

## CHAPTER XIV

### The Basic Structure of the Order

#### 174.

The Carmelite Order is included by the Church among the clerical institutes. It is composed of friars who profess the three solemn vows of obedience, poverty and chastity, and who share a common purpose: to live the consecrated life according to the spirit of the Order.<sup>1</sup>

For the common good, and to provide better for the needs of the apostolate, Carmelites are exempt from the jurisdiction of the local Ordinary and are subject to the Supreme Pontiff alone.<sup>2</sup>

#### 175.

§1. Members are incorporated first into the Order as a whole, and subordinately, into a Province or General Commissariat. Membership is received through temporary profession, but only becomes final when members make their solemn profession, having completed the period of preparation.<sup>3</sup>

§2. By virtue of profession, all the friars are equal with respect to rights and religious obligations, except for rights or obligations pertaining to specific offices or ministries.

#### 176.

Membership in the Order confers the right to receive from the Order all that is necessary for life.<sup>4</sup> Nevertheless, the brethren remain subject to the common law of work<sup>5</sup> and are expected to promote the development of the Order.

#### 177.

§1. The Order is structured into Provinces, General Commissariats, and houses under the direct jurisdiction of the Prior General.

§2. Whenever the life and activities of the Order so require, the General Chapter - and, outside the Chapter, the Prior General with the consent of his Council - may institute other entities (Delegations, Regions, etc.), and also define their rights as well as obligations concerning persons and things. Entities thus instituted by the Prior General and his Council shall be submitted for approval to the following General Chapter; in the absence of such approval, they shall cease to exist, and their members shall return to their respective Provinces or General Commissariats.

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<sup>1</sup> Can. 588, §2

<sup>2</sup> Can. 591

<sup>3</sup> Can. 670

<sup>4</sup> Can. 670

<sup>5</sup> PC 13

**178.**

It is the prerogative of the General Chapter, and, outside the Chapter, of the Prior General with the consent of his Council:

- a) to divide the Order into Provinces; to unite existing provinces or redefine their boundaries; to found new provinces or abolish existing ones, after obtaining the consultative vote of the members concerned;
- b) to dispose of the goods belonging to a Province or to a General Commissariat which has been abolished, with due regard for justice and for the will of the founders.<sup>6</sup>

**179.**

The Province is the basic unit of the life and activity of the Order. It consists of the friars who belong to it, gathered in several houses and governed by a Prior Provincial with his Council, in accordance with the norms of canon law and with the Order's own laws.<sup>7</sup>

**180.**

§1. The Provincial Chapter, with the consent of the Prior General and of his Council, and after hearing the views of those concerned, may establish a Provincial Commissariat for the purpose of good government of the Province.

§2. The Provincial Commissariat is part of the Province, even though it enjoys a degree of autonomy, as defined by the present Constitutions and by Provincial Statutes.

§3. With the consent of the Prior General and of his Council, the Provincial Chapter may limit or change the organisation of a Provincial Commissariat, or suppress the Commissariat, after hearing the views of its members.

**181.**

§1. Where there is the hope that a new Province of the Order might be founded in future, and where there are at least three canonically established houses and thirty solemnly professed members, the Prior General, with the consent of his Council, following a careful examination of the situation and having consulted the Prior Provincial and his Council as well members concerned, can found a General Commissariat. Once the General Commissariat has been established, the members' juridical bonds to the Province to which they originally belonged are automatically severed.

§2. The Prior General, with the consent of his Council, and after hearing the views of the members concerned, may change or suppress a General Commissariat.

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<sup>6</sup> Can. 581,585, 123

<sup>7</sup> Can. 621

**182.**

If the number of religious should increase over time, and a General Commissariat or a Provincial Commissariat should comprise at least four canonically established houses and about forty solemnly professed religious with adequate means of support, the Prior General, with the consent of his Council and observing due process of law, may provide for the erection of a new Province.

**183.**

Unless otherwise explicitly stated, all norms contained in the present Constitutions concerning Provinces shall also apply to General Commissariats.

**184.**

§1. In addition to Provinces and General Commissariats, the General Chapter, and outside the Chapter, the Prior General with the consent of his Council, and after hearing the views of those concerned, may erect General Delegations, by establishing in autonomous entities religious originating from one or more provinces.

§2. The decree by which a General Delegation is established shall specify its purpose and its offices.

§3. a) A General Delegation is headed by a superior; he shall have faculties determined by the Prior General and his Council (*ad nutum*)

b) If necessary, the Delegate General may be assisted by two Councillors.

c) The Delegate General and his Councillors, if there are such, shall be appointed by the Prior General with the consent of his Council.

§4. The statutes of the General Delegation shall define the relationship between the members of the Delegation and the Provinces from which they come, including all matters pertaining to the exercise of active and passive voice.

**185.**

Canonically erected houses are governed by canon law and by the present Constitutions; all other houses are governed by Provincial Statutes.

