GENERAL STATUTES
OF THE ORDER OF FRIARS MINOR CONVENTUAL



ROME **2019**

GENERAL STATUTES
OF THE ORDER OF FRIARS MINOR CONVENTUAL

GENERAL STATUTES
OF THE ORDER OF FRIARS MINOR CONVENTUAL

Published by order of
The Most Reverend Carlos A. Trovarelli
the 120th Minister General of the Order
after the Seraphic Father Saint Francis

ROME
Convent of the Twelve Apostles
2019



statuta generalia

ORDINIS FRATRUM MINORUM
CONVENTUALIUM

The present text in English,
translated from the original Italian by Nerbini International (Florence, Italy),
and published and edited in 2021 by the CFF (Conventual Franciscan Federation
of Australia, Great Britain, Ireland, and North America),
was reviewed by the 120th Minister General of the Order,
the Most Reverend Carlos A. Trovarelli, OFM Conv.,
and adjudged to be in conformity to the original text.

Promulgation

Prot. N. 588/19

Dear Brothers in the Lord!

"This was tiring work, but well worth the effort." That was what Pope Francis said about the commitment shown by the entire Order in revising its Constitutions and preparing its new General Statutes—a text which "touches upon the essential elements of your fraternal and missionary life." Those were the words we heard on June 17, 2019, in the Clementine Hall of the Apostolic Palace, during the papal audience granted to us at the end of our 202nd General Chapter.

Pope Francis gave a reason why all that work was important: "the Constitutions are the necessary instrument for guarding the charismatic heritage of an Institute and ensuring its future continuance. In fact, they express the concrete way of following Christ proposed by the Gospel, an absolute rule of life for all consecrated people and especially for the followers of St. Francis of Assisi, who, by their profession, commit themselves to 'live according to the pattern of the Holy Gospel'" (cf. St. Francis, *Testament*, 14).

It is the duty of each religious family to constantly interpret its charismatic heritage, regulating the practice of that heritage with legislative instruments (cf. *CIC*, can. 576). However, the Holy Father reminds us that the Constitutions and the General Statutes not only "regulate" but "preserve the charismatic heritage," ensuring "future continuance." For us Franciscans, our charism is nothing less than living the Gospel. Therefore, with the new Constitutions already approved (2018), we created a new draft of our General Statutes, in order to observe even more concrete ways of living the Gospel in today's historic setting.

Therefore, **by virtue of my office, I hereby order that the revised text of the General Statutes of the Order be published and promulgated, effective immediately, as of today's date, August 14, 2019, the feast of St. Maximilian M. Kolbe and the Eve of the Assumption of the Blessed Virgin Mary**.

The Italian edition of the General Statutes shall serve as the master version upon which translations in the various languages shall be based. This is because the changes that were approved in the last General Chapter were made in the Italian language.

Promulgating this edition of the General Statutes today, the day we commemorate St. Maximilian M. Kolbe, I offer everyone my best wishes, namely: that we fall in love with the Gospel again and live it, with the help of the Constitutions and the General Statutes, in a concrete and creative way, as St. Maximilian did. It takes a lot of passion and love; indeed, according to the words attributed to our holy Confrere Martyr, "only love creates!"

Pope Francis told us, "The Gospel must be our *vademecum*." Then he added: "Always listen to it carefully; pray with it, and, following the example of Mary, 'Virgin made Church' (cf. St. Francis, *Greeting to the Blessed Virgin Mary*, 1), meditate on it assiduously, so that, by assimilating it, you may conform your life to the life of Christ."

May the Lord God grant that we walk the path of the Gospel by conforming ourselves to Christ in a joyful and concrete way, as our Seraphic Father St. Francis did! Moreover, let us pray to the Virgin Mary who was assumed into heaven, who first walked the path of her Son as his disciple. May she now intercede for us and for the whole Order.

Rome, Friary of the Twelve Holy Apostles, August 14, 2019,
Feast of St. Maximilian M. Kolbe,
Eve of the Solemnity of the Assumption of the Blessed Virgin Mary

Friar Carlos A. Trovarelli
Minister General
Friar Tomasz Szymczak
Secretary General

GENERAL STATUTES

OF THE ORDER OF FRIARS MINOR CONVENTUAL

CHAPTER ONE

Name and Structure of the Order



1.

In public documents our Order is always to use the title *Order of Friars Minor Conventual* (*OFM Conv.*). Its members are known as Friars Minor Conventual. In other circumstances, however, local titles may be used, such as *Minoriten*, *Minoriti*, *Franciszkanie*, *Greyfriars*, *Cordeliers*, etc. (Constitutions, 1 §1).

2.

§1. For a new Province to be established it must have at least five Friaries and forty solemnly professed friars. This is to ensure adequate personnel for administration and apostolic works, to guarantee the quality of Gospel fraternal living, and to assure initial and continuing formation and assistance to elderly or ill friars (Constitutions, 33 §§1-2).

§2. For a new Province to be established it must also assure that each Friary has at least three friars; that con-

ditions exist for a fraternal and prayerful life; that it has the capability to provide for autonomous government which can both lead the friars and coordinate its various activities; that its ministries are diverse; that it has a sufficient number of friars in initial formation; and that it has demonstrated an initial capability of economic autonomy. These conditions are to be evaluated in detail in the documentation presented to the government of the Order (Constitutions, 33 §2).

3.

§1. A Province which for three consecutive four-year terms falls below the number of forty solemnly professed friars or the number of five Friaries ordinarily ceases to have the requirements of being a Province and enters into a transition phase. The Minister General with his Definitory, having consulted with all the parties involved (Constitutions, 33 §§1 and 3), promptly is to proceed toward either its revitalization or its juridical redefinition, taking into account the criteria listed in General Statutes, 2 §§1-2.

§2. The Minister General and his Definitory, having consulted with the Provinces and Custodies involved, establish specific transitional norms for the celebration of the first Ordinary Provincial or Custo-

dial Chapter when Provinces or Custodies unite giving birth to a new Province or Custody. The norms will deal with:

a. The appointment of the pre-Chapter Commission.

b. The number of delegates or the participation of all of the friars at the Provincial or Custodial Chapter.

c. The method to be used in the election of the Minister or Custos, following the various possibilities foreseen in the legislation of the Order.

d. The number of Definitors.

e. Other eventual practical adjustments needed for the convocation of a first Provincial or Custodial Chapter.

4.

§1. Once a Custody is established as a Province, then the time for Chapter begins. Within six months of this date the first Provincial Chapter is to be convoked and celebrated. Meanwhile those exercising authority continue to do so.

§2. The date of the canonical foundation is that on which it was established as a Province by vote of the General Chapter.

5.

§1. A Provincial Custody is to have clearly articulated goals which govern its life and mission, approved by the Provincial Chapter. Both the Minister Provincial and the Provincial Custos are to present their reports to the Provincial Chapter, evaluating the life and the mission of the Custody in the light of the goals previously approved by the Provincial Chapter. A General Custody is to be evaluated in an analogous way.

§2. A Provincial Custody is by nature a transitory stage toward the establishment of a Province. It is therefore to have a plan that permits it to reach such an objective.

§3. In exceptional cases and for the good of both the local Church and of the Order, the Minister General with the consent of his Definitory may permit the existence of a Custody which for ecclesial, sociopolitical, or cultural reasons is not capable of becoming a Province.

6.

§1. The establishment of a Provincial Custody requires, in addition to the permission of the Minister General with the consent of his Definitory, at least four canonically erected Friaries and at least fifteen sol-

emnly professed friars, so that, in the prudent judgment of the Provincial Chapter, the Custody is capable of leading a fraternal life that is sufficiently independent. The Minister Provincial promulgates the decree of establishment (Constitutions, 33 §4).

§2. For a new Custody to be established it must also assure that each Friary has at least three friars; that conditions exist for a fraternal and prayerful life; that it has the capability to provide for some autonomous government and diversified ministries; that there is some capability to lead the friars and coordinate various activities; that there is a sufficient number of friars in initial formation; that there is a program of continuing formation; that there is a plan for caring for eventual sick, aged, or infirm friars; and that there are the outlines of a plan for adequate economic autonomy. These conditions are to be evaluated in detail in the documentation presented to the government of the Order (Constitutions, 33 §2).

7.

§1. At an opportune moment the competent authority is to evaluate the life of the Provincial Custody and its numerical status. Whenever after thirty years have elapsed since its establishment, at the judgment of the respective General or Provincial authority a Custo-

dy exhibits an inability to reach its established goals, steps are to be taken toward a juridical redefinition (Constitutions, 33 §§1 and 3).

§2. Additionally, if the Provincial Custody falls below the number of four canonically erected Friaries and the number of fifteen solemnly professed friars, steps are to be taken toward a juridical redefinition.

8.

A Provincial Custody established according to the norms of the Constitutions is a juridical person governed by the vicarial authority of the Provincial Custos, according to the norms of the Constitutions and the Provincial Statutes (Constitutions, 33 §4).

9.

§1. The Provincial Delegation is a transitory structure of the Order which consists of at least two Friaries, both distant from the Province and both situated in the same geographical area, each of which has at least three solemnly professed friars (Constitutions, 30 §2).

§2. **a.** It is the right of the Minister Provincial with his Definitory, having obtained the consent of

the Minister General, to establish a Provincial Delegation.

b. A friar is named Delegate of the Minister Provincial as the one responsible for the Provincial Delegation; he is assisted by at least two counselors.

c. The Delegate of the Minister Provincial is named for the four-year term by the Minister Provincial with his Definitory, after having consulted the friars of the Delegation.

d. The counselors carry out their duties for the four-year period and are chosen by the friars resident in the Delegation gathered in assembly.

e. The powers conferred on the Delegate of the Minister Provincial, who is not a major superior, are specified in the decree of nomination.

§3. The Delegate of the Minister Provincial participates as an auditor at the General Chapter on condition that the Provincial Delegation has already existed for a ten-year period and that at least ten friars reside there.

§4. The Delegate of the Minister Provincial, if he is not a voting member at the Provincial Chapter, participates as an auditor.

10.

According to its capabilities, each Province and Custody is to have at least one of its friars at the General Custody of the Sacred Convent of Assisi, in keeping with the needs of that Custody (Constitutions, 32).

11.

§1. To establish a Friary the following documents and information must be sent to the Minister General:

- **a.** The written permission of the Diocesan Bishop (CIC, canon 609 §1).
- **b.** The results of the voting by the Provincial Chapter or, as the case may be, the approval of the Minister Provincial with the consent of his Definitory.
- **c.** The reasons for establishing the Friary, together with a brief description of the place and of the work to be done there by the friars (CIC, canon 610).
- **d.** The name of the saint in whose honor the new house will be dedicated.
- **e.** The postal address of the new Friary.

§2. The date of the canonical foundation is the one noted in the decree of establishment promulgated by the Minister Provincial.

12.

§1. At least three solemnly professed friars are to be assigned *de familia* to each Friary so that a sufficient Conventual life may be assured. A Friary is not to be established unless it can prudently be foreseen that three friars can live and work there (Constitutions, 226 §2).

§2. A Friary which finds itself with fewer than three friars is to be evaluated and resolved as soon as possible by the Minister or Custos.

13.

§1. If the Provincial Chapter or the Minister Provincial with his Definitory finds it opportune, a filial house can be opened, which in any case is not a canonically erected religious house. It is a temporary presence with at least two solemnly professed friars. The friar responsible is the delegate of the Guardian of the local established Friary, and the friars in the filial house are part of the Friary Chapter of that Friary, to which all the friars belong and are accountable.

§2. The friar responsible for the filial house is chosen by the Minister Provincial, after consultation with the Friary Chapter.

§3. A filial house is not to be opened if it is not within geographic proximity to its Friary, which would not, therefore, allow real participation in the life of the Friary.

§4. If it is found that the filial house is not conforming to fraternal life, the Minister Provincial with his Definitory is to proceed to examine the situation and to resolve it before the end of his term of office.

§5. If after twelve years of its existence the filial house is not established as a Friary, it is to be suppressed by the respective Minister with his Definitory. Only in exceptional situations can a Minister Provincial with the consent of his Definitory allow a filial house to remain in existence beyond this limit.

14.

It is the right of the Minister General with the consent of his Definitory to subordinate, or to join without suppressing, an already canonically established Friary to another Friary in such a way that it becomes a filial house, always respecting that which is expressed in General Statutes, 13.

15.

§1. The transfer of a Friary to another Province or Custody is done according to the indications of Constitutions, 29.

§2. The transfer of a Friary to the direct authority of the Minister General takes place after the consent of the Provincial Chapter and the acceptance by the Minister General with the consent of his Definitory. If outside apostolates are involved, the Diocesan Bishop is to be consulted as well (CIC, canon 612).

CHAPTER TWO

The Life of Union with God



16.

§1. In Friaries in which there are hermitages or houses of prayer, there is to be a local fraternity which is to be a center of Franciscan inspiration. It may be open to lay persons as well if circumstances permit, in the judgment of the Minister or Custos and his Definitory.

§2. Where such houses are established, their goals, purposes, economic situation, and common fraternal program are to be precisely defined.

CHAPTER THREE

Fraternal Life in Communion



Title I
Premise

17.

Every friar has a right to a fraternal life; therefore, commitments are not to be taken which impede the exercise of this right (Constitutions, 118 §1).

Title II
The Friary Chapter

18.

§1. The Guardian is to prepare the agenda of the Friary Chapter and communicate it to the friars at least two days prior to its celebration (Constitutions, 227 §1 and 228 §2).

§2. The friars should feel free to propose, in writing, other matters to be treated, so that the Guardian can insert them into the agenda.

19.

§1. The Friary Chapter is to be conducted according to the special Directory for this purpose.

§2. With the consent of the Chapter, temporarily professed friars may be admitted to those parts of the Friary Chapter which contribute to fraternal and spiritual life and which do not call for any juridical acts (Constitutions, 228 §1).

20.

§1. The Guardian is to take care to schedule the Friary Chapter so that all the friars may be present.

§2. Individual friars are not to absent themselves from participation in the Friary Chapter except for a reasonable cause to be approved by the Guardian.

§3. If without serious cause the Guardian refuses to hold the Friary Chapter according to the sense of Constitutions, 228 §2, the Minister Provincial is to remedy the situation in an appropriate way.

21.

The Friary Chapter, under the guidance of the Guardian, is to plan an annual program of fraternal life, which is to be evaluated at the end of the year (Constitutions, 58 §3).

Title III
Obligations of Fraternal Life

22.

§1. When an order of precedence is required, the following is to be observed:

- **a.** In the entire Order: the Minister General, the Vicar General, former Ministers General, the General Definitors.
- **b.** In the Province: the Minister Provincial, the Vicar Provincial.
- **c.** In the Custody: the Custos, the Custodial Vicar.
- **d.** In the Friary: the Guardian, the Vicar, solemnly professed friars, temporarily professed friars, novices.

§2. Precedence between friars who hold the same office is determined first by seniority in solemn profession and then by age (Constitutions, 71).

23.

The Guardian for a good reason may give permission to be absent from the Friary but within the borders of the same Province, Custody, or nation, but not beyond thirty consecutive days. Permission beyond these limits is given by the Minister or Custos for his own subjects, unless the Provincial or Custodial Statutes provide otherwise, and by the Minister General for friars in Friaries immediately subject to him.

