *Constitutions*; suspend or remove a religious from any Office of any degree, in accordance with Universal and Proper Law;
- e) to grant a Solemn professed, for serious reason, the *Indult of exclaustation* for not more than five years under the can. 686, §1.
- f) to request the Holy See, for serious reasons, to impose the exclaustation of a Solemn professed, in accordance with the can. 686, §3;
- g) to concede to a Simple Professed the *Indult of leaving the Order*²⁶²;
- h) to readmit in the Order, without the obligation of repeating the Novitiate, who has legitimately left the Order, either at the expiration of the Simple Profession, or with the dispensation of the simple vows, according to the Universal Law;
- i) to provide for the Offices of Postulator General, Secretary General and General Economo. In the event of a holiday of the Offices of General Definitor, the Prior Provincial and the Commissary, according to the disposition of can. 625, §3, to nominate their replacements;

²⁵⁵ Can. 649, §2.

²⁵⁶ Can. 657, §3.

²⁵⁷ Can. 690, §1.

²⁵⁸ Can. 691.

²⁵⁹ Can. 1308, §3-4.

²⁶⁰ Const. 71.

²⁶¹ Const. 72.

²⁶² Can. 688 §2.

- j) to nominate Delegates in the Delegations according to the norm 119 of the *Constitutions*; to nominate the Prior of the General House, the Priors of the other Houses immediately subject to the central authority and eventually the Masters by the time established and provide their replacement in the event of an Office holiday;
- k) to implement, for the Houses immediately subject to him, all that refers to the Major Superior with the Council, and the transfer of a Prior, after being consulted his opinion, to govern another House;
- l) to ensure the faithful application of our Proper Law and the indications of the General Chapter; dispel doubts about the *Constitutions* and the *Directory* with a practical statement in particular cases for the tranquility of conscience of the religious²⁶³; to request, in case of necessity, the authentic interpretation of the *Constitutions* from the Holy See²⁶⁴; to promulgate Laws;
- m) to aggregate to the Order Religious and Secular Institutes and Associations of the Faithful²⁶⁵;
- n) to create other bodies at the General Curia in addition to those referred to in the nos. 208-210 of the *Constitutions*;
- o) to approve applications for authorizations of alienations and debts, under the nos. 270-271 of the *Constitutions*;
- p) to convoke, with the opinion of the Major Superiors and Delegates, the celebration of an Extraordinary General Chapter;
- q) to approve the *Ratio Generalis Institutionis* and special regulations for the Formation Houses; to establish norms for the implementation of Permanent Formation.

195) Faculties and duties of the Prior General with the opinion of the General Definitory:

- a) to dispense a Community with regard to regular observance for more than two months;
- b) to erect the Secular Third Order, the Confraternity of the Belt and other Discalced Augustinian Secular Fraternities;
- c) to nominate Officers for the special assignments referred to the no. 211 of the *Constitutions*;
- d) to deprive a religious, for grave reasons, of the active and passive voice, up to six months²⁶⁶;
- e) to establish the date, place and number of Deputies of the General Chapter; and possibly to anticipate or postpone the celebration up to three months.

196) The Prior General convenes the General Definitory for consent or opinion, in accordance with Universal and Proper Law, and willingly informs the Definitors, when it comes to important matters, even if it is not required under the Law.

197) The Prior General, in the cases provided for by the *Constitutions* and the *Directory*, is replaced by the Vicar General.

²⁶³ Const. 135.

²⁶⁴ Const. 134, §1, b.

²⁶⁵ Const. 128.

²⁶⁶ Const. 290, §2.

Chapter 4. The General Definitory

198) The General Definitory is the body that assists the Prior General in exercising his authority for acts of his competence, in accordance with Universal and Proper Law.

199) §1. The Offices of General Definitors last for six years.

§2. The members of the Definitory are elected in the General Chapter, which determines the number between a minimum of four and a maximum of eight.

§3. The members of the Definitory, to be re-elected to the same Office, held immediately before for the entire six-year period, must obtain two-thirds of the votes, under no. 168 of the *Constitutions*.

§4. In the case of vacancy of Office, by removal, renunciation or death, the Prior General, with the consent of the Definitory, nominated the Substitutes according to the no. 194, i of the *Constitutions*.

§5. They take precedence as follows: Prior General, Vicar General, General Definitors according to the order of election. This precedence also applies to the acts of the Community.

200) The General Definitory is presided by the Prior General and is composed of the Vicar General²⁶⁷ and the General Definitors.

201) §1. The Definitory is convoked by the Prior General under no. 145, §1 of the *Constitutions*.

§2. All Vocals are required to attend meetings: eventual impediments must be accepted as valid by the Prior General, and notified to the Definitory in the first session.

§3. The Definitory cannot act with less than two-thirds of the members: missing a Vocal to reach the required number, if necessity requires it, a Substitute is nominated by the Prior General.

202) The Definitory meets ordinarily every year; and extraordinarily, every time its competence is being required of dealing problems, and when at least three Vocals ask for it.

203) The task of the General Definitory, both ordinary and extraordinary, is to assist the Prior General:

- a) to approve the appointments for the various General Offices and Particular Assignments;
- b) to give consent or opinion in the cases provided for by the nos. 194-195 of the *Constitutions*;
- c) to examine annually the state of the Order through the economic and moral reports of the Major Superiors, Delegates and Houses immediately subject to central authority; to examine annually the administrations of the General Fund, of the Prior General and of the Postulation; to determine any eventual contributions to be made to the General Fund;
- d) to prepare the Tables to regulate the economic activity under no. 273, §1 of the *Constitutions*;
- e) to vote on the request by a Solemn professed, to leave definitely the Order, and forward it to the Holy See²⁶⁸.

204) The Prior General should see to it that it is faithfully executed as established in the Definitory.