**186.**

§1. A house is canonically erected by means of a decree, issued by the Prior General, with the consent of his Council, after obtaining written consent from the Diocesan Bishop, in accordance with canon law and with the law of the Order.<sup>8</sup>

§2. The Diocesan Bishop's consent to the erection of a house implies the right to have a church, but in compliance with canon 1215, §3 of the Code of Canon Law, and the right to exercise therein the sacred

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<sup>8</sup> Can. 609, §1; 610

ministry, in keeping with canon law, as well as the right to use it for other activities proper to the Order, with due respect for any conditions set forth in the consent.<sup>9</sup>

**187.**

The consent of the Diocesan Bishop is required in order to reassign a house, which had already been canonically erected, to apostolic works other than those for which it was originally established, except where such changes concern only internal structure or religious discipline.<sup>10</sup>

**188.**

The Prior General, with the consent of his Council, and after hearing the views of the Prior Provincial and those of the Diocesan Bishop concerned,<sup>11</sup> may close a legitimately erected house.

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<sup>9</sup> Can. 611

<sup>10</sup> Can. 612

<sup>11</sup> Can. 616, §1

## CHAPTER XV

### The Law of the Order

#### 189.

In addition to the universal law of the Church, our Order is founded on:

- a) the Rule of St. Albert;
- b) the Constitutions;
- c) other general codes of law;
- d) the deliberations of General Chapters, General Congregations, and Priors General;
- e) legitimately established customs which are not in desuetude

#### 190.

§1. The Constitutions contain fundamental laws which are necessary to govern the lives of all the friars, wherever they may be, in accordance with the Rule.<sup>12</sup>

§2. All the friars undertake to observe the laws contained in these Constitutions, knowing that it will be difficult to attain our goals of fraternal communion and evangelical perfection according to the charism of the Order if we do not comply faithfully with these norms.

#### 191.

It is the prerogative of the General Chapter to approve, amend, repeal, or revoke the Constitutions.

#### 192.

It is the prerogative of the General Chapter, and outside the Chapter, of the Prior General with the consent of his Council, to approve, amend, repeal or revoke other general codes.<sup>13</sup>

#### 193.

Authentic interpretations of the Constitutions and of other general codes of law pertain to the General Chapter. In accordance with canon law,<sup>14</sup> outside the Chapter, interpretations are given by the Prior General, with the consent of his Council; however, such interpretations are only valid for the specific cases for which they are given, and they cease to be valid with the following General Chapter, unless they are confirmed by the same Chapter.

#### 194.

Decisions made by a General Chapter are considered confirmed unless they are explicitly revoked by the following Chapter.

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<sup>12</sup> Can. 587, §1

<sup>13</sup> Can. 587, §4

<sup>14</sup> Can. 16

**195.**

§1. Provinces, General Commissariats, and other bodies within the Order, whatever their denomination, shall have their own particular Statutes, designed to meet local needs; such Statutes shall not contradict superior codes of laws.<sup>15</sup>

§2. All Statutes must be approved by the Prior General, with the consent of his Council.

**196.**

The Prior General, with the consent of his Council, may issue decrees for the entire Order; however, such decrees lose all validity if they are not confirmed by the following General Chapter.<sup>16</sup>

**197.**

Priors Provincial and other major superiors, with the consent of their respective councils, may issue decrees for their respective jurisdictions, provided they do not contradict a superior code of law.<sup>17</sup> Such decrees lose all validity if they are not confirmed by the following Chapter of the Province or of the Commissariat concerned. Similarly, outside chapters, Priors Provincial and General Commissaries, with the consent of their respective Councils, may give interpretations of the Statutes, observing the above stipulations.

**198.**

§1. In matters pertaining to discipline, the Prior General, after hearing his Council, may exempt individual friars within the entire Order from the Constitutions and from other laws of the Order, for a just and reasonable cause.

§2. For a just and reasonable cause, the Prior Provincial, after hearing his Council, may exempt his friars, wherever they may be, from disciplinary norms issued by the Order, with the exception of those norms which are explicitly excluded; in special cases, he may even grant an habitual dispensation.

§3. The local Prior may dispense the friars under his jurisdiction from the disciplinary laws of the Order, except where such authority is reserved to higher superiors.

§4. However, habitual dispensation in favour of the members of an entire Province pertains to the Prior General, and habitual dispensation in favour of all the members of a house pertains to the Prior Provincial.

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<sup>15</sup> Can. 587, §4

<sup>16</sup> Can. 596

<sup>17</sup> Can. 596

**199.**

§1. Dispensations and other concessions of whatever kind, granted in writing by major superiors to individual members or to communities, do not cease to be valid when the right of granting them ceases, except where provisions to the contrary are made in a special clause.<sup>18</sup>

§2. A request denied by the Prior General or by the Prior Provincial may not be validly obtained - even if the denial is made known - from their respective vicars, without the consent of the Prior in question.<sup>19</sup>

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<sup>18</sup> Can. 37, 46, 81

<sup>19</sup> Can. 95, §1

## CHAPTER XVI

### Active and Passive Voice

#### **200.**

All solemnly professed religious have right to active and passive voice in their Province, except where the nature of the case or the present Constitutions clearly indicates otherwise. Provincial Statutes may, however, define other conditions for the exercise of active and passive voice.