24.

§1. A Mass and the Office for the Dead are to be celebrated for each deceased friar in his own Friary; in addition, each priest of the Province or Custody is to offer the sacrifice of the Mass. Other friars are to attend the community Mass for the deceased or some other Mass.

§2. The same suffrages which are prescribed in a Province or Custody for each friar are to be fulfilled in the entire Order for a deceased Pope, for a Minister General who dies in office, and for a deceased former Minister General.

§3. Suffrages for the deceased parent or sibling of one of our friars are to be determined in the Provincial or Custodial Statutes (Constitutions, 72 §6).

25.

In addition to the Funeral Mass, each friar priest who lives in the novitiate Friary is to celebrate one Mass for a deceased novice.

26.

To preserve the loving memory of deceased friars and to remind the living friars of their obligation to fulfill suffrages for them, the following are prescribed:

a. The Minister or Custos and the parents and relatives of the deceased friar are to be notified of his death immediately.

b. The Minister or Custos is to notify the General Curia of the death of a friar, and in each instance inform his Province or Custody by means of a circular letter containing a brief biography of the deceased and a reminder of the suffrages due according to the norms of the Constitutions and Statutes.

c. A brief biographical sketch of the friar is to be inserted into the necrology.

Title IV
The Administration of Goods

27.

§1. In economic matters, decisions of the Provincial or Custodial Chapter or those of the Minister or Custos with his Definitory are to be made according to the preceding discussions and approved programs, keeping in mind Gospel counsels, our Franciscan spirit, and ecclesial and civil directives (CIC, canon 635 §§1-2; CCEO, canons 424-425).

§2. The same principle is applied by analogy to the Guardian and the Friary Chapter.

28.

§1. Financial administration is to be treated each quarter by the Minister or Custos with his Definitory. The Provincial or Custodial Econom is to present at least quarterly a report of the entire financial administration, and, once a year, in the name of the Minister or Custos and his Definitory and according to the Statutes, the Econom is to send a financial report of the Province or Custody to all the Friaries of the Province or Custody. Moreover, at each ordinary Provin-

cial and Custodial Chapter he is to report on his entire administration since the last Chapter (CIC, canon 636 §2).

§2. The Minister General with his Definitory is to consider the financial administration of the Order each quarter, at which time the General Econom is to provide a report. The General Econom is to present a comprehensive report on his entire administration at each General Chapter (Constitutions, 90).

29.

§1. Under the careful supervision of the Ministers, Custodes, and/or Guardians the officials are to record exactly and faithfully all receipts and expenditures, all business transactions, and all changes in economic condition in the financial registers, so that the financial status of the entire administration and of each sub-administration are clearly and distinctly evident (CIC, canon 1284).

§2. Before accounts and statements are rendered public, the registers, recording receipts, and expenditures are to be signed by the Ministers, Custodes, or Guardians and the officials and are made easily available without undue delay for inspection by the friars. They are also to be given to the Visitator for inspection.

30.

Since the local fraternity itself is ultimately responsible for all financial matters, reports of receipts and expenditures of any administration are to be submitted to the Friary Chapter and to the judgment of its members. Every year a financial report of the Friary administration is to be sent to the Minister or Custos, unless Provincial or Custodial Statutes decree otherwise (CIC, canon 1284 §3).

31.

The designation of a friar as legal representative of a Province or Custody or of some other juridical person is the responsibility of the Minister or Custos with the consent of his Definitory, unless Provincial or Custodial Statutes decree otherwise and taking civil law into account (Constitutions, 83; CIC, canon 118).

32.

§1. The final responsibility for the administration of goods resides with the respective Minister and Custos with his Definitory (CIC, canon 636 §1).

§2. Investment strategies (including principles and limits) are to be determined at the Provincial or Custodial Chapter, taking care to observe the indications of

the Constitutions (14 §3, 17 §1, 18 §§2 and 21) regarding attention to the poor and regarding economic solidarity within the Order (20 §§1-2; see CIC, canon 634).

§3. It is the duty of the Ministers and Custodes with their respective Definitories to supervise the work of those responsible for investments according to the following principles:

a. Investments are permitted and administered only at the General or Provincial levels, and, with the permission of the Minister with his respective Definitory, also at the Custodial level.

b. Investments are to be in line with the social doctrine of the Church.

c. Bankbooks, investment portfolios, and other financial instruments are to have the separate signatures of two friars.

d. Financial instruments and property deeds are to be in the name of an ecclesiastical-juridical person.

e. In the case that the juridical person is not recognized and the properties and securities are in some friar's name, the title of the administrative office currently held by that friar in whose name the properties or securities are registered is to be added to his signature.

f. In the case that the juridical person is not yet civilly recognized, the friar whose name appears on the documentation, at the time he assumes the responsibility is to draft a last will and testament on behalf of a designated friar of the Order.

g. Financial experts, including laity, are to be consulted.

33.

Administrators are to strive diligently to keep the goods entrusted to them in good condition (Constitutions, 84 §§1-5).

34.

An inventory of all goods and properties is to be taken whenever any new administration begins; this is to be revised frequently. At the end of his term of office each administrator is to consign the revised and updated inventory to his successor. Special inventories of precious objects, by reason of artistic value, antiquity, or intrinsic worth, are to be updated regularly (CIC, canon 1283).

35.

On completion of his term of office, every Minister, Custos, and Guardian is to consign to his successor all the

administrative registers, signed by him and by the other officials.

36.

§1. Legal documents concerning the rights and properties of each juridical person are to be kept in a safe place, in conformity with Statutes.

§2. When a juridical person within the Order ceases to exist, its property accrues to the juridical person immediately superior to it. It is the duty of the Order's legal representative to safeguard the rights and property of suppressed Provinces in the name of the entire Order, respecting both norms of concordats and national civil laws (CIC, canon 123).

37.

The following are proposed as administrative records (in bound paper form, as well as any electronic format):

a. An account of income, kept by the Exactor.

b. An account of expenses, kept by the Econom.

c. A ledger balancing receipts and expenditures.

d. Records of any notarized acts and legal cases.

e. The ordinary inventory.

f. The inventory of precious objects.

g. The Mass register.

h. The registers of foundation Masses (*Missae fundatae*) and legacies.

i. The registers of other endowments or funds (CIC, canon 1284 §2).

38.

§1. Stipends accepted for Masses are not to be spent either in part or in whole before the Masses are celebrated. Stipends which cannot be satisfied locally within one year are to be sent to the Minister or Custos as soon as possible. The entire offering of the stipend is to be given to the one who celebrates the Mass (CIC, canons 953, 955, and 956).

§2. Stipends which cannot forseeably be satisfied within the Province or Custody within one year are to be sent to the Minister General (CIC, canon 956).

§3. Legacies involving perpetual obligations are to be accepted only in exceptional cases and with the prior consent of the Minister General and his Definitory. Legacies involving temporary obligations are accepted only with the consent of the respective Minister or Custos and his Definitory.

§4. Ministers, Custodes, and Guardians are to take care that the intentions of benefactors are respected (Constitutions, 19; CIC, canon 1267 §3).

39.

§1. Before any extensive construction or remodeling is initiated, the advice of both Building and Finance Commissions, if they exist, is to be sought. Furthermore, the counsel of experts is always to be called upon in the preparation of blueprints and other specifications. The competent Chapter, or Minister or Custos with his Definitory, is to review, determine, and implement all such plans carefully.

§2. In every construction project a building expert is to be appointed as supervisor. His duty is to check that all the work is done as specified, to provide the Econom with an account of the expenses, and to report on the entire project to the competent Chapter or Minister or Custos with his Definitory.

40.

The Provincial Chapter is to determine for the coming term of office the limits of extraordinary expenses beyond which the consent of the Minister General with his Definitory is required (CIC, canon 638 §1).

41.

In alienating, mortgaging, or leasing immovable property or in contracting debts, the following are to be observed:

a. Whenever the amount of the sale, exchange or debt exceeds two-thirds of the sum established by the Holy See for that region, the prior approval of the Minister General with the consent of his Definitory is required.

b. With respect to the leasing of immovable property, Chapters and the respective Ministers and Custodes and their Definitories are to determine both the length of time of the lease and the annual rent to be received from it (Constitutions, 82 §3; General Statutes, 32 §§1-3).

42.

It is the right of the General Chapter or, outside the Chapter, of the Minister General with his Definitory, to determine the contributions of the Provinces and Custodies for the support of the activities of the Order (Constitutions, 86 §4).

43.

§1. It is the right of the General Chapter or, outside the Chapter, of the Minister General with his Definito-

ry, taking civil law into account, to determine the manner for contributions of the Provinces and Custodies to the fraternal solidarity fund, keeping in mind the economic burden that Provinces and Custodies might bear regarding their missions and formation costs (Constitutions, 20 §2) which might include:

- A percentage of the annual net income coming from the labor of the friars, from investments, from rents, and from other collections of funds.
- A percentage of the net income coming from the alienation of property.
- The offering of a number of Masses to be celebrated within the Province or Custody.
- Or in any other manner (Constitutions, 86 §5).

§2. A yearly financial report of a Province or Custody is to be submitted to the Minister General. It follows a format designed by the General Finance Office (Circular letter of CICLSAL, "The guidelines for the management of the Institutes of Consecrated Life and Societies of Apostolic Life," 1.2 [August 2, 2014]).

§3. The Minister General with his Definitory administers the fraternal solidarity fund and submits a detailed report to the Presidents of the Conferences or Federations during their annual meeting.

§4. It is the responsibility of the Presidents of the Conferences or Federations to share the information regarding economic solidarity at the Order level with their Provinces and Custodies.

§5. It is the right of the Provincial or Custodial Chapter or of the Minister Provincial with his Definitory (or of the Custos with his Definitory in accordance with Provincial Statutes) to determine the manner of contributing toward solidarity within the Province or Custody according to the norms of its respective Statutes (Constitutions, 86 §2).

44.

It is the right of a Provincial or Custodial Chapter and for a serious reason of the Minister or Custos with his Definitory to investigate the immovable property of the Friaries and to determine whether such property should be sold, as well as to determine whether the proceeds be used to support the activities of the Friary and the Province or Custody, always respecting the intentions of the donors (CIC, canon 1267 §3).

45.

It is the responsibility of Provincial and Custodial Chapters to adopt uniform administrative registers; to regulate

the health insurance of the friars; to see to the pensions of the friars (Constitutions, 17 §3); and to oversee the insurance of goods and the safe deposit of money or other securities. These and other like matters are to be defined more exactly in the Provincial and Custodial Statutes.

CHAPTER FOUR

The Mission of the Friars



Title I
Missionary Activity of the Order

46.

Faithful to the spirit of Franciscan life, taking existing circumstances into account, and observing all legal norms, the friars are to take great pains to promote the charism of our Order both in the local Church and in local society and cultures. This entails the foundation of Franciscan religious communities, the Secular Franciscan Order (CIC, canon 303), the Militia of Mary Immaculate, and, as far as possible, the contemplative life of the Poor Clares.

47.

§1. The Ministers and Custodes are to foster among the friars the commitment both to mission *ad gentes* and to new forms of evangelization (CIC, canon 783; Constitutions, 118 §§1-2 and 123 §1).

§2. Specialized preparation of the friars who go from one Province or Custody to another, especially if into a new nation or different culture, must:

a. Be obtained in suitable centers of the Order or other competent institutions and in respect of local ecclesial norms.

b. Be designed to integrate the friars into the cultures of the mission land (Constitutions, 125 §§1-2).

§3. The friars are to be open to being sent by their respective Minister or Custos to other Provinces or Custodies of the Order, both for coming to the assistance of the friars in those Provinces and Custodies and for beginning a new presence in a new nation (Constitutions, 95 §2 and 124 §2).

§4. Friars can be assigned by their own Minister or Custos to a common formation house or other common ministry of a Conference or Federation (Constitutions, 31 §§2 and 4), even if it is located outside the confines of the Province or Custody of affiliation.

§5. In the case that friars from one Province or Custody go on mission in another Province or Custody, a contract is to be signed by the respective Ministers and Custodes and approved by their Definitories which states the intention of collaboration between the two Provinces or Custodies, the terms and time

limit of such collaboration, and specific mention of a friar who maintains provincial rights in his Province or Custody of origin. In any case affiliation *ad tempus* to the Province or Custody in which a friar works is recommended as the normal practice in order to provide some stability to his commitment.

§6. The Ministers Provincial are to be ready to offer their friars the possibility of living the Franciscan life outside their country and their home culture, in a way that favors their discernment regarding a missionary vocation in different cultures and peripheries (Constitutions, 180).

48.

§1. It is the sole prerogative of the Minister General with the consent of his Definitory to accept a first presence in a nation.

§2. The Minister General is to entrust this presence to an individual Province with the consent of its Provincial Chapter. The Province may benefit from the collaboration of other Provinces or Custodies.

§3. In the case of a diocesan Bishop requesting a Province to open a new presence, this is not to be accepted by the Provincial Chapter without the prior approval of the Minister General with the consent of

his Definitory (CIC, canon 609 §1; CCEO, canon 509 §1).

49.

The General Delegate for Mission Animation is to participate as an auditor during the General Chapter.

50.

Individual Provinces or Custodies or national mission secretariats may send economic aid directly for a particular mission work, but they always are to inform the Minister General about the help given.

51.

Missions which request subsidies from the General Curia are to submit all requested information to the Minister General and his Definitory at the beginning of the year and before they receive any funds.

52.

Economic requests to the General Curia must first be approved by their respective Ministers Provincial with the consent of their Definitory.

53.

The respective Finance Offices are to keep a careful accounting of donations collected both for projects of mission development and for the care of the friars in mission.

Title II
The Parochial Apostolate

54.

§1. Before signing a contract with the diocesan Bishop (CIC, canon 520 §2) to accept a parish (Constitutions, 121 §§1-2), the following documents and information are to be sent to the Minister General:

a. A request from the Minister Provincial which clearly explains the reasons for accepting the parish, a brief description of the buildings existing or to be built for the parish activities, and the number of parishes already entrusted to the Province or Custody.

b. A copy of the letter from the diocesan Bishop in which he offers the parish.

c. The text of the proposed contract between the diocesan chancery and the Province or Custody.

d. The approval of the Minister Provincial with the consent of his Definitory by which both the acceptance of the parish and the contract, at least in general outline, were approved (CIC, canons 520 and 681). In all these matters the Minister or Custos is to maintain consultation with the Friary Chapter concerned.

§2. The final text of the signed contract is to be sent to the General Curia (Constitutions, 121 §2).

Title III

Spiritual Assistance to the Poor Clares and to the Secular Franciscan Order (SFO)

55.

§1. It is the responsibility of the Minister General with the consent of his Definitory, after consultation with the parties involved, to nominate a General Delegate for the Poor Clares, for a term of four years. The same Delegate is also responsible for aggregated Religious Institutes.

§2. Each Province or Custody in whose territory Urbanist Poor Clares are present is to have a Delegate nominated by the Minister or Custos with the consent of

his Definitory, after consultation with the monasteries involved.

§3. The Provincial or Custodial Delegate is to present a report to his respective Chapter.

56.