205) *The Vicar General.*

²⁶⁷ Can. 620.

²⁶⁸ Can. 691, §1.

§1. He is elected by the General Chapter and is also the first Definitor; the Office of Vicar General requires the same qualities as the Prior General²⁶⁹.

§2. In the absence of the Prior General, he does not innovate nor take decisions contrary to the will of the Prior General and report to him whatever important event that may happen.

206) *The General Definitors.*

§1. The General Definitors cooperate with the Prior General in the government of the Order under the Universal and Proper Law. They assist him in promoting throughout the Order the religious spirit and observance of the *Constitutions* and the *Directory*.

§2. Have sufficient experience of the Order, at least thirty years of age and five years of Solemn Profession.

§3. If relevant defects are noticed with the Prior General, they privately and respectfully warn him; in grave cases, if seeing that the warning is useless, the Definitory will handle the case.

Chapter 5. The General Offices and Particular Assignments

207) The religious who hold Offices and assignments in the General Curia act according to the directives and under the supervision of the Prior General.

208) *The Procurator General.*

§1. He is nominated by the Prior General with the consent of the Definitory and can be chosen among the Definitors.

§2. He deals with the issues of the Order at the Holy See and provides faculties and privileges for different communities and for individual religious.

§3. He should be a prepared and competent religious in establishing and maintaining good relationships with the Dicasteries of the Roman Curia.

209) *The Secretary General.*

§1. He is nominated by the Prior General with the consent of the Definitory and can be chosen among the Definitors.

§2. He is responsible for the drafting of the minutes and sending, if necessary, the Acts of each meeting and the decisions taken to the Houses and religious concerned. It is his duty to countersign the official acts of the Prior General.

§3. He is the notary of the Order's ecclesiastical affairs.

§4. He should be a prudent and culturally refined religious, to be able to exercise his Office with the required competence of his delicate mission.

210) *The General Economo.*

§1. He is nominated by the Prior General with the consent of the Definitory and can be chosen among the Definitors.

§2. His Office can be renewed for a second six-year term, but not for a third consecutive one.

§3. He has the task:

- a) to carry out the acts of ordinary administration of the Order;
- b) to draw up accounting documents for monthly and annual reporting;
- c) to take care of the inventory of the goods of the Order, both movable and immovable;
- d) to present the Order's annual financial report when required by our statutes.

²⁶⁹ Const. 191; 192, §1.

211) *Particular Assignments.*

§1. Let there be in the General Curia, by judgment of the Prior General with his Definitory and in accordance with Universal Law: the General Archive, the Postulation for the Causes of Beatification and Canonization, the General Direction for Studies and Formation, for Vocations, for Missions, for Secular Fraternities and for Communications.

§2. The Prior General with the consent of his Definitory and according to the needs of the times, can create other organisms.

§3. All these activities are led by the nominations, nominated by the Prior General with the opinion of the Definitory.

Chapter 6. The Canonical Visit

212) The main purpose of the visit is to stimulate the brethren to regular observance and apostolic activity according to the church's directives. It can be ordinary and extraordinary; general and particular.

213) The Visitor must be prudent and serene in assessing the situation of the different religious communities; show great sensitivity to all, comforting, animating for the good, and correcting with great charity.

Section 3. THE PROVINCIAL COMMUNITY

Chapter 1. The Provincial Chapter

214) §1. The Provincial Chapter, for its own authority, is the body that provides for the life and welfare of the Province and is its expression of unity in charity.

§2. It is celebrated every three years and is convoked by the Prior Provincial.

215) The Vocals at the Provincial Chapter:

§1. By virtue of their Office: the Prior Provincial, the Provincial Vicar, the Provincial Councilors, the Provincial Secretary and the Provincial Economo;

§2. By election: the Deputies, elected by the religious with an active voice whose total number, as established by the Provincial Council, must not be inferior to that of the participants by virtue of their Office.

216) §1. It is the task of the Provincial Chapter:

- a) to elect the President, the two Vice-Presidents and the Secretary of the Chapter among those present;
- b) to examine the status of the Province;
- c) to elaborate a plan of work for the following three years according to the directives of the General Chapter and the Prior General;
- d) to elect the Prior Provincial, the Provincial Vicar and the three other members of the Provincial Council.

§2. In the process of dealing with the topics, the rules given for the General Chapter are taken into account.

Chapter 2. The Prior Provincial

217) §1. The Prior Provincial is the ordinary personal authority of the Province; he promotes in the Provincial Community the spirit and authentic life of the Order in tune with the Prior General and the General Definitory.

§2. To him competes the faculties that Universal and Proper Law confers on the Major Superior and the Ordinary.

218) §1. He is elected by the Provincial Chapter and his term lasts three years.

§2. For his election it is required that he has completed thirty-five years of age and ten years of Solemn Profession.

§3. For his consecutive re-election, a qualified majority of two-thirds of the vote is required under no. 168 of the *Constitutions*.

§4. The election is immediately communicated to the Prior General for confirmation²⁷⁰.

219) §1. If by sickness, the Prior Provincial, through the judgment of the Provincial Council, cannot govern the Province, or in the case of vacancy of the Office due to renunciation, removal, deprivation²⁷¹ or death, the Prior General, with the consent of his Definitory, will provide nomination, after consultation with the Provincial Council. The newly nominated Prior Provincial will remain in Office until the next Provincial Chapter.

²⁷⁰ Const. 193, a.

²⁷¹ Can. 184.

§2. If the cases envisaged at §1 are in the last six months of the three-year period, the Provincial Vicar will govern the Province until the Provincial Chapter.