#### **201.**

Members who have not yet made their solemn vows shall have neither active nor passive voice, even though they belong to the community. Nevertheless, they must be consulted, and their opinion must be obtained with respect to matters pertaining to the common good, especially when these concern them directly.

#### **202.**

Religious living in a Province that is not their own shall have active voice either in their Province of origin, or in their Province of residence, according to written agreements between the two major superiors concerned, based on proposals from the religious in question; they shall in any case have passive voice in both Provinces.

#### **203.**

The Prior General has voice in the entire Order; the Prior Provincial in his own Province; and the local Prior in his house, unless there are provisions to the contrary.

#### **204.**

The competent major superior, with the consent of his Council, may deny active and/or passive voice to religious living legitimately outside a house of the Order, after interviewing them and ascertaining that it is impossible for them to participate in any way in the life of the Province.

#### **205.**

§1. Except for acquired rights, precedence among the brethren shall be as follows:

- a) the Prior General in the whole Order;
- b) the Vice Prior General in the whole Order;
- c) the members of the General Council in the whole Order;
- d) Priors Provincial and General Commissaries in their respective Provinces and General Commissariats;
- e) Provincial Commissaries in their Commissariats;
- f) local Priors in their house;
- g) provincial councillors in their Province.

§ 2. After the Prior General and the Vice Prior General, the members of the General Council have precedence among themselves according to the date of their first profession; if they made their first profession on the same day, precedence shall be determined by date of birth. Precedence among Provincial Councillors is determined by the order in which they were elected, unless Provincial Statutes provide otherwise.

§3. Except where Provincial Statutes provide otherwise, precedence among all the other members of the Order is determined by the date of first profession; and among those who made their first profession on the same day, precedence is determined by age.

## CHAPTER XVII

### Authority within the Order - Offices in General

#### 206.

The unity of the Order is founded on charity and on harmonious co-operation in the fulfilment of the ideal which we have set for ourselves. This unity is consolidated by authority, which stimulates us both to set our goals ever higher and to put into practice the norms issued by the Church for all religious and the decisions made collegially “with the consent of the brethren.”<sup>20</sup>

#### 207.

The brethren are fundamentally equal with respect to rights and obligations. However, in order that “those things that need to be done may “be well ordered,”<sup>21</sup> they choose among themselves some whose task it is to ensure the common good, as defined by the Constitutions; to foster community life and apostolic work; and to channel the strengths of all the members so that they may converge into unity, in keeping with the provisions of these Constitutions and with those of individual communities. Those who are appointed to positions of authority shall seek to follow the example of Our Lord who “did not come to be served, but to serve.”<sup>22</sup> All the other brethren, for their part, are to honour them,<sup>23</sup> and willingly co-operate with them, for authority can only accomplish its purpose if everyone strives together to build the common good, especially through mutual communication.

#### 208.

The religious who has authority to govern the community is officially known as the Prior - Prior General for the entire Order, Prior Provincial for a whole Province, local Prior for an individual house. The Prior may be known by a different title in the local language of each country, in keeping with local custom and with the Provincial Statutes. The Prior is the sign of unity within the community which he is appointed to serve. He becomes a model, in words and in deeds, for the group which is entrusted to him;<sup>24</sup> as such, he shall be at hand to provide assistance to each and every religious; to foster community life; to care for all, and especially for the sick and the old; to supervise communal activities and initiatives so that these may become means by which the brethren can authentically live “in allegiance to Jesus Christ, and serve Him faithfully with a pure heart and a clear conscience.”<sup>25</sup>

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<sup>20</sup> *Rule*, chp. 3

<sup>21</sup> *Rule*, chp. 6

<sup>22</sup> Matt 20:28

<sup>23</sup> *Rule*, chp. 8

<sup>24</sup> 1 Pet 5:3

<sup>25</sup> *Rule*, prologue

**209.**

The major superiors of the Order are: the Prior General, the Prior Provincial, the General Commissary, and their vicars. These officials are also Ordinaries, with all the faculties which canon law confers upon Ordinaries.<sup>26</sup>

**210.**

§1. In accordance with canon law and with the present Constitutions, the superiors and the chapters of our Order enjoy both internal and external jurisdiction.<sup>27</sup>

§2. Only the General Chapter can issue laws for the entire Order. The Provincial Chapter can enact Provincial Statutes and issue decrees, provided they do not contradict in any way the Constitutions or decrees issued by the General Chapter.

§3. The local Chapter may issue specific norms, provided these do not contradict in any way the Constitutions or any decisions approved by the General Chapter or by the Provincial Chapter.