The spiritual care of the Secular Franciscan Order has been entrusted by the Holy See to the First Order and to the Third Order Regular (CIC, canon 677 §2).

57.

All the friars are to be trained diligently and carefully in both initial and continuing formation regarding every aspect of the SFO—its history, legislation, customs, and spirituality—so that some may be chosen Spiritual Assistants. These friars are to be capable of inculcating a true Franciscan spirit in the SFO and of inspiring its members to walk in the footsteps of St. Francis. They likewise are to foster mutual contact and collaboration with the other parts of the Franciscan family, taking into account that which has been set forth in the *General Constitutions of the SFO* and in the *General Statutes for Pastoral and Spiritual Assistants for the SFO* (Constitutions, 75 §3).

58.

The friars assigned to care for the Secular Franciscan Order are to remember that they are called to serve their brothers and sisters living in the world. They are not to become unduly involved in the private lives of the members except in those matters specified by law.

59.

§1. The Spiritual Assistant who represents the whole Order is selected by the Minister General; the Spiritual Assistants at the national level are chosen by the respective Minister or Custos or by the respective Conference or Federation, according to what has been established by the *General Constitutions of the SFO* and the *General Statutes for Pastoral and Spiritual Assistants for the SFO*.

§2. The assignment of General Spiritual Assistant for the Secular Franciscan Order is conferred for a period of six years.

§3. The competent Minister or Custos**,** in consultation with the particular Fraternity concerned, names the Spiritual Assistant in keeping with what has been established by the *General Constitutions of the SFO* and the *General Statutes for Pastoral and Spiritual Assistants for the SFO*.

Title IV
The Marian Apostolate

60.

§1. Faithful to the Marian tradition of the Order (Constitutions, 1 §6) and to the heritage of St. Maximilian Mary Kolbe (Constitutions, 1 §7), our friars are to strive, as opportunity arises, to cooperate with both the international and national Presidencies of the Militia of Mary Immaculate (M.I.), so that its growth and its apostolate might flourish in conformity with the statutes approved by the Holy See.

§2. The Minister General is the International Assistant for the M.I., in accordance with article 30 of its General Statutes. In consultation with his Definitory he is to nominate a friar as his Delegate for the assistance of the M.I.

§3. Every Province and Custody is to have a Delegate for the Marian Apostolate and/or an Assistant for the M.I. as defined in its Statutes.

61.

§1. There is to be a written contract determining the expenses and the number of friars working at

the International Center of the M.I. in Rome, or elsewhere.

§2. Whenever a seat or center of the M.I. is associated with a Province or Custody, their relationship is determined by a contract approved by the Minister or Custos with his Definitory.

§3. A Friary whose members wish to live according to the ideal of the M.I. is to have its own statute approved by the Provincial or Custodial Chapter, which delineates the nature and purpose of its mission.

§4. The Minister or Custos is to choose friars to be assigned to such a Friary, taking into account its particular statute.

62.

The friars are to be instructed during initial formation concerning doctrine related to the Blessed Virgin Mary and devotion to her, so that later they may be able to encourage and direct the various activities of the Marian Apostolate (Constitutions, 140 §7 and 168 §3).

Title V
Ecumenical Activity and Interreligious Dialogue

63.

§1. It is the responsibility of the Minister General with the consent of his Definitory to appoint a General Delegate for Ecumenism and Interreligious Dialogue. The General Delegate represents the Minister General in transactions with the appropriate pontifical dicasteries and at congresses and assemblies where the presence of the Order is requested.

§2. If deemed advisable, a Delegate at the provincial or custodial level likewise may be appointed by the Minister or Custos with the consent of his Definitory.

§3. The General, Provincial, or Custodial Delegate is to keep the friars informed on the progress of the ecumenical movement.

64.

The Delegates are to collaborate with those responsible for formation, so that attention to ecumenical and interreligious topics is present in the initial and continuing formation of the friars.

Title VI
Justice, Peace, and the Integrity of Creation

65.

It is the duty of the Minister General with the consent of his Definitory to nominate a General Delegate for Justice, Peace, and the Integrity of Creation. The General Delegate represents the Minister General at the competent pontifical dicastery and at meetings and conferences where the Order's presence is requested.

66.

§1. There is to be a Provincial or Custodial Delegate for Justice, Peace, and the Integrity of Creation who is named by the Minister or Custos with the consent of his Definitory.

§2. If in some Province or Custody such a Delegate may not be available, the Minister or Custos may seek collaboration either interprovincially or at the level of the Conference or Federation. An agreed-upon suitably prepared friar may be nominated for this ministry in multiple Provinces and Custodies by the Ministers and Custodes involved, or at the level of the Conference or Federation.

67.

The General Delegate for Justice, Peace, and the Integrity of Creation, and his Provincial or Custodial Delegate, has the special duty to encourage the activities of the friars in the direction of justice, peace, and the integrity of creation. They are also to keep the Order, the Province, and the Custody informed on developments in these areas.

68.

An International Commission for Justice, Peace and the Integrity of Creation, if named by the Minister General with his Definitory, is coordinated by the General Delegate.

69.

The General Delegate and the Provincial and Custodial Delegates are to collaborate with those responsible for formation, in order to draw attention in both initial and continuing formation of the friars to the social doctrine of the Church and its practical, pastoral, and homiletic applications.

Title VII
Special Apostolic Works

70.

§1. A specific apostolic activity whose nature requires particular regulations is to be approved by the Provincial or Custodial Chapter and governed by its own specific statute approved by the Minister or Custos with his Definitory (CIC, canon 677 §1).

§2. The Provincial Chapter (or Custodial Chapter, if permitted by Provincial Statutes) is to evaluate the sustainability of its activities from the points of view of Franciscan charism, finances, and human resources (CICLSAL, "Economy at the Service of the Charism and Mission," Guidelines, Rome 2018, nn. 34-37).

§3. Friars who are skilled in any art or discipline are to exercise it for the good of the Church, the Order, and society, with the permission of the Minister or Custos if the commitment is prolonged, or of the Guardian if it is temporary.

CHAPTER FIVE

The Formation of the Friars



71.

Whenever a legitimately erected house of novitiate has not functioned for five consecutive years, the respective Minister or Custos is to inform the Minister General, whose duty it is to decree its suppression with the consent of his Definitory (CIC, canon 647 §1; Constitutions, 132 §2).

72.

§1. After profession, the newly professed together with the one who received the profession and the two witnesses to it are to sign the *Book of Profession*.

§2. The Minister or Custos who receives profession is to notify the friar's own Minister or Custos if that friar lives outside his own Province or Custody (CIC, canon 656 n. 5).

73.

Among the appropriate means required for sound spiritual formation are periods of recollection, dialogue, and especially the supportive guidance of a spiritual director (CIC, canon 630 §1; CCEO, canon 538 §3).

74.

Provincial and Custodial Statutes are to indicate the necessary documentation regarding renunciation of goods according to current civil law, which the newly solemnly professed friar is to sign (CIC, canon 668 §§1 and 4; CCEO, canon 533; Constitutions, 15 §2).

75.

To change the disposition of property after solemn vows—provided no additional rights in the matter have been acquired by others—and to dispose of property inherited subsequently or received under any other title by a friar after solemn profession, as well as to dispose of property not renounced at the proper time before profession, the written permission of the Minister or Custos is required and, depending on what is involved, the consent of his Definitory as well (CIC, canon 668 §§2-3; CCEO, canon 533).

76.

During initial formation and under the guidance of the Minister Provincial, all friars are to acquire a working knowledge of one of the official languages of the Order, other than their own.

77.

§1. Solemnly professed friars studying during post-novitiate are to participate in the Friary Chapter unless, for a serious reason, proper Statutes provide otherwise (Constitutions, 228 §1).

§2. During initial formation friars are frequently to hold, under the supervision of a director, meetings similar to Friary Chapters, so that they can experience the meetings' formative benefits and be properly prepared for responsible participation in Friary Chapters.

78.

During the years of formation special notice is to be taken of those young friars who show talent for formation work, leadership, teaching, or scientific research.

79.

All simply professed friars who will not be ordained are to be assigned to houses of formation common to all the simply professed for the rest of the time up to solemn profession or for at least three years after novitiate (CIC, canon 659 §1-2 and 660; CCEO, canon 536 §2).

80.

For at least the first five years newly ordained friar priests and newly solemnly professed friar brothers are to participate in an annual program of continuing formation lasting about a week (CIC, canon 661; Constitutions, 177 §§1-2).

81.

The provincial and custodial directory of formation is to require for all solemnly professed friars a continuing formation period of two or more weeks, the frequency and content to be defined in the directory (Constitutions, 178 §§1-4).

82.

Particular attention is to be given to courses of continuing formation held in Assisi and organized by the various Conferences or Federations.

83.

The Minister General with his Definitory is to appoint a General Delegate for Formation in the Order, who participates as an auditor during General Chapter.

CHAPTER SIX

The Government of the Order



Title I
The Working Plan of the Order

84.

The Order on all levels is to have a plan of action whose objective is the Order's more meaningful and effective presence in the Church and in the world. Such a plan is to:

a. Highlight the following of Christ in fraternity and in formation as priorities.

b. Take into consideration a pluriformity of activities that better express the specific aspects of the Order's charism.

c. Include an analysis of personnel and financial resources available in order to assure that projects proposed can be carried out and sustained (CICLSAL, "Economy at the Service of the Charism and Mission," Guidelines, Rome 2018, nn. 34-37).

85.

The central government of the Order is to:

- **a.** Evaluate whether the Order is living out the principles of our charism as expressed in the Rule and in the Constitutions and as read in the light of the signs of the times and of the actual needs of the Church.
- **b.** Evaluate whether the activities of Provinces and Custodies are truly responding to various local cultural situations.
- **c.** Foster the development of Conferences and Federations and the dialogue between Provinces and Custodies and between Conferences and Federations within the entire Order.
- **d.** Facilitate collaboration in the areas of formation and study and in the exchange of friars and economic resources.
- **e.** Direct the life and mission of the Order in the perspective of justice, peace, and the integrity of creation.
- **f.** Be the voice of the Order in the Church and in the world.

Title II
The Celebration of Chapters

Note: The legal norms for celebrating Chapters are found in the Constitutions and General Statutes; the manner or method of conducting them, however, is found in the respective Directories.

Article 1: Common Norms

86.

All changes which would interfere with the observance of electoral laws and rights are forbidden during the Chapter period in view of the coming Chapter. This period begins with the formal announcement of the Chapter, whether General, Provincial, or Custodial. In addition, decisions that might condition the life of the Order or of the Province or Custody are to be avoided, except in urgent or necessary cases.

87.

Ordinary Chapters are to be conducted according to the *Directory for the Celebration of the Provincial Chapter* approved by the General Chapter. With allowance for due

differences, the same holds true for an Extraordinary Chapter, and with due observance of all legal norms for the Custodial Chapter as well (CIC, canons 631 §2 and 632).

88.

§1. In the first session of the Chapter the Actuary and any assistants are confirmed; they are nominated beforehand by the Minister or Custos with his Definitory and may be chosen from among those friars not serving as Chapter Delegates. Likewise the Steering Committee (*Consilium Praesidentiae*) as well as any other officials deemed necessary for the operation of the Chapter, including possible assistants, are determined. An Ordinary Chapter may, if it is considered necessary, form commissions to examine various issues during the Chapter.

§2. The Steering Committee and all other commissions are composed of at least three voting members. The Presider of the Chapter is the chair of the Steering Committee; the chairs of the other commissions are selected by their members. At the appointed time each of them is to present a report to the Chapter, signed by all the members of the commission. The newly elected Minister Provincial becomes a member of the Steering Committee by right (Constitutions, 198 and 209).

89.

§1. The Steering Committee sees to it that the Chapter is conducted according to the *Directory for the Celebration of the Provincial Chapter*, and that the norms of universal and proper law are observed. Any doubts and questions concerning the agenda and voting procedures are resolved by this committee.

§2. It is the responsibility of the Steering Committee to examine the minutes of the Chapter, and if they are found to be accurate, to sign them together with the Actuary in the name of the capitulars.

90.

§1. The Grievance Committee has the responsibility to consider any questions, complaints, or signed accusations made to the Chapter and handed over to them by the Steering Committee. They are to examine these and, if necessary, present their responses or proposed solutions for evaluation and decision by the Chapter (CIC, canon 631 §3).

§2. It is advisable that the Finance Committee be named prior to the Chapter. Provincial Statutes are to determine the methodology of nomination. The committee is to examine all the records of financial adminis-

tration and give its evaluation of these to the Chapter before any elections are held.

91.

It is good that before elections the capitulars discuss responsibly and charitably among themselves and with the Presider of the Chapter the best qualified candidates.

92.

§1. Votes taken on proposals are expressed in these formulas: *placet* (affirmative), *non placet* (negative), *placet juxta modum* (affirmative with reservations). Whoever votes with the formula *placet juxta modum* is to present a signed explanation of his reservations (*modus*) to the Actuary of the Chapter within four hours of the conclusion of the session. After this period of time his reservations will not be considered.

§2. The formula *placet iuxta modum* counts as an affirmative vote. In a final vote for some proposal or plan, however, it is an invalid vote.

93.

§1. Legislative texts (the Constitutions and General, Provincial, and Custodial Statutes) are approved with

the consent of a qualified majority of voting members, that is, two-thirds of those present (CIC, canons 119 and 587; Constitutions, 6).

§2. In plenary sessions, a proposal under consideration that is contrary to universal law, or a proposal forwarded by the Steering Committee as very important and judged as such by an absolute majority vote of the Chapter, requires a qualified majority for passage, that is, a two-thirds vote of those present (CIC, canon 119; Constitutions, 187 §3).

94.

If some capitulars have sufficient reason to believe that a certain proposal was slighted, that proposal must be discussed on the floor if a petition to this effect signed by one-third of the voting members has been received.

95.

To reopen discussion on an already accepted or rejected proposal requires a petition signed by at least one-third of the voting members and submitted to the Steering Committee, which then must be approved by a qualified majority, that is two-thirds of those present.

96.

It is the right of the moderator of the Chapter to close discussion and bring an issue to a vote. Any voting member, however, may propose an end to debate and an immediate vote or the postponement of a vote. Such resolutions require approval by an absolute majority of those present.

97.

§1. Before the third session of the Chapter, if elections are to take place, the Steering Committee chooses at least two voting members to examine and tally the votes (*scrutatores*) (CIC, canon 173 §§1-2) and at least two friars to read them (*lectores*). At the appointed time these friars are proposed to the Chapter for approval.

§2. During the Chapter issues of ordinary administration which cannot be postponed are settled by the Minister or Custos and his Definitory.

98.

Before the end of the Chapter or at some other appropriate time the Minister by virtue of his office is to exhort all the friars to divine worship; to the observance of regular discipline, the Seraphic Rule, and the Constitutions;

and to mutual charity and peace and the other religious virtues.

Article 2: The General Chapter

99.

§1. The ordinary General Chapter is to be formally announced six months before it is celebrated. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life is to have been previously notified (CIC, canon 631; CCEO, canon 512; Constitutions, 198).

§2. The Chapter is to be held in a place determined by the previous Chapter or, if necessary, in another location decided by the Minister General with the consent of his Definitory, after having consulted the Presidents of the Conferences and Federations (Constitutions, 198).