220) Faculties and personal duties of the Prior Provincial:

- a) to admit to the Postulancy and to the Novitiate²⁷²;
- b) to dismiss Postulants and Novices²⁷³;
- c) to allow, for a just cause, that Simple Profession be anticipated, but not for more than fifteen days²⁷⁴;
- d) to prolong the period of the Simple Profession²⁷⁵;
- e) to admit to the Ministries and the Holy Orders²⁷⁶;
- f) to confer the ministries to the Acolytate and the Lectorate;
- g) to carry out the Canonical Visit within the three-year mandate²⁷⁷;
- h) to establish, change or suspend the limits of the cloister²⁷⁸;
- i) to dispense individual religious from the *Constitutions* and the *Directory*, for a period and for valid reasons, with regards to the observance²⁷⁹;
- j) receive the acceptance of the nominations and accept the renouncement of Provincial and Local Offices;
- k) to give the formal precept of obedience²⁸⁰;
- l) to grant the license to print writings concerning religion or customs²⁸¹;
- m) to determine the behavior and the faculty to administer the assets to the religious who benefit the absence from the Religious House²⁸²;
- n) to grant the license to exercise priestly ministry in cases under Common Law.

221) Faculties and duties of the Prior Provincial with the consent of the Council:

- a) to send their students for formation in the seats of another Province²⁸³;
- b) to grant a religious to remain absent from the Religious House for not more than a year²⁸⁴;
- c) to give consent for the transfer of a religious to another Province²⁸⁵;
- d) to dispense a Community from regular observance for not more than two months²⁸⁶;
- e) to review and approve estimates of housework, colleges, etc.²⁸⁷;
- f) to authorize the Acts cited in no. 278 of the *Constitutions*;
- g) to return the Parishes to the Diocese, close Colleges, homes for the aged and social works;

²⁷² Const. 90; 93, §1.

²⁷³ Const. 96, §2.

²⁷⁴ Const. 102.

²⁷⁵ Const. 103, §1.

²⁷⁶ Const. 113.

²⁷⁷ Dir. 173-177.

²⁷⁸ Dir. 44.

²⁷⁹ Const. 140.

²⁸⁰ Const. 136, c.

²⁸¹ Const. 60, §2.

²⁸² Const. 125.

²⁸³ Const. 73.

²⁸⁴ Const. 125.

²⁸⁵ Const. 123, §3.

²⁸⁶ Const. 140, §1.

²⁸⁷ Const. 203, d.

- h) to authorize the acceptance of donations and inheritances;
- i) to admit Novices to Simple Profession;
- j) to admit the simple Professed to the Solemn Profession²⁸⁸, after having received the Prior General's consent;
- k) to admit to the renewal of vows²⁸⁹;
- l) to nominate the Local Priors²⁹⁰, to provide nominations for vacancies except for no. 219 of the *Constitutions* and the Priors of the newly erected Houses.
- m) to suspend or remove a religious from any Office, in accordance with the Universal and Proper Law.

222) Faculties and duties of the Prior Provincial with the opinion of the Council:

- a) to assign a religious in a Community and send a religious to the other House after having consulted his opinion²⁹¹;
- b) to introduce Parish priests to the Diocesan Ordinary;
- c) to nominate the Vice Master in the Formation Houses and the religious in-charge referred to in nos. 228-230 of the *Constitutions*;
- d) to grant the religious the right to obtain civil academic qualifications²⁹² and to teach in public schools or to take on habitual and demanding tasks outside the Religious House, bearing in mind the needs of common life;
- e) to nominate the Deputies and their Substitutes to the Plenary Congregation;
- f) to instruct the process of dismissal of a religious²⁹³.

Chapter 3. The Provincial Council

223) §1. The Provincial Council is the body that assists the Prior Provincial in the exercise of his authority, for acts of his competence, in accordance with Universal and Proper Law.

§2. It is composed of the Prior Provincial, who presides over it, the Provincial Vicar and three Provincial Councilors.

§3. The Provincial Vicar's Office requires that the candidate is thirty years of age and five years of Solemn Profession.

224) §1. After the Provincial Chapter, the first Provincial Council meets to deal with the topics that interest the Province at the beginning of the three-year period and to approve the nominations to: Provincial Secretary, Provincial Economo, Local Priors, Masters, and family assignments of members in the Local Communities.

§2. The first Provincial Council must act in complete attendance.

225) The Provincial Council meets:

- a) ordinarily once a year, having to act in complete attendance;

²⁸⁸ Const. 101, f.

²⁸⁹ Can. 689, §1; Const. 103, §2-3.

²⁹⁰ Const. 170, §1.

²⁹¹ Const. 124; Dir. 120.

²⁹² Dir. 111, §3.

²⁹³ Can. 697.

- b) extraordinarily when it requires the deliberation of issues within its competence, it cannot act with fewer than three members, lacking the required number, the Prior Provincial nominates the Substitute;
- c) when the Prior Provincial sees it appropriate;
- d) when at least two Councilors request it in writing.

226) The Provincial Council's main tasks are to assist the Prior Provincial:

- a) to examine each year the condition of the Province through reports on the moral and economic status of the Houses and the administration of the Provincial fund;
- b) to issue norms for the regular compliance in accordance with the guidelines of the General and Provincial Chapters;
- c) to give consent in the cases of no. 221 of the *Constitutions*;
- d) to give opinion in the cases of no. 222 of the *Constitutions*;
- e) to establish annual contributions to the Provincial fund;
- f) to provide indications for the election of Deputies to the General and Provincial Chapters;
- g) to anticipate or postpone the celebration of the Provincial Chapter within two months.

Chapter 4. The Provincial Offices and Particular Assignments

227) The religious who hold Offices and positions in the Province should act according to the directives of the Prior Provincial.

228) *Provincial Secretary.*

§1. He is nominated by the Prior Provincial with the consent of the Council and can be chosen among the Councilors.

§2. His Office lasts for three years.

229) *Provincial Economo.*

§1. He is nominated by the Prior Provincial with the consent of the Council and can be chosen among the Councilors.