§4. Priors, assisted by their Councils, have the obligation to ensure, in the first place, that existing regulations are implemented. They may also issue decrees according to their competence, provided these do not contradict the Constitutions.<sup>28</sup>

**211.**

§1. The Prior General has ordinary power over each and every friar; over the Provinces; and over the houses. He exercises this authority on his own or with his Council, in keeping with canon law and with the law of the Order.

§2. The Prior Provincial governs the Province with ordinary power, on his own or with his Council, in keeping with canon law and with the law of the Order.

§3. The local Prior governs the house with ordinary power, on his own or with the local Chapter (or with his Council, where it exists), in keeping with canon law and with the law of the Order.<sup>29</sup>

**212.**

§1. When the law requires the consent of the Council, the Prior General or Prior Provincial act invalidly when they go against the vote of their respective council. The same holds true if a local Prior acts against the vote of his council or the House Chapter.

§2. When all that is required is consultation, the Prior's action will be valid if he has asked for the views of his Council or house Chapter. He is not obliged to follow their advice, if in conscience he feels that he must act otherwise. However, the Prior shall hold their opinion in high regard, in particular if it is given unanimously by the Council

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<sup>26</sup> Can. 620; 134

<sup>27</sup> Can. 596

<sup>28</sup> Can. 596

<sup>29</sup> Can. 622

members, and he shall not reject it without a reason which in his opinion is more valid. In urgent cases, the opinion of Council members may be sought individually, by letter or by any other means of communication.<sup>30</sup>

**213.**

Judicial power within the Order belongs to the General Chapter and the General Council, to the Provincial Chapter and the Provincial Council. The Chapter exercises this power through judges elected by the *gremiales* \* at the same Chapter; these judges pass sentence and issue decrees on behalf of the Chapter. In special cases, in view of the seriousness of the matter, and at the request of the brother concerned, judges shall be appointed by the General Council or by the Provincial Council, according to each case.

**214.**

Without prejudice to canon law, all cases may be introduced through administrative channels unless there is an objection from the religious concerned. In every case, the brother who is brought to justice is to be given ample opportunity to exercise his rights.

**215.**

Although canon law authorises chapters and superiors to impose penalties,<sup>31</sup> no one shall be punished ordinarily<sup>32</sup> without first being admonished. If, through human weakness, a brother commits some fault, let the Priors remember that they are pastors, not despots, and seeking inspiration in the words of the Apostle, let them first reprove and exhort with great patience and charity,<sup>33</sup> keeping in mind that, more often than not, for the one who has to be corrected, leniency is more effective than severity, entreaty more productive than threats, love more efficacious than authority.

**216.**

§1. When applying penalties prescribed by canon law, the norms of the same law shall be observed.

§2. Devolutionary recourse against penalties is possible, with due respect for the provisions of canon law.

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<sup>30</sup> Can. 127

\* *Gremialis*: chapter member

<sup>31</sup> Can. 1315, §§1, 3

<sup>32</sup> Can. 1339 and 1341

<sup>33</sup> 2 Tim 4:2

## CHAPTER XVIII

### Chapters and other Collegial Acts

#### 1. Chapters

##### **217.**

Chapters and other collegial gatherings of the brethren are necessary to foster the spiritual and apostolic life, updating them continuously in response to the demands of our time; to strengthen brotherly love; and to examine and resolve common problems in the Order, in each Province and in each house, in a spirit of cooperation.

Unless prevented for a just reason, the *gremiales* shall attend chapter meetings and other collegial meetings, to promote the common good.

##### **218.**

At the appointed time, the Prior or his substitute shall convene the members, observing the norms for convening electors, as set out in article 234.

Similarly, whenever the consent or the opinion of several members gathered together is required, the *gremiales* shall be duly convened, in keeping with the same norms.<sup>34</sup> Exceptions are listed in articles 346 a) and 395 §2.

##### **219.**

§1. The local Chapter and other collegial meetings shall be called whenever such a gathering is requested by a majority of the community members or of the college.

§2. Chapters and all other collegial meetings, at whatever level, shall be considered valid if a majority of those eligible to attend are present, unless otherwise stipulated in the particular Statutes.

##### **220.**

General Chapters and Provincial Chapters may change the number of *gremiales*, but only for the following chapter.

##### **221.**

§1. No person who is not a *gremialis* shall be allowed to vote. Should such a person cast a vote, all the acts of the meeting shall automatically become null and void.<sup>35</sup>

§2. The college has the power to invite outsiders to a Chapter and to choose in which sessions of the Chapter they may participate; however, these individuals shall not have the right to vote.

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<sup>34</sup> Can. 127 §1

<sup>35</sup> Can. 169

**222.**

Unless it has been otherwise specified, the highest ranking *gremialis*, according to the order of precedence, shall preside over Chapter meetings and other collegial meetings.