100.

§1. A Province which at the time of the celebration of ordinary Provincial Chapter has one hundred solemnly professed friars with active voice affiliated to it (100-149) is to elect one delegate to the General Chapter

plus another one for every full complement of fifty (150-199, 200-249, etc.). The delegates to the General Chapter are elected by written ballot in the Provincial Chapter. Friars affiliated to a Provincial Custody of the Province and those friars lacking active and passive voice by virtue of Constitutions, 78 §1, are not counted for the election (CIC, canon 631 §2; Constitutions, 200 §1).

§2. Additionally, if deemed opportune, the Minister General with his Definitory may name up to seven solemnly vowed religious brothers as members of the General Chapter *pleno iure*, after consultation with the Presidents of the Conferences and Federations (Constitutions, 200 §1).

101.

§1. In due time the Minister General requests all the Ministers and Custodes to send to the government of the Order proposals concerning topics to be treated in the General Chapter. Individual friars also can propose topics (CIC, canon 631 §3; CCEO, canon 512 §2). A date is to be set beyond which proposals cannot be accepted.

§2. The Minister General with the consent of his Definitory establishes the list of matters to be treated in the

Chapter and sends it to all the capitulars with the topics presented in sufficient detail in an *instrumentum laboris*. This is to be sent at least two months before the Chapter so that the voting members may arrive at the Chapter duly prepared for it.

§3. During the course of the General Chapter new topics can, by exception, be proposed to the Steering Committee, provided that they have been presented in writing with the signatures of at least one-third of the voting members.

102.

Before the first session, the Minister General with his Definitory is to check the credentials of the voting members in order to verify their right to participate in the Chapter.

103.

The Steering Committee consists of the Minister General, who is its chair, the Vicar General, and the Presidents of the Conferences and Federations by virtue of being the Presidents of the regional groups (*coetus*).

104.

§1. To provide for the preliminary discussion of the problems of the Order, the following groups of dep-

uties are formed according to their membership in Conferences and Federations: AFCOF (*coetus* of Africa); CEF (*coetus* of central Europe); CFF (*coetus* of North America, Great Britain, Ireland, and Australia); FALC (*coetus* of Latin America); FAMC (*coetus* of Asia); FEMO (*coetus* of Eastern Europe); FIMP (inter-Mediterranean *coetus*). Each *coetus* is to elect its own secretary.

§2. In the case that an elected Delegate of the Province lives in a Conference or Federation different from his Province of affiliation, he is to participate in the *coetus* of the Conference or Federation in which he lives.

§3. Certain topics can be treated in mixed groups at the discretion of the Steering Committee.

§4. Auditors and consultants (*periti*) participate in the *coetus* in which they live. The Minister General, the Vicar General, and the Secretary of the Chapter are not obliged to be enrolled in any of these groups.

§5. With the permission of the President of one's own *coetus* and the President of another *coetus*, a Chapter member may attend a particular session of that other *coetus* without the right to vote there.

§6. The President of each *coetus* directs and confers with the members of his own *coetus* and forwards the writ-

ten results of its discussions on individual proposals to the Central Commission.

105.

The membership of the Central Commission is composed of one member per *coetus*, who is elected by his *coetus* and then confirmed by the Chapter.

106.

Friar auditors and consultants have only a consultative voice, whether in the Central Commission or in plenary sessions. They participate according to the terms decided by the Steering Committee. In the *coetus* sessions, however, it is the right of each *coetus* to determine whether or not these may or may not speak or may or may not vote.

107.

An absolute majority (more than half) of the votes of those present is required to suspend, amend, or complete the application of some norm of the General Statutes regarding the conduct of the General Chapter, provided that at least one-third of the voting members have prepared a written request for this to the Steering Committee.

108.

Moderators instituted by the Chapter take turns presiding at the plenary sessions. The moderator announces the time of the sessions and the matters to be treated. In addition, he is responsible that the reports, discussions, and voting proceed in an orderly fashion. He is to consult with the Steering Committee and the other moderators and, in more serious matters, proceed only after obtaining the vote of the Chapter. If he wishes to express his personal opinion while acting as moderator he is to yield the chair to one of his colleagues. The moderator of the day is to attend the meetings of the Steering Committee so as to be better informed of the developments in the deliberations.

109.

§1. In the ordinary Chapter the following reports are to be presented and discussed in order; these are to be in the hands of the capitulars at the beginning of the Chapter:

a. The report of the Minister General, which incorporates the reports of the General Definitors of the various areas of the Order, which they in turn prepare on the basis of the reports of the Ministers and Custodes.

b. The report of the General Procurator.

c. The report of the General Delegate for Formation.

d. The report of the General Econom.

e. The report of the General Delegate for Mission Animation.

f. The report of the General Postulator.

g. The report of the General Delegate for the Poor Clares.

h. The report of the General Spiritual Assistant for the SFO.

i. The report of the Delegate of the International Assistant of the M.I.

j. The report of the General Delegate for Justice, Peace, and the Integrity of Creation.

k. The report of the General Delegate for Ecumenism and Interreligious Dialogue.

l. The report of the General Delegate for Communications (which includes a statistical report on the Order).

§2. The Minister General with the consent of his Definitory can decide to have other reports presented in the Chapter whenever particular circumstances or activities of the Order require it.

§3. The Minister General with his Definitory after consultation with the Presidents of the Conferences and Federations decides which reports are to be read in their entirety at the Chapter and which are to be presented in summary.

§4. The reports of the General Definitors of the different areas of the Order are to be made available to the voting members of the Chapter.

110.

§1. Reports to be presented at the General Chapter are to be objective and factual and when necessary supported with appropriate explanations.

§2. Reports on the Provinces and Custodies are to provide objective information on the life and activities of the friars according to the Rule and Constitutions, with all other points being helpful to delineate the objective status of the Province or Custody.

§3. Anyone who presents a report is to be prepared to answer subsequent questions from the capitulars.

111.

§1. The Vicar General is elected directly in General Chapter by written ballot upon presentation by the

Minister General. He automatically becomes a member of the Definitory and cannot hold other offices.

§2. The Chapter elects the other General Definitors by written ballots upon presentation by the Minister General: namely, the respective Definitor for the different areas of the Order and the Secretary General. Each *coetus* is to propose to the Minister General one or more candidates as the respective Definitor.

§3. The newly elected Definitors become capitulars with full rights. If they are Ministers or Custodes, their respective Vicars are immediately called by the Presider to take their place as voting members of the Chapter.

112.

The Procurator of the Order is elected according to the norms of Constitutions, 207. He is to participate as an auditor during the General Chapter.

113.

§1. The General Econom is elected by the Chapter by written ballot upon presentation by the Minister General (Constitutions, 82 §2 and 84 §2). He is to participate as an auditor during the General Chapter.

§2. The General Exactor is elected in the same manner (Constitutions, 82 §2 and 84 §2).

§3. The office of General Econom and the assignment as General Exactor are incompatible (Constitutions, 84 §5).

114.

Organizational expenses for the General Chapter are shared among the participants based upon a proposal of the Minister General with his Definitory.

Article 3: The Provincial Chapter

115.

§1. The ordinary Provincial Chapter is formally announced by the Minister General at least three months before it is held, unless there is a serious reason for acting otherwise (Constitutions, 209 §1).

§2. The Minister General may anticipate or postpone the ordinary Chapter, but not by more than six months before or after the date.

§3. In exceptional cases and for the good of the Province or Custody, the Minister General with the consent of his Definitory may anticipate or postpone a Provin-

cial or Custodial Chapter for a period greater than six months.

116.

§1. The Minister General with the consent of his Definitory, for a good reason at the request of the Minister Provincial or General Custos and with the consent of his Definitory, may grant all the solemnly professed friars in that Province or Custody the right to participate as voting members in the Provincial or Custodial Chapter (Constitutions, 210 §2).

§2. Provincial Statutes may for a good reason grant all the solemnly professed friars in a Provincial Custody the right to participate as voting members in the Custodial Chapter.

§3. The General Definitor participates as a voting member of the Provincial and Custodial Chapters of his Conference or Federation.

117.

§1. If the Provincial Statutes so decree, the Minister Provincial may be elected by the *direct suffrage* of the friars, either through assembly or by mail ballot, instead of being elected *by delegates*.

§2. In an election by direct suffrage all solemnly professed friars enjoy active voice in accordance with Constitutions, 231, except those mentioned in Constitutions, 78 §1.

§3. Systems of election by direct suffrage:

a. *Direct Suffrage in Chapter*
On the appointed day and hour, the friars who are electors assemble together with the Minister General or his delegate as Presider, and carry out the election according to Constitutions, 191 §§1-5 (CIC, canons 164 f.).

b. *Direct Suffrage by Mail Ballot*
1. The Minister General, Provincial Custos, and the other friar electors send in their mail ballots for the election of the Minister Provincial enclosed in two sealed envelopes and by public mail, taking due precaution for their safe delivery; they may also hand deliver their ballots. A commission of three friars chosen by the Minister Provincial with his Definitory to count the ballots for the election of delegates is to receive all the mail ballots, unopened, from the Minister. When the outer envelopes have been opened, the inner envelopes containing the ballots are mixed together and then opened, and the number of votes received by each friar recorded. If anyone should have received the

necessary majority according to Constitutions, 191, the one elected is informed about the election by the commission and is given twenty-four hours in which to give his consent. The election is not to be made public until it is confirmed by the Minister General, according to the norms of Constitutions, 191 §5. The newly elected, however, assumes office only at the beginning of the third session of the Provincial Chapter.

2. However, if no one is elected or if the one elected does not accept election or is not confirmed by the Minister General, the Provincial Statutes are followed: the mail ballot is repeated according to Constitutions, 191 §4, either up to a maximum of five ballots or only one or two (for a total of three ballots). If there is still no election, the right to elect passes to the Provincial Chapter, where five ballots are allowed.

c. *Direct Suffrage by Mail Ballot Tallied in Chapter*
The Minister General, the Provincial Custos, and the other friar electors send in their ballots enclosed in two sealed envelopes to the provincial office within the period of time determined by the Minister Provincial with his Definitory. In a plenary session of the Provincial Chapter the outer envelopes are opened by tallymen appointed

by the Chapter itself. Then the inner envelopes are counted and mixed together and the ballots found within are read. The friar who receives the required majority of votes is elected Minister Provincial. If he does not accept election or if he is not confirmed by the Minister General or if no one has received the required majority, the Minister Provincial is elected according to the norms of the Constitutions, with due observance of all relevant laws.

§4. It is advisable that the Minister General or his delegate, prior to any eventual confirmation, personally confer with the one elected.

118.

§1. So that everything needed for the Chapter can be prepared in time and as exactly and properly as possible, the Minister Provincial is to notify the entire Province as soon as possible regarding the time and place at which the Chapter will be held.

§2. After the official announcement of the ordinary Chapter, the election of delegates is to be held. In this election all solemnly professed friars affiliated perpetually or *ad tempus* to the Province enjoy active voice. Those who are already capitulars *ex officio* and those

subject to Constitutions, 78 §1, are excluded from passive voice.

§3. The Minister Provincial who left office during his four-year term is considered a former Minister Provincial with the right to participate in the immediately successive Provincial Chapter, as well as in any extraordinary Chapter that should such be held, as well as the following ordinary Chapter. This applies as well to the Vicar who, on the vacancy of the office of Minister Provincial during the quadrennium, succeeds him (Constitutions, 218).

119.

At least one month before Chapter, the Secretary of the Province is to publish the names of those elected. Recourse against those elected or against the manner of election is permitted within fifteen days of the publication of the list of delegates. In this regard it is to be noted: if any delegate should not have accepted his election or if he resigns after the election, then, if the election was conducted by mail ballot pursuant to the norms of Constitutions, 195 §2, whatever the reason for the vacancy or whatever system of mail balloting used to elect the delegate, the runner-up is elected. But if the delegate was elected in a Friary Chapter, then the Chapter, upon notice of the vacancy, is to proceed immediately to a new election.

120.

Before the first session, the Presider, together with the Minister Provincial and the Secretary of the Province, are to examine the credentials or the minutes of the elections of the delegates. When this is done, the Secretary of the Province is to publish the list of voting members.

121.

The Minister Provincial with his Definitory is to make public to the capitulars and to all solemnly professed friars the texts of the reports at least one month before Chapter, with the exception of confidential matters. In such cases a summary of the report is read in the Chapter hall, together with the confidential material.

122.

Reports to be presented to Provincial Chapter are to be a true and objective presentation of the facts, supported by appropriate reasons to explain them. It is the Chapter's right, after hearing the reports, to decide which portions of them are appropriate to communicate to the other friars.

123.

After his election is confirmed, the Minister Provincial is to confer with his predecessor and with other friars, so

that having considered the capabilities of each friar, he can prepare a list of those who could be proposed for various offices in the following sessions.

124.

§1. The Minister Provincial may indicate one or several suitable candidates for the office of Definitor. It is the Chapter however that elects the Definitors by name on written ballots.

§2. The Minister Provincial presents candidates for Vicar and Secretary from among the newly elected Definitors; they are elected in turn by the Chapter through the use of counters. These offices may be held by the same person.

§3. The newly elected Definitors and Provincial Custodes become capitulars with full rights.

125.

§1. The celebration of the Provincial Chapter takes place in two parts: the first part is concluded after the fourth session, according to the norms of the *Directory for the Celebration of the Provincial Chapter*. The second part is celebrated no sooner than three weeks after the conclusion of the fourth session.

§2. Provincial Chapters are to craft a four-year plan in their second parts.

§3. The Provincial four-year plans are to harmonize with the six-year plan of the Order.

126.

The chairs of commissions are elected by the Chapter through the use of counters upon nomination by the Minister Provincial. Outside of Chapter this is done by the Minister Provincial with his Definitory (Constitutions, 219).

127.

§1. Unless the Provincial Statutes determine otherwise, at least three months before the Chapter is to be held the Minister Provincial sends a mail ballot for reply to each solemnly professed friar residing in a Custody and enjoying provincial rights there asking which friar he would propose to fulfill the office of Custos in that Custody.

§2. The same three-friar commission established by the Minister Provincial with his Definitory to open the sealed envelopes and tally the votes for the election of delegates (General Statutes, 135c), shall receive from the Minister Provincial all the unopened sealed enve-

lopes previously sent in by the friars of the Custody through public mail, using due caution to ensure safe delivery. All the sealed envelopes are opened, and as is done in the election of delegates, the ballots contained in them are counted, mixed together, opened, and the number of votes received by each friar tallied. The minutes of this procedure are recorded in duplicate by one of the commission members and signed by the other two friars and presented at the Provincial Chapter.

§3. The three friars receiving the highest tallies become the candidates to be voted upon for the office.

128.

§1. A Chapter of a Provincial Custody, if allowed by Provincial Statutes, is convoked by the Minister Provincial, and he or his delegate presides at it unless the Minister General is present (Constitutions, 210 §1).

§2. It is to be held in two parts, according to the *Directory for the Celebration of the Provincial Chapter*.

§3. Custodial Chapters are to craft a four-year plan in their second parts.

§4. The Custodial four-year plans are to harmonize with the six-year plan of the Order.

129.