§2. His office lasts three years, he can be appointed for up to a third consecutive three-year term, however exceptionally when there are difficulties in proceeding with a rotation, he can be appointed for a fourth consecutive three-year term.

§3. He has the task:

- a) to carry out the acts of ordinary administration of the Province;
- b) to draw up accounting documents for monthly and annual reporting;
- c) to take care of the inventory of the goods of the Province, both movable and immovable;
- d) to present the Province's annual financial report when required by our statutes.

230) *Particular Assignments.*

§1. In the Province, there should be in-charge of the Provincial Archive, Vocations, Missions, the Secular Fraternities, Communications.

§2. They are nominated by the Prior Provincial with the opinion of the Council.

Section 4. THE COMMISSARIAT COMMUNITY

Chapter 1. The Commissariat Chapter

231) §1. The Commissariat's Chapter, for its own authority, is the body that provides for the life and welfare of the Commissariat.

§2. The Commissariat's Chapter is celebrated every three years, and is convoked by the Commissary.

232) The Vocals at the Commissariat Chapter:

§1. By virtue of their Office: the Commissary, the Commissariat Vicar, the Commissariat Councilors, the Commissariat Secretary and the Commissariat Economo.

§2. By election: the Deputies of religious elected by the base and that the number of which must reach half of the religious who do not participate by virtue of their Office.

233) The Commissariat Chapter:

- a) to elect the President, the two Vice-Presidents and the Secretary of the Chapter among those present;
- b) discusses the status of the Commissariat;
- c) defines the implementation of the program of the General Chapter *in loco*;
- d) draw up the work plan to be implemented in the following three years;
- e) elects the Commissary, Vicar and three Councilors.

234) The minutes and documents of the Commissariat Chapter are drawn up in accordance with the Instructions of Proper Law.

Chapter 2. The Commissary

235) The Commissary has the title and authority of an Ordinary and Major Superior²⁹⁴.

236) §1. The Commissary is elected in the Commissariat Chapter. For his election it is required that he has completed thirty-five years of age and ten years of Solemn Profession.

§2. For his re-election, a qualified majority of two-thirds of the vote is required under no. 168 of the *Constitutions*.

§3. The election is immediately communicated to the Prior General for confirmation²⁹⁵.

237) §1. In the case of vacancy from the Offices of Commissary or Commissariat Council, it proceeds as of no. 219 of the *Constitutions*²⁹⁶.

§2. For the other eventual vacant Offices, the Commissary with the consent of his Council provides for new nominations.

238) He should be docile to God's will and observes to the nos. 173-181; 217 of the *Constitutions* for the fulfilment of his Office.

239) Faculties and personal duties of the Commissary:

- a) to carry out the Canonical Visit between the three-year mandate;
- b) to grant the religious a permission to travel and stay out of the House for up to two months;

²⁹⁴ Cann. 620; 622.

²⁹⁵ Const. 193, a.

²⁹⁶ Const. 194, i.

c) to delimit or suspend the cloister²⁹⁷.

243) Faculties and duties of the Commissary with the consent of the Council:

- a) to dispense a Community from regular observance for not more than two months;
- b) to grant license to exercise priestly ministry under the norms of the Universal Law;
- c) to transfer the religious to another Community: in the case of previous interventions by the Prior General and with their consent;
- d) to nominate school directors;
- e) to examine estimates of work in the Houses, schools, etc., and grant permission for its implementation under the norms of the *Constitutions* and the *Directory*;
- f) to authorize, within the limits which are granted him, undertaking of obligation for the Community;
- g) to establish contributions to the Houses for the formation of candidates, for vocational promotion and for other needs.

241) Faculties and duties of the Commissary with the opinion of the Council:

- a) to nominate Vice Masters to Formation Houses;
- b) to nominate those nominated to no. 251 of the *Constitutions*;
- c) to nominate the Deputies and their Substitutes to the Plenary Congregation.

242) To take great care for vocations, to the education and formation of candidates for religious life, while also providing for what is necessary for their maintenance.

243) In his absence from the Commissariat for more than a month, the Commissariat Vicar replaces him. He does not innovate nor take decisions contrary to the will of the Commissary and report to him whatever important event that may happen.

244) If his Office remains vacant during the three-year period, the Commissariat Vicar will advise the Prior General to comply with the nos. 194, i; 237, §1 of the *Constitutions*.

Chapter 3. The Commissariat Council

245) §1. The Commissariat Council is made up of the Commissary who presides it and the Commissariat Councilors.

§2. The same requirements are required for the Office of Commissary Vicar for the Provincial Vicar Office²⁹⁸.

§3. Their re-election requires a qualified majority of two-thirds of the votes according to no. 168 of the *Constitutions*.

246) §1. After the Commissariat Chapter, the first Commissarial Council meets to deal with the topics that interest the Commissariat at the beginning of the three-year period and to approve the nominations to: Commissariat Secretary, Commissariat Economo, Local Priors, Masters, and family assignments of members in the Local Communities.

§2. The first Commissarial Council must act in complete attendance.

225) The Commissarial Council meets:

- a) ordinarily once a year, having to act in complete attendance;

²⁹⁷ Dir. 44.

²⁹⁸ Const. 223, §3.

- b) extraordinarily when it requires the deliberation of issues within its competence, it cannot act with fewer than three members, lacking the required number, the Commissary nominates the Substitute;
- c) when the Commissary sees it appropriate;
- d) when at least two Councilors request it in writing.

248) The task of the Commissariat Council is to Assist the Commissary:

- a) to deal with the issues referred to in no. 226 of the *Constitutions*;
- b) to provide for the vacancies referred to in no. 219 of the *Constitutions*;
- c) to implement the requirements in the nos. 185, §2; 232 of the *Constitutions*, and in the *Directory* on the election of Deputies to the General Chapter and to the Commissariat Chapter;
- d) to anticipate or postpone the celebration of the Commissariat Chapter by two months.