**223.**

*Gremiales* and others whose consent or advice is required, shall express their views with respect, fidelity and sincerity. The president may impose secrecy on them, if he considers it necessary and prudent in view of the gravity of the matter being treated.<sup>36</sup>

**224.**

Problems in which elections are not involved and which are to be determined collegially, must be examined maturely and resolved according to the vote of the absolute majority of the *gremiales* present, as shown in a first or second ballot. Otherwise the vote is repeated only a third time. If there is an equal number of votes, the president has the power to break the tie with his vote, or call for a further meeting to arrive at a final solution.<sup>37</sup>

**225.**

During elections, and in votes concerning individuals, voting shall be by secret ballot, and any form of acclamation is excluded.<sup>38</sup>

In other business to be dealt with collegially, voting need not be secret, provided there is no objection from any of the *gremiales*..

*2. Offices*

**226.**

Offices and positions within the Order are conferred by duly confirmed election; by postulations made in accordance with the law, and approved by the Prior General with the consent of his Council; or by appointments, following appropriate consultations.<sup>39</sup>

**227.**

All offices shall be conferred in accordance with canon law and with the law of the Order.

**228.**

At the opening of a Chapter, all offices which are to be conferred during the Chapter become immediately vacant; however, outgoing officials continue to exercise their functions until the newly-appointed take up office.

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<sup>36</sup> Can. 127 §3

<sup>37</sup> Can. 119, n. 2

<sup>38</sup> Can. 172, §1, n. 2

<sup>39</sup> Can. 181, §1; 182, §1; 625, §3

**229.**

Unless the contrary be specified, no office which is normally conferred by election shall remain vacant for a period of more than three effective months (*trimestre utile*), to be calculated from the day of notification of the vacancy.<sup>40</sup>

**230.**

Unless there are norms otherwise specified for particular cases, no one shall hold two incompatible offices, i.e. offices which cannot be simultaneously exercised by the same person—for example, offices which demand different residences.<sup>41</sup>

**231.**

No member of the Order shall accept an office or function outside the Order without the permission of his Prior Provincial or of his local Prior.<sup>42</sup>

**232.**

For reasons relating to jurisdiction, only those religious who have received priestly ordination may be elected or designated to the offices of prior, vicar or substitute.<sup>43</sup>

**233.**

Appointments must be made in a spirit of fraternal dialogue. Therefore, the superior, who has the right freely to confer an office, must hear the subject on whom he intends to confer it. It is for the superior to weigh the reasons given by the candidate, and then accept or reject them.

**234.**

All who have the right to vote must be summoned for elections. However, they need not be summoned personally; a general convocation is sufficient, by means of a letter addressed to each house or published in the official newsletter of the Order, or in some other manner sanctioned by the Provincial Statutes or by custom. If an elector is overlooked, and hence is absent at the time of voting, and the oversight and absence are proven, the election remains valid; however, should he so request, the election is made null by the competent superior, even if the election has been confirmed, provided it is juridically certain that the recourse was made within three days of the notification of the election. If more than one third of the electors have not been notified, the election is null and void by virtue of the law itself. If, however, those who were not notified are in fact present for the voting, failure to notify them is no obstacle to validity.<sup>44</sup>

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<sup>40</sup> Can. 151; 165

<sup>41</sup> Can. 152

<sup>42</sup> Can. 671

<sup>43</sup> Can. 129; 588, §1; 596, §2

<sup>44</sup> Can. 166

**235.**

Respecting, however, article 238, those who are present at the place and time stated in the convocation have the right to vote.<sup>45</sup>

**236.**

Those who are excluded from voting by virtue of article 171 of the Code of Canon Law, or by the present Constitutions, cannot vote.

**237.**

If one or more of the electors is present in the house where the election takes place, but is unable to take part for reasons of health, the scrutineers shall collect his written vote.<sup>46</sup>

**238.**

Provincial Statutes may permit voting by mail, provided the required secrecy is carefully observed.

**239.**

Voting by proxy<sup>47</sup> is permitted in the following cases:

- a) for a just motive, the Prior Provincial, the General Commissary, or the Commissary Provincial may send a proxy to the General Chapter or to the General Congregation from his own Province or Commissariat, who shall have the right to vote; if, however, the proxy is chosen from another Province or General Commissariat, the consent of the Prior General is required;
- b) with the consent of the Prior General, a delegate to the General Chapter may also send a proxy with the right to vote, provided neither he nor a substitute delegate can attend the Chapter;
- c) Provincial Statutes shall stipulate the right to send a proxy to a Provincial Chapter.

**240.**

Any one individual may cast only one vote, even if he has the right to vote on several grounds.<sup>48</sup>

**241.**

§1. A vote is null and void:

- a) if it is not free; hence it is not valid if the voter was constrained by grave fear or by fraud, directly or indirectly, to vote for a certain person or for several persons separately; and
- b) if it is not secret, certain, absolute and determined.