Decrees passed by a Custodial Chapter require the confirmation of the Minister Provincial with the consent of his Definitory.

Article 4: The Election of Delegates to the Provincial Chapter

1. The System of Electing by Friaries

130.

§1. In Friaries where at least four friars assigned *de familia* enjoy active voice, the delegates are elected according to the following ratios between friars electing and delegates elected:

4-7 friars: one delegate

8-14 friars: two delegates

15-21 friars: three delegates

22-30 friars: four delegates

31-50 friars: five delegates

51-100 friars: six delegates

101 or more friars: seven delegates.

§2. These ratios may be modified by the Provincial Chapter, but keeping within the basic guidelines of the system, so that there will not be more than one delegate for four friars electing.

131.

If several friars are to be chosen delegates from the same Friary, the Minister Provincial with the consent of his Definitory decides the method of election, so that:

a. Either the delegates are elected one at a time by all the friars who enjoy active voice.

b. Or all friars with active voice are listed in descending order of solemn profession and divided into as many groups as there are delegates to be elected. If necessary, the junior groups may have one more elector than the others. Each group then elects one delegate from its own group. The friar who is senior in profession within each group is its chair.

132.

§1. Friaries which have fewer than four friars with voting rights are arranged by the Minister Provincial with the consent of his Definitory as follows:

a. Either the Friaries are grouped according to regions, so that in each group there are at least four electors.

b. Or all the friars are listed in descending order of solemn profession and divided into vertical groupings of four to seven friars. Each group then elects one delegate.

§2. It is the right of the Minister Provincial with the consent of his Definitory to decide whether the friars should gather in a designated Friary to hold the election or whether the elections are to be conducted by mail ballot.

§3. If a Province has only one Friary with fewer than four friars enjoying active voice, the Minister Provincial with the consent of his Definitory may unite them to another Friary.

§4. The Minister Provincial casts his vote in the Friary where he is *de familia*.

133.

Friars residing outside their Province who enjoy active and passive voice in the election according to the norms of the Constitutions are distributed by the Minister Provincial with the consent of his Definitory into groups, from which delegates are to be elected according to the

aforementioned ratios. If these friars should be fewer than four, they are to be united to one or to several Friaries, beginning with those Friaries (if they exist) where there are fewer than four friars.

134.

In the election of delegates by written ballot, universal law and our proper law are to be observed. In an election by mail a relative majority suffices; in the case of a tie, however, the friar who is senior in solemn profession, then in age, is elected.

2. The System of Electing Provincial Delegates by Triple Lists

135.

Premises:

- **a.** Three months before the celebration of the Provincial Chapter, notice is given of the number of voting members already determined by the preceding Chapter in view of the needs of the Province.
- **b.** The election is carried out by mail ballot.
- **c.** A commission of three friars, established by the Minister Provincial and his Definitory, counts all

the ballots and compiles the minutes of the election, which are to be consigned to the Minister Provincial.

136.

§1. Three equal lists or groupings are to be formed, arranging in order of profession the friars of the Province with active and passive voice, in such way as to form groups of older, middle-aged, and younger friars. Those who are already capitulars by virtue of some other right lack passive voice; their names are to be marked with an asterisk lest they be elected a second time.

§2. The friars, in whatever group they are, elect half the number of the delegates from their own group and half from the other two groups. A ballot is invalid if the number of votes for those in one's own group or the total in the other two exceeds one-half of the number of delegates to be elected; a ballot with fewer than half the number is still valid. But a ballot is also invalid if the elector does not vote for at least one friar in each group. If someone designates, albeit invalidly, a friar already a capitular by some other right, the ballot remains valid so long as the total number of votes permitted, whether in one's own group or in the other two, is not exceeded.

§3. One-third of the total number of delegates is elected from each group, i.e., from those who have received the highest number of votes among the friars of that group.

137.

The Province delegates may be elected from a single list in which are placed the names of all the friars with passive voice, except those who are voting members *ex officio* and those subject to Constitutions, 78 §1.

3. The Mixed System of Electing Delegates from Both Friaries and Province

138.

§1. Once the Provincial Chapter has been formally announced, the election of Friary delegates is to take place as soon as possible.

§2. In Friaries where there are at least four friars assigned *de familia* who enjoy active voice, the following ratios between the friars electing and delegates elected are to be observed:

4-12 friars: one delegate

13 or more friars: two delegates.

§3. In Provinces with more than one hundred solemnly professed friars the ratios are:

4-15 friars: one delegate

16 or more friars: two delegates.

§4. In Friaries where two delegates are to be elected, they are chosen one at a time from among the friars enjoying passive voice. On the first and second ballots an absolute majority is required for the election of each delegate. In the third and final ballot a relative majority suffices. The document of election is to be signed by all the friars electing.

§5. Friaries in which fewer than four friars with the right to vote are assigned shall be suitably united by the Minister Provincial with the consent of his Definitory so that in each group there are at least four electors.

§6. Friars who enjoy active voice in the election and who reside outside the Province are to be suitably united in a single list by the Minister Provincial with the consent of his Definitory. Delegates are to be elected from among these friars according to the ratios given above. But if they are fewer in number than four they are to be joined to one or more Friaries beginning with those (if there are any) where there are fewer than four friars.

§7. The Minister Provincial casts his vote in the Friary where he is *de familia*.

139.

Once the Friary delegates have been elected in this manner, the remaining delegates (i.e., the difference between the number of those voting determined by the Provincial Chapter and the number of voters already elected by the Friaries) are chosen by all those who have active voice. The election is carried out by mail ballot from a single list on which are placed the names of friars who have passive voice and from which are excluded Friary deputies, those who are voting members by some other right, and those subject to Constitutions, 78 §1. The election may also be conducted by using a triple list, according to the criteria of General Statutes, 136.

140.

The method described above may be modified by the Provincial Statutes so that the election of delegates can be carried out both by groups of Friaries (that is, on a regional basis) and by the Province at large.

Title III
The Minister General and His Definitory

141.

§1. If the Minister General is away from Rome at the same time as the Vicar, he is to appoint one of his Definitors as his delegate to carry out the routine duties of administration as he would perform them (CIC, canon 137; CCEO, canon 988).

§2. If both are impeded from fulfilling their office, the delegate assumes the ordinary government of the Order, unless other provisions have been made.

142.

If the offices of both the Minister General and the Vicar General become vacant for whatever reason, the Definitor who is senior in profession assumes the ordinary government of the Order and convokes the General Chapter, to be held no sooner than three months and no later than six months from the date when the office of Minister General became vacant.

143.

The Minister General with the consent of his Definitory has the right to provide for the government of a General

Custody or even of a Province which, because of the small number of friars or for any other reason, has become incapable of leading an autonomous life. All such cases are to be made known to the very next General Chapter.

144.

§1. Any friar who in conscience believes that he cannot carry out a decree of his Minister Provincial may have recourse to the Minister General. In making such recourse the friar is to provide a clear explanation of his reasons and append an authentic copy of the decree of his Minister Provincial.

§2. The Minister General is to consult first with the Minister Provincial, then, after seeking the advice of his own Definitory, he is to resolve the case in a fatherly way.

Title IV
The Offices and the Assignments of the General Curia

145.

The principal offices and assignments of the General Curia are: the General Procuration, the General Secretariat,

the General Finance Office, the General Postulation for the Causes of Saints, the General Delegate for Mission Animation in the Order, the General Delegate for Formation, the General Assistant for the Poor Clares and aggregated congregations, the General Spiritual Assistant for the Secular Franciscan Order, the International Assistant of the Militia of Mary Immaculate, the General Delegate for Ecumenism and Interreligious Dialogue, the General Delegate for Justice, Peace, and the Integrity of Creation, the General Delegate for Communications (Constitutions, 189 §§1 and 208).

146.

Offices and assignments are to be governed by special norms enacted by the Minister General with his Definitory and are to conduct their respective activities directly subject to the Minister General.

147.

The offices and assignments are to maintain close contact with Provincial and Custodial commissions and with similar offices in other religious institutes, especially those of the Franciscan family more closely related to us.

148.

§1. Each Province and Custody is to have an archive, following the indications of CIC, canon 486 §§1-3.

§2. A copy of any business carried on with the General Curia is to be kept in the Provincial or Custodial archives.

Title V
The Manner of Conducting Definitory Meetings

149.

In each session of a Definitory, the Minister or Custos is to submit the business on hand to open and fraternal discussion according to an agenda provided the members beforehand in reasonable time and accompanied by sufficient explanation. The Definitors may also propose items beforehand for discussion.

150.

§1. Definitors are to express their views based on their knowledge and according to their conscience. By voting conscientiously they promote the good of the Church and of the Order. In matters of greater com-

plexity they may request a suitable recess for further reflection, or that some question be resolved by secret ballot.

§2. When the Minister or Custos requires the consent or counsel of his Definitory, he himself does not have the right to vote (CIC, canon 127; CCEO, canon 934). If, however, the Minister or Custos acts with his Definitory in a collegial manner then he can vote (CIC, canon 119).

§3. The Minister or Custos may seek the counsel of any absent member of the Definitory by telephone when there is a really genuine difficulty in convoking the members and there is an urgent need to reach a decision (CIC, canon 127 §1; CCEO, canon 934 §1).

§4. In cases of urgent necessity and when there is a really genuine difficulty in convoking the members, the Minister or Custos may seek the counsel of the Definitors by letter, phone, or any other means of communication, especially if there are several of them participating in this, except in those cases in which a secret vote is required by universal or proper law.

151.

The Secretary is to record all proceedings. In each meeting of a Definitory the minutes of the previous meeting

are to be read and, if they are found to be accurate, they are signed by all the Definitors who were present.

152.

Laws and directives of the supreme authority in the Church and in the Order bearing on the life of the friars are publicized among the friars as well by the *Commentarium Ordinis*, supported with appropriate explanations.

Title VI
The Minister Provincial and His Definitory

153.

§1. The office of Minister Provincial is incompatible with any other office, assignment, or outside commitment that is not strictly connected to his office.

§2. If the offices of both Minister Provincial and Vicar Provincial should become vacant or should they both be impeded in the exercise of office, the Definitor who is most senior in profession assumes the ordinary government of the Province and at once informs the Minister General of the vacancies. The Minister General then is to convoke a Chapter (Constitutions, 190 §1).

154.

§1. A Minister Provincial or General Custos who plans to spend more than one month outside the confines of his jurisdiction is to notify the Minister General of this beforehand (CIC, canons 629 and 1396).

§2. The norms governing the absence of a Provincial Custos and of a Guardian are to be defined in the Provincial Statutes (Constitutions, 194 §3).

Title VII
The Minister Provincial and Guardians

155.

At least once a year the Minister Provincial organizes a meeting of the Guardians so that they can have the possibility of studying the problems of the Province and have the opportunity to exchange information and experiences. The General and Provincial Custos act in the same manner.

Title VIII
The General Custos and His Definitory

156.

The election of a General Custos and of his Definitory requires the confirmation of the Minister General or his delegate.

Title IX
Canonical Visitation

157.

§1. In conducting a canonical visitation legitimately constituted visitators, in a team if there is one, are to proceed in a manner that is both fraternal and pastoral. Their first concern is to be the religious observance and the spirit of fraternal communion, following the indications of the *Directory for Canonical Visitation* (CIC, canon 628 §1).

§2. Each Conference and Federation is to propose to the Minister General a list of agreed-upon, available, and suitable friars possessing the needed qualities for ser-

vice as General Visitators (see the *Directory for Canonical Visitation*).

§3. If Provincial Statutes so provide, the Provincial Custos may make a canonical visitation of his Custody, separate from that of the Minister Provincial or his delegate.

§4. The Minister General with the consent of his Definitory may decree an extraordinary visitation of any Province or Custody when there are serious concerns.

§5. A general canonical visitation is due each Provincial term, preferably around the mid-point.

§6. It is recommended that a year following the conclusion of a general canonical visitation, the General Definitor for the region meets with the Minister or Custos and his Definitory to verify that the recommendations contained in the final report have been addressed.

158.

§1. An ordinary canonical visitation includes all the friars, their houses, and places of worship (CIC, canon 628 § 1; CCEO, canon 420 §2).

§2. During visitation the visitators are to listen to their confreres and strive to know them, exhorting them humbly and charitably to a greater fidelity to the

Gospel life to which they have committed themselves through their religious profession. Furthermore, the visitators are to help the friars and the local fraternity to evaluate their life and their ministry carefully. They are to pay particular attention to how the common life of prayer and fraternity is lived out, as well as to the local fraternity's fidelity in celebrating Friary Chapter. They are humbly and patiently to admonish those who are negligent or lacking in these matters.

§3. The visitators are to examine whether the friars are giving witness to poverty, and to order superfluous goods in our Friaries that are not in keeping with our life of poverty to be removed.

159.

The friars are to act in a trusting manner with the visitator, whose legitimate questions they are juridically and morally obliged to answer truthfully and charitably. Moreover, no one is permitted in any way to divert the friars from this obligation or otherwise to impede the scope of the visitation (CIC, canons 628 §3, 220, and 1399).

160.

§1. At the conclusion of the visitation, the visitators are to gather the friars together and give them fraternal ad-

vice, warnings, or commands concerning those things which are to be done, discontinued, or corrected, so as to ensure greater progress in their life and mission.

§2. A notice of the visitation and of any decree concerning those matters which are to be observed by the friars or reported to the local fraternity are to be recorded or included in the Friary records.

§3. In the reports which they present to the ordinary Provincial Chapter, the visitators are to express their own evaluation on the life and the activities of the friars and point out the positive and encouraging aspects as well as the spiritual and material deficiencies, if there are any.

161.

During the visitation the Minister or Custos is to provide the visitator with all the necessary information regarding the life and activity of the friars of the Province or Custody.

162.

The Minister Provincial and the Provincial Custos, following their respective canonical visitations, are to present to the Provincial Chapter their own reports on the state of the Custody (General Statutes, 5 §1).

Title X
Fraternal Cooperation between Provinces and Custodies

163.

In our Order all friars, Friaries, Provinces, and Custodies are part of one and the same universal fraternity. In order to promote fraternal life and the development of this fraternity, the Minister General as leader of the entire Order, together with his Definitory and other officials of the central government, are to encourage communication, foster unity, preserve the sound traditions of the Order, and facilitate a broad and critical Franciscan vision of our presence in the world.

164.

§1. Collaboration is ever more indispensable for the life of the Order. It must be carried out among the Provinces and Custodies in the broadest way possible:

a. At all levels of formation, from vocation promotion and initial formation through to continuing formation (retreats, spirituality programs, etc.).

b. In sharing friars and economic resources for apostolic and missionary activities.

c. In the assistance rendered to elderly friars.

§2. Collaboration between Provinces and Custodies is fostered above all at the Conference or Federation level (Constitutions, 31 §2 and 223).

165.

When a new Province or General Custody is established, all the friars who are at that time working in its territory (if they belong to another Province or Custody) are *ipso facto* affiliated to the new Province or General Custody, unless, prior to the convocation of the Chapter of the new Province or General Custody, they reconfirm affiliation with their native Province or Custody (Constitutions, 29 §2).

166.

Transfers of friars from a General Custody to Friaries outside the Custody may be effected only with the consent of the Minister General.