Chapter 4. The Commissariat Offices and Particular Assignments

249) *Commissariat Secretary.*

- §1. He is nominated by the Commissary with the consent of the Council and can be chosen among the Councilors.
- §2. His Office lasts for three years.

250) *Commissariat Economo.*

- §1. He is nominated by the Commissary with the consent of the Council and can be chosen among the Councilors.
- §2. His office lasts three years, he can be appointed for up to a third consecutive three-year term, however exceptionally when there are difficulties in proceeding with a rotation, he can be appointed for a fourth consecutive three-year term.
- §3. He has the task:
 - a) to carry out the acts of ordinary administration of the Commissariat;
 - b) to draw up accounting documents for monthly and annual reporting;
 - c) to take care of the inventory of the goods of the Commissariat, both movable and immovable;
 - d) to present the Commissariat's annual financial report when required by our statutes.

251) *Particular Assignments.*

- §1. In the Commissariat, there should be in-charge of the Provincial Archive, Vocations, Missions, the Secular Fraternities.
- §2. They receive the directives from the Commissary for the proper operation of their work.

Section 5. THE LOCAL COMMUNITY

Chapter 1. The Local Chapter

252) The Local Chapter is the meeting of all the Vocals of the House, to promote the life of communion and the spirit of fraternity according to the *Rule* of our Holy Father Augustine. In this spirit that it deals with common issues, verifies and plans community life.

253) In order to have the Chapter, it is required that in the House be of family at least three Vocals, and all present to the reunion²⁹⁹.

254) The Local Prior summons the Chapter every month and whenever necessary. The Vocals can ask for the monthly convocation; if the majority of them then call for an extraordinary convocation, the Local Prior gathers the Chapter.

255) The celebration of the Chapter is to be carried out in accordance with the nos. 144-172 of the *Constitutions*.

256) The Minutes of each local Chapter are drawn up by the Prior or by his delegated in-charge and they should be signed by all the Vocals

Chapter 2. The Local Prior

257) §1. The Local Prior in the Community is the first of the brothers; he has the power of jurisdiction, in the internal and external forums, over the religious of the House and those who live there.

§2. He promotes regular observance and apostolic activity; provides for the needs of individual religious and the Community; facilitates to all the practice of their own duties; takes care of the rights of the House. He may inspire his actions according to criteria enunciated in the nos. 173-181 of the *Constitutions*.

258) §1. The Local Prior emits the Profession of Faith and the Oath of Fidelity, at the beginning of his Office, in the presence of his Major Superior or of his delegate.

§2. The Local Prior's Office lasts for three years.

§3. For the religious to be reelected for another three or more consecutive years of the same House it is also required the ratification of the Prior General with the consent of his Definitory.

259) *The Vice Prior.*

§1. He assists the Local Prior in governing the House and, in case of absence, replaces him as Vicar, with jurisdiction both in the internal and external forum.

§2. His Office lasts for three years.

Chapter 3. The Local Offices and Assignments

260) *Local Economo.*

§1. He is nominated by the Prior Provincial with the consent of the Council and can be chosen among the Councilors.

§2. His office lasts three years, he can be appointed for up to a third consecutive three-year term, however exceptionally when there are difficulties in proceeding with a rotation, he can be appointed for a fourth consecutive three-year term.

²⁹⁹ Can. 115, §2.

§3. He has the task:

- a) to carry out the acts of ordinary administration of the House and keep the fund;
- b) to draw up accounting documents for monthly and annual reporting;
- c) to take care of the inventory of the goods of the House, both movable and immovable;
- d) to present the House's annual financial report when required by our statutes.

261) In the Local Chapter, the Prior nominates, after consulting the Vocals: the Sacrista, the Librarian and the Archivist, to whom he will give appropriate directives.

PART IV.

ADMINISTRATION OF GOODS

262) Faithful to the spirit of the Augustinian *Rule* and poverty which aspires to the sharing of resources and goods, despite having the faculty referred to in n. 33 of the *Constitutions*, religious should keep in mind the following:

- a) every institutional reality of the Order must ensure that the testimony of professed poverty is concretely offered both at the level of each House, Delegation, Commissariat and Province;
- b) the collaboration of the Houses is stimulated around common projects that must be identified, made known, promoted and managed in a transparent way;
- c) the patrimony of the Order is cared for with love, seeking to enhance it at every level: spiritual, social, cultural and possibly economic; where possible, each Province identifies the goods belonging to its fundamental patrimony.

Section 1. THE RIGHT OF PROPERTY

263) The primary source of temporal goods must be the charity of the faithful and the work of the religious; in the use of them and in the expenditure, however, we act according to our spirit of poverty.

264) Although the Houses, the Commissariats, the Provinces and the Order have the right to buy, own and administer what is necessary for our lives and the works that depend on us, let us keep in mind always the demands of professed poverty³⁰⁰.

265) The goods of a suppressed Religious House become the property of the Province; those of a suppressed Province, of the Order: but always safeguarding the will of the founders and of the donors, and in accordance with the universal right³⁰¹.

³⁰⁰ Const. 27-35.

³⁰¹ Can. 616.

Section 2. THE GOODS OF THE COMMUNITY

266) Besides the eventual properties and goods, and their respective profits, the following belong to the Order:

- a) the fruit of the work of the religious assigned in the General Curia, if they constitute a distinct family from the House where they reside;
- b) the offerings made to them without any condition;
- c) the contributions of the Houses and Provinces, established by the General Definitory.