§2. Conditions attached to a vote before the election shall be disregarded.<sup>49</sup>

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<sup>45</sup> Can. 167, §1

<sup>46</sup> Can. 167, §2

<sup>47</sup> Can. 167, §1

<sup>48</sup> Can. 168

**242.**

All shall avoid soliciting votes for themselves or for others, whether directly or indirectly.<sup>50</sup> It is permissible, however, within the boundaries of justice and charity, to discuss the suitability of candidates.

**243.**

Unless otherwise provided in particular cases, the president shall appoint at least two scrutineers and an equal number of tellers, as well as a secretary, for the voting process. All of these, including the president, are in conscience bound to carry out their duties faithfully and to preserve secrecy with regard to the business done in the assembly, even after the election. On a signal from the president, the scrutineers shall take care that the votes are cast in secret. When all the votes have been collected the scrutineers shall verify, in the presence of the president and of the *gremiales*, that the number of votes corresponds to the number of voters; they shall examine the votes, and announce publicly the number of votes received by each candidate, while the tellers shall record the numbers. Should the number of votes cast exceed the number of voters, the vote is null and void and must be repeated. The ballots shall be destroyed immediately after each vote, or at the end of the session if several votes take place in one session. The secretary shall accurately record all the acts pertaining to the election in registers for this purpose; all the *gremiales*, or at least the secretary and the president, shall sign the record, which shall be carefully preserved in the archives.

**244.**

With the approval of the Chapter, a suitable interval may be allowed between elections or between rounds of balloting in the same election.

**245.**

Unless otherwise specified in particular cases, and if an absolute majority of those who must be convoked is present at the voting, the candidate who has received an absolute majority of the votes of those present shall be considered elected, and proclaimed as such by the president. If the first two ballots prove indecisive, voting shall be between the two candidates who have received the highest number of votes. If more than two have received the same number of votes, voting takes place between the two who are senior based on first profession, or if they were professed on the same day, based on age. The two candidates shall have no active voice in this ballot, and the one who receives the greater number of votes shall be considered elected. If in the third ballot, both candidates receive the same

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<sup>49</sup> Can. 172

<sup>50</sup> Can. 626

number of votes, the one who is senior by first profession shall be considered elected; or if both were professed on the same day, the one who is senior by age.<sup>51</sup>

**246.**

The person who has been elected shall be notified immediately of his election. Within eight days of the notification, he must indicate whether or not he accepts the election, failing which he forfeits all rights deriving from this election.<sup>52</sup> If the person concerned is present at the time of the election, the proclamation mentioned in article 245 shall serve as notification.

**247.**

If the person elected does not accept the appointment, he loses all rights deriving from it as soon as the president receives his refusal, even if he subsequently regrets the decision to renounce the appointment. He may, however, be re-elected.<sup>53</sup>

**248.**

In cases where confirmation is not required, the elected person, upon accepting his election, enters immediately into office. In cases where confirmation is required, he acquires only the right to his office; thus, until confirmation is obtained, he may not exercise his office by virtue of the election, be it in temporal or in spiritual matters, and the effects of any such action shall be invalid.<sup>54</sup>

**249.**

No confirmation is required for the election of the Prior General or of the members of his Council. The election of the Prior Provincial must be confirmed by the Prior General or by the Chapter president appointed by him. All other elections must be confirmed by the president presiding over the election.<sup>55</sup>

**250.**

The electoral college automatically loses its right to elect:

- a) if the election does not take place within the required time;<sup>56</sup>
- b) if, contrary to articles 220 and 221, the *gremiales* have endeavoured to increase their numbers and have deliberately allowed one or more unauthorised persons to vote.

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<sup>51</sup> Can. 119, 1; 176

<sup>52</sup> Can. 177, §1

<sup>53</sup> Can. 177, §2

<sup>54</sup> Can. 178; 179, §4

<sup>55</sup> Can. 625, §3

<sup>56</sup> Can. 165

**251.**

The electoral college may not be deprived of its right to vote without due process, except for the circumstances described in article 250, or in the case of some failure which is imputable to the college itself.

**252.**

When, for whatever reason, an electoral college is deprived of its right to elect, the right of free conferral belongs to the immediate major superior with the consent of his Council.

**253.**

In the case of a postulation to office to which there is an impediment in the laws of the Order, the Prior General, if he considers it advisable, may dispense from the impediment, with the consent of his Council, and admit the postulation.

**254.**

§1. A candidate may be postulated only if he has obtained two thirds of the votes in the first or the second ballot.

If no candidate obtains the necessary majority in the first two ballots for postulation or for election, voting shall begin again from the first ballot, and the candidate for postulation shall lose his passive voice.

§2. If the postulated candidate does not accept, voting shall begin again from the first ballot and proceed according to article 245.