Title XI
The Guardian and the Friary Chapter

167.

§1. The Guardian is assisted in the ordinary administration of the Friary by the Friary Chapter, which functions as his council in those instances designated by the formulas *the Guardian with the consent* or *with the counsel of the Friary Chapter* or *having consulted the Chapter* (Constitutions, 58 §3 and 229 §2).

§2. In these cases the norms of Constitutions, 187 §2, concerning the number of voting members, and of General Statutes, 18 and following, concerning the manner of proceeding, are to be observed.

168.

§1. The Friary Chapter acts collegially only in those matters strictly placed under its authority and indicated by the formulas *it is the right of the Chapter*, *it is the responsibility of the Chapter*, *the Chapter determines*, and other like expressions.

§2. In dealing with the matters mentioned above, the presence of two-thirds of the voting members is re-

quired for the validity of the deliberations (Constitutions, 187 §1).

169.

§1. Voting members of the Friary Chapter are the Guardian himself (as presider) and every friar in solemn vows legitimately assigned *de familia* to that Friary by the Minister or Custos (Constitutions, 228 §1; General Statutes, 77).

§2. Voting members for the election of delegates according to these General Statutes (130, 131, 132 §1, and 138 §§1-5) are determined by the Minister Provincial with the consent of his Definitory.

170.

In Friaries where there are temporarily and by exception only two friars in residence *de familia*, when matters to be resolved require a juridical act, they are to proceed according to the Constitutions, 89, reporting the opinion of both friars in a specific book, as it is done for the Friary Chapter.

171.

The Friary Chapter is to designate its Secretary. His duty is to faithfully record all acts in a register of minutes and read

these at the following Chapter so that their accuracy can be verified before they are signed by those who were present.

172.

The Friary Chapter is to assign to a friar of the local fraternity the task of Friary chronicler.

173.

The Guardian is to implement deliberations approved by collegial decision. Furthermore, when the Guardian must have recourse to the Chapter for consent or counsel, he is to follow the norms of Constitutions, 185 §1. The Guardian is to endeavor to implement other decisions reached by fraternal agreement as well.

174.

In a case in which, in the judgment of the Minister Provincial with his Definitory and after having consulted the friars of the Friary, it is ascertained that the Guardian has been negligent (he has committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole, which harm may be physical, moral, spiritual, or through the use of patrimony), he may be removed from office. In such a case confirmation by the Minister Gen-

eral with his Definitory is required (Constitutions, 196 §4).

Title XII
Friaries Directly Subject to the Minister General

175.

§1. General Friaries (those immediately subject to the jurisdiction of the Minister General) may be located in Rome or outside it. In Rome such Friaries are established to serve one or another of the following specific purposes: the central government of the Order and its offices, academic instruction, initial or continuing formation, or some form of general apostolate of the Order. General Friaries outside of Rome are established solely for special and weighty reasons which de facto render incorporation of the Friary into any Province or Custody impossible (Constitutions, 34 §1).

§2. The life of these General Friaries is regulated by a special statute approved by the Minister General with his Definitory.

176.

The election of Guardians for these Friaries is carried out according to the norms of Constitutions, 230, following prior fraternal consultation of the friars of the Friary.

177.

Friars who are members of the Definitory of the Order belong *de familia* to a General Friary by virtue of their canonical election. All other friars are assigned by letters of obedience from the Minister General in conformity with Constitutions, 231 §4.

178.

In transferring a friar from his respective Province or Custody to a Friary immediately under his jurisdiction, the Minister General is first to consult the Minister Provincial or Custos. In the letter of obedience he is to indicate the type of service that the friar will perform in the General Friary, the duration of his service, and other necessary details as defined by the Minister General.

179.

As long as a friar resides in a General Friary, that Friary is to provide for all his legitimate needs in keeping with our manner of life.

180.

Friary rights are to be exercised by the friar in the Friary where he is assigned by the Minister General *de familia*; provincial rights, however, are to be exercised in his own Province or Custody.

181.

§1. Each Friary is to conduct its own financial administration under its own officials, according to the norms of law. A report regarding financial administration is to be presented each year to the General Definitory.

§2. Twice a year the General Econom is to examine the administrative records of the General Friaries. On these occasions, as the case may warrant, he is to supplement the Friary income or withdraw surplus money.

182.

The Friary of St. Peter, known also as the College of the Penitentiaries of the Vatican Basilica, is governed according to norms promulgated by the Holy See (Apostolic Letter *Miserator Dominus* [1774]; *Concerning the Vatican Penitentiaries* [1979]; *Norms Regulating the Apostolic Colleges of Penitentiaries* [1993]). Hence, in its particular

statutes, which must be approved by the Minister General with his Definitory, the prescriptions of these General Statutes are to harmonize with those emanating from the Apostolic See.

INDEXES

ANALYTIC INDEX

1. An Arabic numeral (17,4) refers to the article number, then the paragraph number.

2. An asterisk (*) refers to an analogous entry.

A

Absence:
permission for a friar, 23; permission of Minister General or Vicar General outside Rome, 141; absent Definitors' opinions by telephone, 150 §3; of a Minister Provincial or General Custos outside his jurisdiction, 154 §1; of a Provincial Custos or Guardian, 154 §2;

Administration:
planning, 27 §1; examined quarterly by the Minister or Custos with his Definitory, 28 §1; report by respective Econom to respective Chapters or Definitory, 28 §1; examined quarterly by Minister General and his Definitory, 28 §2; reports by General Econom to Chapter and Definitory, 28 §2; recorded, 29 §1; records to be seen by the friars, 29 §2; records signed by Minister, Custos, Guardian, 29 §2 and 35; records examined by visitators, 29 §2; fraternal responsibility, 30; report sent to Minister or Custos, 30; naming a legal representative, 31; final responsibility with Minister or Custos and his Definitory, 32 §1; norms for investments, 32 §§2-3; under the care of the designated officials, 33; needed inventories, 34; goods of extinct corporations pass to the next highest juridical person, 36 §2; list of necessary records, 37; contributions of Provinces and Custodies for the work of the Order, 42; forms of contributing to the fraternal solidarity fund by Provinces and Custodies, 43 §1; annual report by the General Econom, 43 §2; forms of contributing in solidarity within a Province or Custody, 43 §5; record management established by Custodial and Provincial Chapters, 45; examined by Chapter Finance Committee, 90 §2; ordinary is-

sues which cannot be deferred treated at Chapter, 97 §2; treated during the absence of both the Minister General and the Vicar General, 141; of each General Friary, 181 §1; of each General Friary supervised by the General Econom, 181 §2;

Affiliation:
friars may be assigned to a common ministry or formation house of a Conference or Federation outside the Province or Custody, 47 §4; *ad tempus* normal practice in any mission, 47 §; voting delegates of a Province, 100 §1; *coetus* participants at General Chapter, 104 §2; Provincial Chapter rights of friars either perpetually or temporarily, 118 §2; at the moment of forming a new Province or General Custody, 165;

Agreement:
for a friar to work in a mission of another Province or Custody, 47 §5; to accept carte of a parish, 54; for the expenses and the number of friars involved with the International M.I. Center, 61 §1; of a Province or Custody for a seat or center of the M.I., 61 §2;

Alienation
(sale, exchange, rent of property):
conditions to be observed, 41; form of contribution of Provinces and Custodies, 43 §1;

Archives:
maintained by each Province and Custody, 148 §1; records of dealing with the General Curia maintained within Provincial or Custodial, 148 §2;

Auditors:
Delegate of the Minister Provincial at General Chapter, 9 §3; Delegate of the Minister Provincial at Provincial Chapter, 9 §4; General Delegate for Mission Promotion at General Chapter, 49; General Delegate for Formation at General Chapter, 83; at Central Commission and plenary sessions, only consultative voice, 106; General Procurator at General Chapter, 112; General Econom at General Chapter, 113 §1;

C

Canonical Visitation:
behavior of visitators, 157 §1 and 158 §2; suggested names presented by Conference or Federation to the Minister General, 157 §2; of the Minister Provincial and the Provincial Custos, 157 §3; extraordinary, to be ordered by the Minister General, 157 §4; general, during each provincial term, 157 §5; follow-up desirable, 157 §6; friars,

houses, and sacred places all subject, 158 §1; its objective, 158 §§2-3; behavior of friars, 159; conclusion, 160; information to be provided by Minister Provincial, 161; report presented to Provincial Chapter, 162;

Chapter (General and Provincial, overview): Chapter time, 4 §1 and 86; celebrated according to the directory, 87; approves the Actuary and his assistants, and names any other necessary officials, 88 §1; forms a Steering Committee and other commissions, 88 §1; delegates may discuss elections, 91; voting method, 92-97 §1; matters of ordinary administration which it cannot treat are treated by the Minister and his Definitory, 97 §2; concluding exhortation by the Minister, 98;

Chapter Acts: examined by the Steering Committee, 89 §2; election of delegates examined prior to Provincial Chapter, 120; those of Friary Chapter the responsibility of the Secretary, 171;

Chapter Actuary: General, Provincial, and Custodial Chapter, 88 §1;

Chapter Finance Committee: nomination and job description, 90 §2;

Chronicler: of the Friary, 172;

***Coetus*:** those recognized for the General Chapter, 104 §1; membership, 104 §4; participating in meetings of another, 104 §5; its president, 105 §6; proposes names for General Definitor, 111 §2;

Collaboration (Cooperation): between Provinces and Custodies in missions, 47 §5; in a first mission, 48 §2; with the Franciscan family for SFO, 57; of the friars with the Presidency of the M.I., 60 §1; of the Delegates for Ecumenism and Interreligious Dialogue with formators, 64; of the Delegates for Peace, Justice, and Integrity of Creation with formators, 69; of the central government concerning formation, 85; in a canonical visitation, 157 §1; indispensable in various areas of the life of a Province or Custody, 164 §1; as much as possible, 164 §1; fostered at the Conference and Federation level, 164 §2;

Collegiality: the action of a Minister or Custos with his Definitory, 150 §2;

Commentarium Ordinis: publication of official acts, 152;

Commissions: precapitular for a first Chapter, 3 §2a; consultation with building and finance prior to construction, 39 §1; international for Justice, Peace, and the Integrity of Creation, 68; creat-

ed by a Chapter, 88 §1; its membership and leadership, 88 §2; General Chapter Central Commission, 104 §6 and 105-106; to count ballots in direct elections of the Minister Provincial, 117 §3; their presidents elected in Chapter or by the Definitory, 126; for the election of a Provincial Custos, 127 §2; for the elections of the Minister Provincial and the delegates to the Provincial Chapter, 135c; reports of Provincial and Custodial commissions, 147;

Compatibility:
of the offices of Provincial Secretary and Vicar Provincial, 124 §2; of the office of Minister Provincial with any other office, duty, or commitment outside the Order, 153;

Confirmation:
of the Chapter Actuary and his assistants, 88 §1; of the members of the General Chapter Central Commission, 105; of the election of a Minister Provincial, 117 §3; consultation of the Minister General or his delegate advisable prior to confirmation of the election of Minister Provincial, 117 §4; of the acts of a Minister Provincial, 123; of the acts of a Custodial Chapter, by the Minister and his Definitory, 129; of the election of a General Custos, 156; of the removal from office of a Guardian, 174;

Consent and Counsel:
of the Definitory with its Minister or Custos, 150 § 2;

Construction Project Supervision:
in every construction project a building expert to be appointed as supervisor, 39 §2;

Custodial Chapter:
transitional norms for a first unified Chapter established by Minister General and his Definitory, 3 §2; manner of contributing in solidarity with the Custody, 43 §5; approves the statute for an M.I. Center Friary, 61 §3; Chapter time, 85; celebrated according to the directory, 87; ordinary administration which cannot be handled done by Custos with his Definitory, 97 §2; General Definitory a voting delegate within his Conference or Federation, 116 §3; celebrated if foreseen in Provincial Statutes, 128 §1; convoked and presided by Minister Provincial, 128 §1; presided by Minister General if he is present, 128 §1; celebrated in two parts, 128 §2; its decrees confirmed by the Minister Provincial with his Definitory, 129;

Custodial Definitory:
petitions the Minister General for permission for all friars to participate in a General Custodial Chapter, 116 §1; collegially or as counsel to the Custos, 150 §2;

D

Definitory:
agenda for meetings, 149; treats issues with due deliberation, 150 §1; either collegially or as council to the Minister or Custos, 150 §2; may seek opinion by telephone or by letter, 150 §§3-4; its acts recorded by the Secretary and signed by all, 151;

Delegate of the Minister Provincial:
proposed for a Provincial Delegation, 9 §2b; nomination and job description, 9 §2b-c and e; his council, 9 §2b and d; participates as an auditor at General Chapter under certain conditions, 9 §3; if not a voting member, participates as auditor at Provincial Chapter, 10 §4;

Delegates to General Chapter:
election and number, 100 §1;

Delegates to Provincial Chapter:
election, 118 §2; notification of election at least one month prior, 119; recourse, resignation, substitution if necessary, 119; system of election by Friaries, 130-134; system of election by triple lists, 135-137; mixed system of election, 138-140;

Directory for the Celebration of Chapter:
ordinary Chapters to be conducted according to the *Directory for the Celebration of the Provincial Chapter* approved by the General Chapter, 87; Steering Committee ensures the Chapter is conducted according to the *Directory for the Celebration of the Provincial Chapter*, 89 §1, celebration of the Provincial Chapter in two parts: the first part after the fourth session, according to the norms of the *Directory for the Celebration of the Provincial Chapter*, the second part no sooner than three weeks after the conclusion of the fourth session, 125 §1; Provincial Chapter is also held in two parts, according to the *Directory for the Celebration of the Provincial Chapter*, 128 §2;

Directory for Friary Chapter:
Friary Chapter conducted according to the special Directory for this purpose, 19 §1;

E

Econom (*Administration):
Provincial, prepares reports for Provincial Chapter, Provincial Definitory, and all the friars, 28 §1; General, prepares reports for General Chapter and General Definitory, 28 §2 and

109 §1d; General, elected by ballot at General Chapter, 113 §1; General, participates in General Chapter as auditor, 113 §1; General office cannot be combined with General Exactor, 113 §3;

Ecumenism and Interreligious Dialogue:
appointment and job description of General Delegate for Ecumenism and Interreligious Dialogue, 63 §1; may also be pursued at Custodial and Provincial level, 63 §2; to inform friars of progress of ecumenical movement, 63 §3; collaboration with those responsible for initial and permanent formation, 64;

Election:
of delegates to General Chapter, 100 §1; of the Minister Provincial, 117; of delegates to Provincial Chapter, 118 §2 and 130-140;

Erection:
of a Province, 2 and 4; of a Provincial Custody, 6 and 8; of a Friary, 11 and 12 §1; affiliation of friars at the time of a new Province or General Custody, 165;

Exactor (*Administration)
Ex-Minister General:
suffrages for a deceased, 24 §2;

Ex-Minister Provincial:
right to participate at successive Provincial Chapters during the following term, 118 §3;

Experts:
to be consulted prior to building projects or restorations, 39 §1; in the General Chapter Central Commission, 106;