267) Besides the eventual properties and goods, and their respective profits, the following belong to the Province or Commissariat:

- a) the hereditary assets of his religious solemn professes, after having received the necessary consent from the competent authority;
- b) the contributions of the Houses, established in the Chapter or by the Prior Provincial with the consent of his Council; or in the Commissariat Chapter or the Commissary with the consent of his Council;
- c) the offers given for the education and sustenance of Aspirants, Postulants, Novices, Professed, or for other works dependent on the Province or Commissariat;
- d) the free *Legati*;
- e) all the other goods given, under any title, to the Province or Commissariat.

268) Besides the eventual properties and goods, and their respective profits, the following belong to the House:

- a) all that the religious perceived with their work and industry, or are donated to them for the House, as well as their personal pensions of any kind;
- b) any gift given to the Solemn professed; if to the Simple professed, according to the norms of nos. 29; 31 of the *Constitutions*;
- c) all the properties and goods, legitimately acquired, and its profits.

269) Each House compiles or updates the inventory of assets (property, valuable items and furniture, paintings, etc.) to be kept in the archive. A copy is to be sent to the Major Superiors to be kept in the Provincial and General archives.

Section 3. ALIENATIONS, BONDS, DEBTS

270) *For the alienation or assignment.*

§1. For the alienation or assignment of goods of a certain value and of properties, it is required:

- a) the written appraisal of professional experts;
- b) the just reason, namely, an urgent need, an evident necessity, motivated by religious or social character;
- c) the permission of the competent Major Superiors with the consent of the respective Councils, under no. 273, §1 of the *Constitutions*, without which the alienation is invalid;
- d) the permission of the Holy See if the transaction involves a sum exceeding that which the Holy See has determined for each nation, 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 value³⁰².

§2. Other indications for particular cases are in the *Directory*.

271) *Debts and bonds.*

§1. Debts and bonds are not allowed unless it is certain that interest can be paid with the ordinary income, and that the debt itself can be extinguished in a not too prolonged period³⁰³.

§2. It is not permitted to contract debts and bonds without due permission and taking into account the provisions of §3.

§3. For the validity of concession, all existing debts and bonds must be notified in the application for permission.

§4. The bond and debt weigh on the Legal Person who made the contract.

§5. If a religious Solemn Professed contracts debts or bonds without due permission, the nos. 283-284 of the *Constitutions* must be followed.

§6. If he is a religious with simple vows, he has to personally respond, except when he has not done business with the permission of the superiors concerning the Order.

³⁰² Can. 638, §3.

³⁰³ Can. 639, §5.

Section 4. THE ADMINISTRATORS

272) In the administration of goods, the precept of charity and justice, as well as transparency, is always to be considered, as well as the spirit of poverty and trust in divine Providence.

273) Tables.

§1. For extraordinary expenditure, for alienations, bonds and debts, it is the task of the Prior General with the consent of the General Definitory to establish, within the limits set by Universal Law, the Tables for the faculties of the Prior General, the Priors and Commissaries either alone or with the consent or opinion of their Council, Delegates, Local Chapters and Local Priors.

§2. To contract debts and bonds for a sum that exceeds the established limits for the religious institutes in each nation by the Holy See, the authorization of the Holy See itself is required for validity³⁰⁴.

274) Extraordinary administration.

§1. The following are included in the extraordinary administration:

- a) legal acts which may compromise the economic existence or the patrimonial situation of the Order, the Province, the Commissariat and the House;
- b) all the acts that fall within the parameters indicated in the table referred to in §2.

§2. It is the duty of the Prior General, with the consent of the General Definitory, to establish annually in a special Table, within the limits set by Universal and Proper Law, the acts which fall under extraordinary administration on the basis of their value, risk and duration.

§3. For operations of extraordinary administration whose economic value exceeds that established for religious institutes in every nation by the Holy See, the authorization of the same is required for their validity.

275) Financial instruments.

§1. When it is necessary to make any type of financial instrument in the name of a religious, it is the duty of the local Prior to authorize their use and, in cases of greater importance, to ask for the opinion of the Community.

§2. It will be the duty of the religious to give an accurate account of his administration.

276) Financial investments.

§1. Any financial investment is generally considered extraordinary administration.

§2. The following three criteria must be considered:

- a) on the basis of the monetary value, it must receive the due approvals foreseen by the administrative table drawn up each year by the General Definitory;
- b) on the basis of the duration, if it is more than three years, it must always be authorized by the Major Superior, with the opinion of his Council;
- c) on the basis of the risk, all investments which could substantially compromise the financial or economic stability of the House must be approved by the Major Superior with the consent of his Council.

³⁰⁴ Can. 638, §3.

277) Superiors and administration.

§1. The Order, the Provinces, the Commissariats, the Delegations and the Houses are administered by the respective Superiors assisted by the Economo and Councils. The Economo acts under the direction and supervision of the competent bodies and Superiors.

§2. The Superiors have the right and obligation to direct, supervise and monitor administrative activity, ensuring its transparency. However, the Superior's management does not give the right to replace the Economo normally, or to guide his action in such a way as to make him a mere executor. The Economo has his own rights and duties, and he acts with his own responsibility in accordance with the Universal and Proper Law.

§3. The Office of General, Provincial or Commissariat Economo may not be exercised by the respective Superior.

278) Legal Representative.

§1. The Legal Representatives of the ecclesiastical entities into which the Order is divided, with legal personality in front of civil authority, must act in all their acts in accordance with the Universal and Proper Law in compliance with civil laws.

§2. The Legal Representatives have the task of giving legal value to the acts to be performed according to the will of the represented Legal Person and always acting on its mandate.

§3. The acts performed by the religious Legal Representative, which are not an expression of the will of the Legal Person represented, fall under the direct responsibility of the religious.

PART V.

OBSERVANCE OF THE LAWS

Section 1. FRATERNAL CORRECTION

279) Mindful of the love for God and for the neighbors³⁰⁵, the Superiors, as pastors entrusted with the welfare of the Community and individual religious, strive to prevent shortcomings by setting a good example and exhorting everyone to the regular observance. Above all, they watchfully guard that charity, understanding and mutual esteem might be preserved.