## CHAPTER XIX

### General Government

#### 1. *The General Chapter*

##### **255.**

The General Chapter is the supreme authority of our Order; it is also the principal sign of the unity of our Order, in all its diversity. It is the fraternal gathering in which we reflect together, in community, to strengthen our faithfulness to the Gospel and to our charism, and our sensitivity to the needs of time and place. By means of the General Chapter, the entire Order, allowing itself to be guided by the Holy Spirit of our Lord Jesus Christ, seeks to know the will of God at a particular moment in history, so that we may best serve the Church.<sup>57</sup>

##### **256.**

§1. The ordinary General Chapter shall be celebrated every six years.

§2. Before convening a General Chapter, the Prior General shall consult the major superiors of the entire Order concerning the date and the place of the General Chapter; the questions and problems to be discussed at the Chapter; and the choice of several suitable brothers to be appointed to the preparatory commission.

##### **257.**

The Prior General, with the consent of his Council and after consulting the other major superiors, may convene an extraordinary General Chapter. Elections may also be held at such a Chapter to fill vacant offices which are of the competence of the Chapter.

##### **258.**

§1. The *gremiales* of the General Chapter are the following:

- a) the Prior General;
- b) former Priors General;
- c) the members of the General Council;
- d) the Priors Provincial;
- e) the General Commissaries;
- f) Provincial Commissaries of those Commissariats which on the date of the convocation have at least 20 voting members;
- g) the Prior of St. Albert's International Centre in Rome;
- h) the superiors of General Delegations which on the date of convocation of the General Chapter have at least 20 voting members, otherwise they may participate, but without the right to vote.
- i) delegates of the Provinces, as defined in the following paragraph.

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<sup>57</sup> Can. 631, §1

§2. Any Province which, on the day of the convocation of the General Chapter, has fewer than 20 voting members, shall send no delegate to the General Chapter. Any Province which, on the same day, includes more than 100 voting members shall have the right to send three delegates to the Chapter. All other Provinces may send two delegates each. In computing the number of voting members for the purpose of establishing the right to send a third delegate, voting members of Provincial Commissariats may not be counted if the Commissariats in question are sending their own Commissaries. General Commissariats are not entitled to send delegates.

§3. Members of the General Council who are released from office continue to enjoy the right to vote throughout the Chapter at which they are released from office. Newly elected Councillors, if they are not already *gremiales*, shall be summoned immediately, and have the right to vote at the Chapter.

§4. The Provincial Commissaries of Commissariats with fewer than twenty voting members and the Presidents of Regions are also entitled to attend the General Chapter, but they shall not have the right to vote.

## 259.

It is the responsibility of the General Chapter:

- a) to approve the Constitutions and other general codes of the Order's law for the Order in general; to foster spiritual and apostolic vitality; to draw up and communicate to the General Council guidelines and criteria to be used by the General Council in the government of the Order during the following six years; to adapt laws for the needs of the time through an appropriate updating.
- b) to elect the Prior General and the members of the General Council according to articles 276. §1. and 295;
- c) to define the means and channels through which the life of the Order may radiate, in fraternal communication, to all the members;
- d) to decide on any other matters which the Chapter may consider appropriate.<sup>58</sup>

## 260.

§1. At least one year before the beginning of a Chapter, the Prior General shall send a letter of convocation to all the major superiors, informing them of the date and place of the Chapter and inviting all the brethren to pray for its success.

§2. At the same time, the Prior General with his Council shall set up a preparatory commission and a secretariat for the General Chapter.

§3. Six months before the celebration of the Chapter, the Prior General shall send to all the *gremiales* a written report and documentation on the state of the Order and any problems which are expected to arise over the ensuing six-year period.

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<sup>58</sup> Can. 596; 631, §1

**261.**

§1. Before the opening of the Chapter, the secretariat shall act as the executive and co-ordinating centre for all technical and administrative matters. Moreover, the secretariat shall receive all proposals and forward them to the Preparatory Commission.

§2. During the Chapter, the secretariat shall place its facilities at the disposal of the *gremiales*, and prepare the acts of the Chapter, in collaboration with the commission appointed for this purpose under article 271 c).

§3. The secretariat of the General Council shall work together with the secretariat of the General Chapter.

**262.**

§1. The preparatory commission will be composed of several brethren expert in the matters to be discussed at the Chapter.

§2. The preparatory commission shall:

- a) organise the proposals sent to it according to appropriate criteria;
- b) state their views concerning these proposals;
- c) summarise these in a formula suitable for voting.

**263.**

§1. All the brethren are entitled to make proposals and to state their views on problems and matters concerning the good of the Order, and to send these to the secretariat of the Chapter .

§2. Throughout the Order, open meetings of voting members should be strongly encouraged at the house level, at the provincial level, and at the inter-provincial level, in order to discuss, in fraternal dialogue and with sincere and loving concern for the development of the Order, issues which might seem pertinent to the good of the Order, with a view to presenting them to the preparatory commission. The Provincial Council and the delegates to the General Chapter shall promote and encourage such exchanges, in line with the Provincial Statutes.