F

Filial House:
opened by either Provincial Chapter or Minister Provincial with his Definitory, 13 §1; its friars participate in Friary Chapter, 13 §1; its local leader, 13 §2; must be near the Friary to which it depends, 13 §3; in case there is little fraternal life, 13 §4; its suppression, 13 §5; a Friary may become one, 14;

Formation:
to be assured for a new Province, 2; to erect a new Custody, 6 §2; cross-cultural, 47 §2; assigning friars to Conference or Federation formation houses, 47 §4; for service to SFO, 57; in Mariology, 62; regarding ecumenism, 64; regarding the social doctrine of the Church and its practical application, 69; effective means, 73; learning

at least one of the Order's official languages, 76; frequent meetings similar to Chapter, 77 §2; take note of friars with aptitudes for formation, leadership, teaching, scholarship, 78; those not pursuing priesthood, 79; continuing for the first five years after solemn profession and priestly ordination, 80; timing established in custodial and provincial directory, 81; continuing formation both in Assisi and organized by Conference and Federation, 82; the General Delegate, 83; and central government, 85d; the report of the General Delegate to General Chapter, 109 §1c; collaboration among Provinces and Custodies, 164 §1a;

Formation House:
participation of solemnly professed at Friary Chapter, 77 §1; meetings similar to Friary Chapter for friars in initial formation, 77 §2; temporarily professed friars not pursuing priestly formation, 79;

Fraternity:
quality in a Province, 2 §2; quality in a Provincial Custody, 6 §§1-2; the participation of a filial house in the life of the Friary, 13 §3; cases of filial house not conforming to fraternal life to be resolved by the Minister Provincial, 13 §4; in Friaries which include hermitages or houses of prayer, 16 §1; avoid commitments which impede it, 17; shared responsibility for in Friaries, 30; SFO local fraternity consulted prior to nominating its Spiritual Assistant, 59 §3; examined during canonical visitation, 158 §2; notice of visitation and of any decree concerning those matters recorded or included in the Friary records, 160 §2; one single worldwide in the Order, 163; fostered by the Minister General, his Definitory, and other officials of the General Curia, 163;

Friary:
five necessary for erection of a Province, 2 §1; contains at least three friars, 2 §2; every Province and Custody represented at Sacred Convent, 10; erection, 11 §1; documents necessary for erection, 11 §1; at least three solemnly professed friars, 12 §1; in cases of less than three friars, 12 §2; filial house leader the delegate of the local Guardian, 13 §1; naming the filial house leader, 13 §2; necessary conditions for a filial house, 13 §§3-5; can be subordinated to another Friary without its suppression, 14; cession of another Province or Custody, 15 §1; cession to direct jurisdiction of Minister General, 15 §2; order of precedence, 22 §1d; suffrages for a deceased friar in his Friary, 24; suffrages for a deceased novice in novitiate Friary, 25; administrative financial records, 30; property and works, 44; consultation

with its Chapter prior to accepting the care of a parish, 54 §1; electing delegates to the Provincial Chapter, 130-132; mixed system for electing delegates to the Provincial Chapter, 138-139; recording the results of a canonical visitation, 160 §2; ordinary governance, 167; voice at Chapter, 169 §1; the case of only two friars *de familia*, 170; the removal of a Guardian, 174; subject directly to the Minister General, 175; election of a Guardian of a General Friary, 176; assigning friars to a General Friary, 177; transferring friars from their Province or Custody to a General Friary, 178; a friar's length of stay in a General Friary, 179; friary rights in a General Friary, 180; administration of a General Friary, 181; the Friary of St. Peter in the Vatican, 182;

Friary Chapter:
participation of friars from filial houses, 13 §1; issues to be treated, 18 §1; issues to be treated involves active cooperation of all the friars, 18 §2; celebrated according to its own directory, 19 §1; may allow participation by temporarily professed, 19 §2; adopts a working schedule, 20 §1; friars do not excuse themselves from participating, 20 §2; regularly convoked by the Guardian, 20 §3; Minister Provincial intervenes if not convoked, 20 §3; annual planning, 21; principles for administering goods, 27 §2; financial records, 30; participation by solemnly professed friars in postnovitiate, 77 §1; meetings in initial formation modeled on it, 77 §2; elects delegates to Provincial Chapter, 130; frequency examined during canonical visitation, 158 §2; helps the Guardian govern the Friary, 167 §1; expression of consent or counsel, 167 §1; norms to be observed, 167 §2; issues to be treated collegially, 168 §1; presence necessary for validity of actions, 168 §2; Friary rights, 169 §1; Friaries at which exceptionally and temporarily there are only two friars, 170; elects a secretary who takes minutes, 171; appoints a chronicler, 172;

Friary Secretary:
and Friary Chapter, 171;

G

General Chapter:
erection of a Province, 4 §2; indiction, 99 §1; place, 99 §2; delegates from larger Provinces, 100 §1; the possibility of naming religious brother delegates, 100 §2; list of issues to be treated, 101 §§1-2; proposals which arrive late, 101 §3; Steering Commit-

tee, 103; coetus, 104; auditors and experts, 104 §4 and 106; Central Commission, 105-106; reports, 109-110; election, 111;

General Custody:
life and mission evaluated at General Chapter, 5 §1; friars resident at its erection automatically affiliated, unless explicitly stated otherwise, 165; transferring friars outside it only with consent of the Minister General, 166;

General Custos:
submits suggestions for the General Chapter, 101 §1; submits a report for the General Chapter, 109 §1a; advises the Minister General of an absence of more than one month, 154 §1; meets annually with the Guardians, 155; election confirmed by Minister General or his delegate, 156;

General Definitors:
description, 111 §2; elected by ballot, 111 §§1-2; suggested by respective coetus, 111 §2; become capitular with full rights, 111 §3; participate with full voting rights at Provincial and Custodial Chapters of their Conference or Federation, 116 §3;

General Definitory:
permission to erect a Provincial Custody, 6; accepts the cession of a Friary to the Minister General's direct jurisdiction, 15 §2; quarterly financial oversight, 28 §2; permission to accept perpetual legacies, 38 §3; preliminary oversight of a building project, 39 §§1-2; permission for extraordinary provincial expenditures, 40; permission for financial actions over two thirds of the limit set by the Holy See, 41a; outside General Chapter, establishes contributions of Provinces and Custodies, 42; accepts a first mission in a country, 48 §1; grants permission for a Province to open a new mission presence, 48 §3; names the General Delegate for Ecumenism and Interreligious Dialogue, 63 §1; names the General Delegate for Justice, Peace, and Integrity of Creation, 65; names the General Delegate for Formation, 83; names the Actuary of the General Chapter, to be confirmed by it, 88 §1; handles ordinary financial administration during Chapter, which cannot be deferred, 97 §2; chooses the place for General Chapter, after consulting Conference and Federation Presidents, 99 §2; prepares the agenda for General Chapter, 101 §2; controls testimonial letters for General Chapter delegates, 102; grants universal participation at Provincial or Custodial Chapter, 116 §1; provides for the government of a Province or General Custody in difficulty, 143; offers opinion to the Minister General regarding a dispute between a friar and his Minister Provincial, 144 §2; provides norms for General offices and assignments, 146; works collegially or in consulta-

tion with the Minister General, 150 §2; decrees an extraordinary visitation of a Province or Custody, 157 §4; approves a statute for General Friaries, 175 §2; elects Guardians of General Friaries, 176; approves particular statutes for the Vatican Penitentiary, 182;

General Delegate for Communications:
report to the General Chapter, 109 §1l; a General assignment, 145;

General Delegate for Ecumenism and Interreligious Dialogue:
nomination and duties, 63; report to the General Chapter, 109 §1k;

General Delegate for Formation:
nomination, 83; participates in General Chapter as an auditor, 83; report to the General Chapter, 109 §1c;

General Delegate for the International M.I.:
nomination, 60 §2; report to the General Chapter, 109 §1i;

General Delegate for Justice, Peace, and the Integrity of Creation:
nomination and duties, 65; report to the General Chapter, 109 §1j;

General Delegate for Mission Promotion:
participates in General Chapter as an auditor, 49; report to the General Chapter, 109 §1e;

General Delegate for the Poor Clares:
nomination, 55 §1; report to the General Chapter, 109 §1g;

General Friary:
can be in Rome or elsewhere, 175 §1; regulated by special statute, 175 §2; election of its Guardian, 176; assigning friars, 177; letter of obedience from the Minister General, 178; provides for the necessities of the friars, 179; Friary rights, 180; provincial rights in own Province or Custody, 180; administration, 181 §1; General Econom's role, 181 §2; particular situation of the Friary in the Vatican, 182;

General Postulator:
report to the ordinary General Chapter, 109 §1f;

General Procurator:
nomination, 112; participates as auditor at the General Chapter, 112; report to ordinary General Chapter, 109 §1b;

General Secretary:
elected by ballot, 111 §2;

Government of the Order:
develops planning document, 84; tasks in fostering the life of the Order, 85;

Grievance Committee:
designation and composition, 88; job description, 90 §1;

Guardian:
filial house leader his delegate, 13 §1; prepares the agenda for Friary Chapter, 18; schedules the Friary Chapter, 20 §1; approves justified absences at Friary Chapter, 20 §2; regularly convokes Friary Chapter, 20 §3; guides the process of developing a Friary annual plan, 21; has precedence in the Friary, 22 §1d; grants permission to be absent from the Friary for up to thirty days, while remaining within national boundaries, 23; directs Friary finances according to guidelines, 27 §2; supervises administration and record-keeping, 29 §1; signs the financial registers, 29 §2; consigns financial registers to his successor, 35; approves the friars' temporary commitments, 70 §2; norms regarding his absence found in Provincial Statutes, 154 §2; participates in Guardians' annual meetings, 155; ordinary government of the Friary with the Friary Chapter, 167 §1; executes Friary Chapter decisions, 173; procedures to remove him from office, 174; of a General Friary, 176;

H

House (religious house *Friary):
its title, 11 §1d; center of Franciscan activity, 16 §1; conditions for erecting a house of prayer or hermitage, 16 §2;

I

Insurance:
for health and retirement of the friars, 45; of goods, 45;

***Instrumentum Laboris*:**
to be prepared prior to General Chapter, 101 §2;

Institution (= election or creation):
of a Provincial or Custodial Spiritual Assistant for the SFO, 59 §3; of the Steering Committee and Chapter commissions, 88 §1; of the Vicar General, 111 §1; of Provincial Definitors, 124 §1; of the Vicar Provincial and Provincial Secretary, 124 §2; of the Guardian of a General Friary, 176;

J

Juridical Person:
its legal representative, 31; its legal documents safeguarded, 36 §1; its extinction, 36 §2;

Justice, Peace, and the Integrity of Creation:
nomination and job description of the General Delegate, 65 and 67; nomination and job description of a Provincial or Custodial Delegate, 66 and 67; commissions, 68; formation for, 69; central government orientation toward, 85e; the report of the General Delegate to the General Chapter, 109 §1j;

L

Legacies:
perpetual or temporary, 38 §3;

Legal representative:
designated, 31; looks after the the Order's goods of an extinct Province, 36 §2;

M

Mass Stipends:
not to be spent prior to their celebration, 38 §1; extras sent to Minister or Custos, 38 §1; extras sent to Minister General, 38 §2; conditions for accepting legacies, 38 §3; vigilance on the part of Ministers, Custodes, and Guardians, 38 §4;

Militia of Mary Immaculate:
collaboration by the friars, M.I., 60 §1; the Delegate of the Minister General, 60 §2; the Provincial and Custodial Delegate, 60 §3; agreements, 61 §§1 and 2; Friaries with a special statute, 61 §3; assigning friars to Friaries with a special statute, 61 §4; initial formation, 62; the report of the international delegate to the General Chapter, 109 §1i;

Minister General:
the documents he needs to erect a Friary, 11 §1; the cession of a Friary to his

immediate jurisdiction, 15 §2; precedence in the entire Order, 22 §1a; permission to be absent to friars in General Friaries, 23; suffrages for a deceased, 24 §2; excess Mass stipends sent to him, 38 §2; annual financial reports of a Province or Custody sent to him, 43 §2; entrusts to a Province a first settlement in a country, 48 §2; informed regarding economic assistance to a mission, 50; information needed for mission economic assistance, 51; information needed to accept the care of a parish, 54 §1; chooses the General Spiritual Assistant of the SFO, 59 §1; his Delegate for Ecumenism and Interreligious Dialogue, 63 §1; his Delegate for Justice, Peace, and the Integrity of Creation, 65; suppression of a novitiate house, 71; solicits suggestions for the agenda of General Chapter, 101 §1; presides at the Steering Committee of the General Chapter, 103; does not attend coetus meetings at General Chapter, 104 §4; gives a report at an ordinary General Chapter, 109 §1a; proposes candidates for Vicar General and the rest of the General Definitory, 111 §§1-2; proposes candidates for General Econom and General Exactor, 113 §§1-2; indicts the celebration of Provincial Chapters, 115 §1; can anticipate or postpone a Provincial Chapter for up to six months, 115 §2; participates in the election of a Minister Provincial, 117 §3a-c; confirms the election of a Minister Provincial, 117 §3; recommended conversation with the elected candidate to Minister Provincial prior to confirmation, 117 §4; if present, presides at Provincial Custod; in case of vacancy, 142; hears the recourse of friars and decides controversies, 144; offices and assignments under his direct supervision, 146; collegially or with consent of Definitory, 150 §2; seeks the opinion of the Definitory, 150 §§3-4; may make telephone contact with an absent Definitor to seek his opinion, 150 §3; informed of the vacancy of office of a Minister Provincial, 153 §2; informed by a Minister Provincial or General Custos of their absence of more than one month, 154 §1; confirms the election of a General Custos and his Definitory, 156; receives suggestions for general visitators from Conferences and Federations, 157 §2; leads the entire Order, 163; gives permission for the transfer of a friar of a General Custody outside the Custody, 166; Friaries under his immediate jurisdiction, 175 §1; gives letters of obedience to General Friaries, 177; defines the assignments of friars to General Friaries, 178; assigns friars *de familia* to General Friaries, 180.