280) The religious should help each other in correcting their flaws with humility and goodness. He who knows of a hidden fault of a confrere, speak to him privately, if this can be useful for his amendment, bearing in mind the exhortation of the Gospel³⁰⁶ and of the Holy Father Augustine³⁰⁷.

281) Hidden faults are to be privately corrected while the public ones are to be corrected by the Superior either publicly or in private, according to his prudence. He should keep in mind the words of our Lord: “Be merciful, just as your Father is merciful”³⁰⁸; he tries as much as possible to respect the reputation of the confrere who has erred, and assess any mitigating factors with direct personal colloquium or by other person deemed more suitable.

282) In correcting, the amendment of the guilty confrere is to be taken into account, with a great understanding of human weakness, respecting his personality and sensitivity, and also considering his habitual conduct.

283) The religious who has violated the Law by his conduct, humbly acknowledges his guilt, accepts correction and punishment with good heart, and seeks to amend the evil deed by fully living his vocation in accordance with our *Constitutions*.

284) The Local Priors, applying the no. 180 of the *Constitutions*, takes care the regular observance with recalls and, if necessary, with fatherly punishments; the Masters of the Professed, Novices, Postulants and Aspirants can take action on regard of their formandi and give little educative punishments, and referring otherwise to the Superior. Always with ample comprehension that all this tries more to prevent than to repress evil.

³⁰⁵ Reg. 1.

³⁰⁶ Mt. 8:15.

³⁰⁷ Reg. 26.

³⁰⁸ Lk. 6:36.

Section 2. PENAL PROCEDURES

Chapter 1. General rules for penal action

285) Sanctions are imposed in our *Constitutions* to protect the religious spirit, regular observance and the welfare of the Community.

286) §1. The penalties established are ordinarily applied in the infringements; however, in individual cases, the competent authority may choose another form of intervention, which it considers more useful to correct the culprit.

§2. In inflicting the punishments established by our *Constitutions*, we routinely proceed in an administrative form; in any case, the existence of the transgression must result and be given to the guilty the full faculty of defense.

§3. In enforcing the punishments enshrined in the Universal Law, the norms established in it are to be observed.

§4. Any appeals are to be made under no. 139 of the *Constitutions*.

287) If the Prior General or a Major Superior, according to the faculties attributed to them, intends to proceed criminally against one of the members of the respective Councils, he loses the right to participate as a Vocal in the relevant acts.

288) §1. The Superiors, referred to in the nos. 173-174 of the *Constitutions*, can be removed from the Office:

- a) if by their conduct they are of grave scandal to the faithful or to the confreres;
- b) if they frequently use serious offensive words or expressions when dealing with their subjects;
- c) if in serious matters they neglect the obligations of their Office, or commit serious abuses in the administration;
- d) if they do not follow the common life, or routinely neglect common acts;
- e) if they prevent the application of the decisions of the higher authority within its jurisdiction;
- f) if they refuse to pay the taxes established in accordance with the *Constitutions*.

§2. In the cases mentioned, the removal must be preceded by a legal warning and the warning of the subsequent failure to recover, and bearing in mind the no. 286, §2 of the *Constitutions*.

§3. The Superior against whom the removal from the Office has been decreed, is invited to submit the act of renunciation before the application of the sentence.

§4. The penalty of removal, in the cases proposed, is to be established by the Prior General with the consent of the General Definitory.

Chapter 2. Specific cases of penal sanctions

289) §1. The administrators of the goods of the Order who do not abide by the directives received, be from their Superior recalled to duty.

§2. If there are serious abuses in the administration or significant lack of money, the Major Superior with the consent of his Council may proceed to remove from the Office with regard

to Local Economos, Commissaries and Provincials. The removal of the General Economo is to be decreed by the Prior General³⁰⁹.

§3. Against those who have special administrative duties, having verified the abuses mentioned above, the measures deemed most appropriate are to be taken by the Superiors.

290) Voice deprivation.

§1. Can be deprived of the active and passive voice for a time proportionate to the severity of the fault:

- a) who has gravely and externally violated the religious vows with scandal of the faithful or confreres;
- b) who has sown discord or disclosed, within or outside the Order, serious defects of the confreres;
- c) who had the duty to participate in the Chapters, Definitories and Councils, but has refused, without a real impediment, to intervene to them;
- d) who had repeatedly despised the Superior's orders or conspired against the established authority.

§2. The penalty of deprivation of the active and passive voice can be imposed by the Prior General with the opinion of the Definitory for the duration of six months; and for a longer time, with the consent of the General Definitory.

³⁰⁹ Const. 194, d.

Section 3. SEPARATION FROM THE ORDER

Chapter 1. Transfer to Other Institute

291) For a Solemn professed who wants to transfer from our Order to another Religious Institute, the concession of the Prior General is required, and is subject to the consent of the General Definitory and that of the Superior General of the Institute that welcomes, with the consent of his Council³¹⁰.

Chapter 2. Indult of Exclaustration

292) §1. The Prior General with the consent of the Definitory, for serious reason, may grant a Solemn professed the *Indult of Exclaustration* for a period of not more than five years and, if it is a religious cleric, the written consent of the Ordinary of the place where he intends to reside. It is up to the Holy See to extend the indult or to grant it for a period of more than five years³¹¹.

§2. At the request of the Prior General with the consent of the General Definitory, the exclaustration can be imposed, for serious reasons, on a Solemn professed by the Holy See, with respect of justice and charity³¹².

§3. The religious who enjoys the *Indult of Exclaustration* is exempted from those obligations that are incompatible with his new condition of life; however, it remains under the dependence and care of his Superiors and also of the Ordinary of the place, especially if it is a religious cleric. He may continue to wear the Order's habit unless it is provided differently in the Indult and does not enjoy an active and passive voice³¹³. After the exclaustration period, he returns to the Order or asks to leave the Institute permanently.

Chapter 3. Definitive exit from the Order

3.1 *Simple Professed*

293) The Simple professed which, prior to the expiration of the vows, asks to leave the Order for a serious reason, may obtain the Indult from the Prior General with the consent of the Definitory³¹⁴.

294) The Simple professed who, despite the Superior's reminders, no longer lived according to the spirit of the *Rule* and the *Constitutions* of the Order, is invited to leave the religious life.

295) §1. At the end of the Simple Profession, if there are just causes, the religious may not be admitted to the subsequent Profession, by the competent Major Superior, having heard his Council³¹⁵.

§2. A physical or mental illness, even contracted after Profession, when in the opinion of experts renders the religious mentioned in §1 unfit for life in the Order, constitutes a reason for not admitting him to renewal of Profession or to Solemn Profession, except in the case that the illness is due to negligence on the part of the Order, or to work carried out in the Order.

³¹⁰ Can. 684, §1.

³¹¹ Can. 686, §1.

³¹² Can. 686, §3.

³¹³ Can. 687.

³¹⁴ Can. 688, §2.

³¹⁵ Can 689.

§3. However, if the religious, during the period of Simple Profession, becomes insane, even if he is unable to emit the subsequent Profession, he cannot however be dismissed from the Order³¹⁶.

3.2 Solemn Professed

296) §1. The Solemn professed does not ask to leave the Order except for very grave reasons considered seriously before God. However, if he decides to leave the Order, he presents a written request to the Prior General who, by his and the Definitory's votes, forwards it to the Holy See to which the concession of the Indult is reserved³¹⁷.

§2. For the concession of the Indult referred to in §1, the Holy See requires that the religious cleric have found the Bishop willing to incardinate him or to welcome him, at least *ad experimentum*, in the Diocese³¹⁸.

§3. The *Indult of leaving the Order* legitimately granted, notified and not rejected by the religious at the time of notification, involves dispensation from the vows and obligations that comes from the Profession³¹⁹.

Chapter 4. Dismissal from the Order

297) §1. A religious must be held as dismissed *ipso facto* from the Order who:

- a) has defected notoriously from the Catholic faith;
- b) has contracted marriage or attempted it, even only civilly;
- c) has been illegitimately absent from the religious house, pursuant to can. 665, §2, for twelve consecutive months, taking into account that the location of the religious himself may be unknown.

§2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the *Decree of dismissal*, sending a copy to the Prior General.

§3. In the case envisaged by §1, c the *Decree*, in order to be juridically constituted, must be confirmed by the Holy See³²⁰.

298) §1. The religious must be dismissed for the delicts referred to in the cann. 1397; 1398; 1395, except in the case, as referred to in cann. 1395, §2-3; 1398, §1 that the Superior does not consider that dismissal is not necessary at all and that it is sufficient to adequately provide another way for the correction of the religious, as well as the reintegration of justice and the reparation of the scandal.

§2. In the cases above, the Superiors, having collected the evidence related to the facts and the imputability, make known to the religious the accusation and the evidences with the right to defend himself. All related acts, signed by the Major Superior and the notary, together with the responses of the religious verbalized and countersigned by the religious himself, are transmitted to the Prior General³²¹.

³¹⁶ Can. 689, §3.

³¹⁷ Can. 691.

³¹⁸ Can. 693.

³¹⁹ Can. 692.

³²⁰ Can. 694.

³²¹ Can. 695, §2.

299) A religious may also be dismissed for other causes as long as they are serious, external, attributable and legally proven under can. 696, §1. In these cases, if the Major Superior, after having heard his Council, retains that he must begin the process of dismissal:

a) he collects and complete the evidences;

b) he admonishes the religious, in writing or in front of two witnesses with the explicit commendation of the consequent dismissal in the event of no change, also notifying him of the reason for his dismissal and giving him full right to defend himself. If the warning is useless, the Superior proceeds to a second admonition, after an interval of at least fifteen days;

c) if even this second warning is useless and if the Major Superior with his Council judged sufficiently proven the incorrigibility and the insufficiency of the defenses of the religious, and passing without result another fifteen days since the last admonition, he transmits all the Acts to the Prior General, signed by himself and the notary, together with the responses given by the religious and signed by him.

300) In the cases referred to in the nos. 298-299 of the *Constitutions*, the religious' right to communicate with the Prior General and to present the arguments to him directly in his own defense remains firm.

301) §1. Having received the acts referred to in the nos. 298-299 of the *Constitutions*, the Prior General convenes the General Definitory that, in order for it to be valid, must act in its entirety and collectively proceed to an accurate evaluation of the evidence, arguments and defences³²².

§2. If a secret vote is decided for dismissal, the Prior General issues the *Decree of dismissal* which is in force at the moment in which it is notified to the interested religious.

§3. The *Decree* for it to be valid must contain, at least briefly, the reasons of Law and of fact³²³ and the indication of the right of the religious to appeal, within ten days after having received the notification, to the competent authority. The appeal has a suspended effect³²⁴.

302) In the event of very serious harm to the Community or serious external scandal, a religious person may be immediately removed from the Order by the Major Superior.

If there is a danger in the delay or there is no time to resort to the Major Superior, the Local Chapter can also decide. The case is immediately referred to the Major Superior, who, if necessary, establishes the process according to Universal and Proper Law, or refers the fact to the Holy See³²⁵. The religious thus be removed and must depose before leaving the House the religious habit.

303) Any member of the Order, with the act of his dismissal, remains loose from the obligations of the religious Profession, and the Order is not obliged to readmit him.

³²² Can. 699, §1.

³²³ Can. 699.

³²⁴ Can. 700.

³²⁵ Can. 703.

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