Minister Provincial (and *Provincial Custos): decrees the erection of a Friary, 11 §2; nominates the leader of a filial house,

13 §2; intervenes if a Guardian does not convoke Friary Chapters, 20 §3; gives permission of absence from the Friary for a period of over thirty days or outside of national boundaries, 23*; is informed of the death of a friar, 26a*; communicates the news of the death of a friar to the General Curia, Province, and Custody, 26b*; supervises financial administration, 29 §1*; signs financial registers, 29 §2*; consigns financial registers to his successor, 35*; collects Mass stipends which cannot be fulfilled locally within one year, 38 §1*; sees that benefactors' intentions are respected, 38 §4*; sends an annual financial report to the Minister General, 43 §2*; fosters commitment to mission, 47 §1*; can assign friars to Conference or Federation level formation houses, 47 §4*; open to granting friars mission experiences, 47 §6; petitions the Minister General to accept care of a parish, 54 §1a; consults a local Friary Chapter before accepting care of a parish, 54 §1d*; names SFO Spiritual Assistant, 59 §1*; names local SFO spiritual assistants, 59 §3*; assigns friars to MI Center Friaries, 61 §4*; grants permission for long-term commitments, 70 §3*; informs the Minister General that a novitiate house has not been functioning for five years, 71*; informs the native Province or Custody regarding profession of a friar, 72 §2*; grants permission to change the disposition of goods after solemn profession, 75*; takes part in the Steering Committee, 88 §2; exhorts the friars at the conclusion of Provincial Chapter, 98; suggests agenda for General Chapter, 101 §1*; submits his report for the General Chapter, 109 §1a*; can be elected directly by universal suffrage, 117; communicates the date and place of Provincial Chapter, 118 §1; after confirmation of election, confers with his predecessor and other friars, 123; proposes candidates for Definitory, 124 §§1-2; proposes presidents of commissions, 126; polls the friars of a Provincial Custody regarding a new Custos, 127 §1; convokes and presides at a Provincial Custodial Chapter, 128 §1; votes for delegates to Provincial Chapter, 132 §4 and 138 §7; sets the agenda for Definitory meetings, 149*; operates collegially or in consultation with the Definitory, 150 §2*; seeks the Definitory's opinions, 150 §§3-4; may seek the opinion of an absent Definitor by telephone, 150 §3*; his office incompatible with any other office, assignment, or commitment outside the Order, 153 §1; in case of vacancy, 153 §2; informs the Minister General of his absence of more than one month, 154 §1; convokes an annual meeting of Guardians, 155*; canonical visitation of a Provincial Custody, 157 §3*; provides

all relevant information to a visitator, 161*; reports to the Provincial Chapter regarding visitation of a Provincial Custody, 162; consulted by Minister General in assigning a friar to a General Friary, 178*;

Missions and Missionaries:
the commitment of the friars to spread the Order, 46; Ministers and Custodes foster *missio ad gentes* and new forms of evangelization, 47 §1; specific formation, 47 §2; the willingness of the friars to be sent, 47 §3; assigning friars to Conference or Federation ministries, 47 §4; necessary agreements, 47 §5; mission experiences, 47 §6; first presence in a country approved by Minister General with his Definitory, 48 §1; a first presence in a country entrusted to a Province, 48 §2; Provincial Chapter opens a new presence, after permission of the Minister General with his Definitory, 48 §3; Provinces, Custodies, national mission secretaries may send economic assistance directly to missions and notify the Minister General, 50; missions submit annual budgets to the General Curia, 51; financial requests made to the General Curia approved by the respective Minister Provincial with his Definitory, 52; finance offices keep records of donations, 53;

Moderator:
job description, 96; presides at the plenary sessions of the Chapter, 108;

O

Offices (Assignments):
in the General Curia, 145; governed by norms established by the Minister General with his Definitory, 146;

Order of Friars Minor Conventual (*OFM Conv.*):
varied local denominations, 1;

P

Parish:
process for accepting care of them, 54 §1; signed agreement sent to the General Curia, 54 §2;

Penitentiary at the Vatican:
its peculiarity, 182;

Planning:
sufficient economic autonomy to erect a new Province, 2 §2; for a Provincial Custody to become a Province, 5 §2; toward sufficient economic autonomy of a Provincial Custody, 6 §2; communal regarding hermitages, 16 §2; annually in a Friary, 21; for buildings, 39 §1; the Order's six-year plan, 84; the Provincial and Custodial four-year plan, 125 §2; Provincial plans to harmonize with the Order's plan, 125 §3; Custodial plans to harmonize with the Order's plan, 128 §§3-4;

Poor Clares:
contemplative life fostered by the friars, 46; General Delegate, 55 §1; Provincial or Custodial Delegate, 55 §2; reporting to respective Chapter, 55 §3; report to ordinary General Chapter, 109 §1g; general assistance, 145;

Precedence:
in the entire Order, in Provinces, in Custodies, and in Friaries, 22 §1; between friars holding the same office, 22 §2;

Property Sale and Exchange (*Alienation)
Province:
requirements for its erection, 2; when it ceases to be such, 3 §1; transitional norms for union stipulated by Minister General with his Definitory, 3 §2; erected from a Custody, 4 §1; the day of its erection established by General Chapter, 4 §2; represented at the Sacred Convent, 10; its delegates to the General Chapter, 100 §1;

Provincial Chapter:
transitional norms for a first unified one established by Minister General and his Definitory, 3 §2; Chapter time, 4 §1; the first, 4 §1; decides the goal of a Provincial Custody, 5 §1; votes for the erection of Friaries, 11 §1; consents to cede a Friary to the direct jurisdiction of the Minister General, 15 §2; establishes limits of extraordinary expenditures, 40; manner of contributing in solidarity within the Province, 43 §5; Friary property, 44; consents to accept a foreign mission, 48 §2; approves the statute for an M.I. Center Friary, 61 §3; approves statutes for special apostolic activities, 70 §1; evaluates the sustainability of projects, 70 §2; elects delegates to General Chapter, 100 §1; indiction, 115 §1; can be anticipated or postponed by the Minister General for as long as six months, 115 §2; can exceptionally anticipate for longer than six months, 115 §3; the Minister General may grant universal participation, 116 §1; Provincial Statutes regulate participation, 116 §2; the General Definitor of the Conference or Federation a voting member, 116 §3; may grant direct suffrage in electing the

Minister Provincial, 117; controls the testimonials of delegates, 120; decides how much of reports to be communicated to the friars, 122; elects Definitors by ballots, 124 §1; celebrated in two parts, 125 §1; the intervals to observe, 125 §1; develops the Provincial four-year plan, 125 §§2-3;

Provincial Custody:
its goals approved at Provincial Chapter, 5 §1; reports to Provincial Chapter by Minister Provincial and by Custos, 5 §1 and 161; temporary status on the way to becoming a Province, 5 §2; erection, 6; incapacity to become a Province opens up juridical redefinition, 7; juridical person, 8; governed by vicarial authority, 8; has a representative at the Sacred Convent, 10; all solemnly professed friars participate in Custodial Chapter, if permitted by Provincial Statutes, 116 §2; consulted regarding a new Custos if so stipulated in Provincial Statutes, 127; may have its own Chapter, if so permitted in Provincial Statutes, 128;

Provincial Custos:
reports on the Custody to the Provincial Chapter, 5 §1 and 162; reports for the General Chapter, 109 §1a; votes for the Minister Provincial, 117 §3b-1 and 117 §3c; full voting rights at Chapter, 124 §3; method of election at Provincial Chapter, 127; meets annually with Guardians, 155; reports to Provincial Chapter regarding visitation of the Custody, 162;

Provincial Definitors:
elected in Chapter by ballot, 124 §1; become capitulars with full voting rights, 124 §3;

Provincial Definitory:
erects a Provincial Delegation, 9 §2a; names the Delegate of the Minister Provincial, 9 §2c; approves the erection of a Friary outside Provincial Chapter, 11 §1b; erects a filial house, 13 §1; resolves the situation of a filial house in difficulty, 13 §4; suppresses a filial house, 13 §5; directs provincial finances according to guidelines, 27 §1; quarterly oversight of the Provincial Econom, 28 §1; directs the Provincial Econom to send financial reports to Friaries, 28 §1; names legal representatives, 31; accepts temporary legacies, 38 §3; oversees building projects, 39 §§1-2; establishes rental agreements and contracts of Province properties, 41b; outside Provincial Chapter, makes decision; approves the request to accept care of a parish, 54 §1d; makes the contract for an M.I. Friary center, 61 §2; names if necessary a Provincial Delegate for Ecumenism and Interreligious Dialogue, 63 §2; names the Provincial Delegate for Justice, Peace, and the Integrity of Creation, 66; grants permission to change the disposition of goods af-

ter solemn profession, 75; names the Chapter Actuary, to be confirmed by the Chapter, 88 §1; handles ordinary economic affairs during Provincial Chapter which cannot be deferred, 97 §2; petitions the Minister General for universal participation in Provincial Chapter, 116 §1; establishes a commission to count votes for the elections of the Minister Provincial and delegates to Provincial Chapter, 117 §3b-1, 127 §2, and 135c; establishes the timeframe for voting for the Minister Provincial, 117 §3c; publishes Chapter reports at least one month prior, 121; elects presidents of commissions outside Chapter, 126; confirms the decrees of a Custodial Chapter, 129; establishes voting procedures for electing Chapter delegates in Friaries, 131; arranges for voting in friaries with fewer than four voting friars, 132 §§1-3, 138 §5, and 169 §2; establishes voting procedures for friars living outside the Province, 133 and 138 §6; establishes the commission that counts the votes, 135c; works collegially or in consultation with the Minister Provincial, 150 §2;

Provincial Delegation:
description, 9 §1-2a;

Provincial Secretary:
designated among the elected Definitors, 124 §2; compatible with the office of Vicar Provincial, 124 §2;

Provincial Statutes (and Custodial):
norms for directing a Provincial Custody, 8; suffrages for deceased parents and siblings of friars, 24 §3*; financial communication to the Friaries, 28 §1*; norms for appointing a legal representative, 31*; norms for document safekeeping, 36 §1*; provide for the participation in Friary Chapter of solemnly professed in postnovitiate, 77 §1*; participation of all friars of a Custody in a Custodial Chapter, 116 §2; universal suffrage for the election of a Minister Provincial, 117 §1; number of ballots in universal suffrage for the election of a Minister Provincial, 117 §§3b-2; method of electing a Provincial Custos, 127 §1; possibility of a Custodial Chapter, 128 §1; method of electing Province Chapter delegates, 140; norms for the absences of a Provincial Custos or Guardian, 154 §2;

R

Recourse:
of the friars to the Minister General, 144 §1;

Religious Profession:
signed in the book of profession, 72 §1; Minister or Custos informed if

profession takes place outside native jurisdiction, 72 §2; legal documents regarding renunciation of goods in Provincial and Custodial Statutes, 74; changing of disposition of goods after solemn profession, 75;

Reports:
Minister Provincial and Provincial Custos to Provincial Chapter, and, analogously, to General Chapter, 5 §1; ordinary General Chapter, 109 §1; communicated to capitulars in a timely manner, 109 §1; other reports decided upon by Chapter, 109 §2; method of presenting to General Chapter, 109 §3; those of General Definitors available to capitulars, 109 §4; objective presentations, 110 §§1-2; those for Provincial Chapter may be published, 121 and 122; visitation reports to Provincial Chapter express an evaluation, including shortcomings, 160 §3;

S

Sacred Convent in Assisi:
each Province or Custody represented, 10; particular attention to continuing formation courses held there, 82;

Secular Franciscan Order (SFO):
entrusted to the spiritual care of the First Order and the Third Order Regular, 56; part of initial and continuing formation, 57; the service of the friars, 58; Spiritual Assistants chosen by the Ministers and Custodes, 59 §1; term limit of the General Spiritual Assistant, 59 §2; competent Spiritual Assistants, 59 §3; examined at ordinary General Chapter, 109 §1h;

Special Ministries:
those which require special regulations, 70 §1; special statutes approved by the Minister or Custos with his Definitory, 70 §1; Provincial Chapter evaluates their sustainability, 70 §2; permissions to individual friars skilled in some art or science, 70 §3;

Spiritual Assistance to the SFO:
part of formation, 57; principles, 58; chosen by respective Minister or Custos or Conference or Federation, 59 §1; length of office of General Spiritual Assistant, 59 §2; method of nomination, 59 §3; report to ordinary General Chapter, 109 §1h;

Steering Committee:
formation, 88 §1; membership and tasks, 88 §2, 89, 93, 95, and 97 §1; examines proposals to General Chapter, 101 §3; members at General Chapter, 103; names experts to the Central Commission, 106;

Suffrages:
for a deceased friar in his own Friary, 24 §1; for a deceased friar in his own Province or Custody, 24 §1; for a deceased Pope, Minister General, or ex-Minister General, 24 §2; for deceased parents and siblings of friars, 24 §3; for a deceased novice, 25; duties toward the deceased, 26;

T

Telephone:
when a Minister or Custos may legitimately seek the opinion of his Definitory by telephone, 150 §§3-4;

Transfer:
of a Friary from one Province or Custody to another, 15 §1; of a Friary to the direct jurisdiction of the Minister General, 15 §2;

Transfers:
from a General Custody, 166;

V

Vacancy:
of the office of Minister General and his Vicar, 142; of the office of Minister Provincial and his Vicar, 153 §2;

Vicar General:
elected by ballot at General Chapter, 111 §1; may not hold other offices, 111 §1; when absent from Rome together with the Minister General, 141 §1; if impeded in exercising his office, 141 §2;

Vicar Provincial:
succeeds to the office of Minister General upon vacancy, 118 §3; chosen from among elected Definitors, 124 §2; office compatible with that of Province Secretary, 124 §2;

Voting:
method at Chapters, 92; qualified majority for approval of legislative texts, 93 §1; qualified majority for matters of universal law or great importance, 93 §2; to reopen a discussion that was poorly handled, 94; to reopen a discussion either already approved or refused, 95; to end discussion with immediate vote, 96; majority to change a norm of the General Statutes regarding General Chapter, 107.

GENERAL INDEX

Promulgation 7

GENERAL STATUTES
of the Order of Friars Minor Conventual 9

CHAPTER I: Name and Structure of the Order 11

CHAPTER II: The Life of Union with God 25

CHAPTER III: Fraternal Life in Communion 29
Title I: Premise 31
Title II: The Friary Chapter 31
Title III: Obligations of Fraternal Life 33
Title IV: The Administration of Goods 36

CHAPTER IV: The Mission of the Friars 49
Title I: Missionary Activity of the Order 51
Title II: The Parochial Apostolate 55
Title III: Spiritual Assistance to the Poor Clares and to the Secular Franciscan Order (SFO) 56
Title IV: The Marian Apostolate 59
Title V: Ecumenical Activity and Interreligious Dialogue 61
Title VI: Justice, Peace, and the Integrity of Creation 62
Title VII: Special Apostolic Works 64

CHAPTER V: The Formation of the Friars 65

CHAPTER VI: The Government of the Order 73
Title I: The Working Plan of the Order 75
Title II: The Celebration of Chapters 77
Title III: The Minister General and His Definitory 110
Title IV: The Offices and the Assignments of the General Curia 111
Title V: The Manner of Conducting Definitory Meetings 113
Title VI: The Minister Provincial and His Definitory 115
Title VII: The Minister Provincial and Guardians 116
Title VIII: The General Custos and His Definitory 117
Title IX: Canonical Visitation 117
Title X: Fraternal Cooperation between Provinces and Custodies 121
Title XI: The Guardian and the Friary Chapter 123
Title XII: Friaries Directly Subject to the Minister General 126

INDEXES
Analytic Index 133
General Index 153

GENERAL STATUTES
OF THE ORDER OF FRIARS MINOR CONVENTUAL

© Curia Generalizia dell'Ordine dei Frati Minori Conventuali
Convento Ss. XII Apostoli, 51; 00187 Roma, ITALIA
All Rights Reserved
Edition "*pro manuscripto*" – For internal use

Publication of Italian prototypical edition:
Rome, September 2019

Imprimi potest:
Friar Carlos A. Trovarelli, Minister General, OFM Conv.
14th August 2019

Publication of official English translation edition:
Rome, December 2021

Imprimi potest (for English edition):
Friar Carlos A. Trovarelli, Minister General, OFM Conv.
4th November 2021

Nerbini International
Prohemio Editoriale srl - Firenze, Italia