**264.**

At least six months before the opening of a Chapter, a document drawn up by the preparatory commission shall be sent to the Priors Provincial, to local Priors, and to all the *gremiales* of the General Chapter.

**265.**

§1. Upon receiving the letter of convocation, the Priors Provincial shall provide, as soon as possible, for the election of delegates to the General Chapter.

§2. Delegates shall be elected from among all the voting members, excepting those who are already *gremiales* of the Chapter. Provincial Statutes may set out particular procedures for elections, and determine the number of votes required to be elected, provided they

respect the obligation to ensure that voting is by secret ballot, and that the candidates chosen are truly capable and expert in the matters to be discussed at the Chapter.

§3. Substitute delegates equal to the number of delegates shall also be elected.

§4. The results of all the ballots, and the names of those elected, shall be communicated at the earliest possible date to the secretariat of the General Chapter.

**266.**

If, for a just reason, a delegate is unable to be present at the Chapter, he shall be replaced by the first substitute to be elected.

**267.**

As soon as possible after every ordinary General Chapter, a catalogue of the Order shall be published, containing a list of all the newly appointed members of the Curia and general officials; a list of the brothers, nuns and sisters affiliated with the Order; a list of all houses and some indication of their various activities.

**268.**

The General Council shall provide for competent individuals to be present and available to the *gremiales*, during the Chapter, to explain the issues which are to be discussed.

**269.**

At least three members of the preparatory commission shall take part in the Chapter. This shall not give them, or any other experts appointed by the General Council, the right to vote. Should the Chapter so decide, the above mentioned may however take part in the debates and address the Chapter on the questions to be treated.

**270.**

The procedure and the norms for the conduct of the General Chapter shall be defined in the Rules of Procedure, to be approved in keeping with these Constitutions, and to be considered relatively stable. The General Chapter may amend a rule only by a two thirds majority of those present, during the session described in article 272 b); an absolute majority is required if the amendment is to apply to the subsequent General Chapter.

**271.**

The Prior General of the preceding six-year term shall preside over the first session of the Chapter, which shall proceed as follows:

- a) If an apostolic letter has been sent to the Chapter by the Holy See, it is read following the customary prayers for the opening of the Chapter.
- b) The secretary then reads out the list of the *gremiales*.

- c) The names of the chapter officials appointed by the Prior General after hearing the views of his Council, are made public: three scrutineers and three tellers; three auditors for the expenses of the Chapter; the members of the commission for the revision of the acts, which shall include representatives of the various language groups and whose task it is to draft the acts of the Chapter, in keeping with article 261, # 2. These officials must all be *gremiales*.
- d) One of the members is canonically elected president of the Chapter; it is his task to preside over the Chapter until the election and acceptance of the Prior General. The Prior General of the preceding six year period does not have passive voice in the election of the president.
- e) The *gremiales* elect five judges to hear any cases which may arise, and to settle them on behalf of the Chapter.

**272.**

The second session of the Chapter shall proceed as follows:

- a) the Prior General of the preceding six-year term shall read a report on the spiritual and temporal state of the Order and on if and how during the preceding six-year term, the Order has responded to directives from the Holy See, from the previous Chapter, and from the General Congregation; and on the reasons which may have impeded the fulfilment of such directives.
- b) In keeping with article 270, the *gremiales* are then given the Rules of Procedure for the Chapter.

**273.**

The *gremiales* then determine the order in which the items on the agenda are to be discussed; specify when the required elections are to take place; and decide whether some brothers who are not *gremiales* may participate in the sessions, in accordance with article 221, § 2.

**274.**

The judges shall hear and examine any controversies which might arise concerning the right to take part in the General Chapter, and reach decisions on behalf of the Chapter.

*2. The Prior General*

**275.**

The one who is chosen to be Prior General shall be distinguished for such natural gifts and virtues, such experience and wisdom, as qualify him to take in hand the direction of the Order, worthily and effectively, according to the needs of the time. It is his task to ensure effectively the common good of the whole Order; to work strenuously so that the authentic spirit of Carmel, especially with respect to the life of prayer, may be truly present in every Province, and increase day

by day; to promote tirelessly the growth and development of the Order and the apostolic and academic vitality of the religious.

### **276.**

§1. The Prior General shall be elected for a six year term, at the end of which he may be re-elected to the same office; he may not, however, occupy the same office for a third consecutive six-year term.<sup>59</sup>

§2. The election shall take place in accordance with article 245.

§3. A consultative vote shall take place before the canonical election.

### **277.**

To be validly elected to the office of Prior General, a candidate must have received priestly ordination;<sup>60</sup> he must be at least thirty-five years of age; and he must have completed ten years in the Order since his first profession.<sup>61</sup>

### **278.**

§1. In addition to the powers conferred on him by canon law, the Prior General shall have authority:

- a) to appoint, as soon as possible after the end of the Chapter, and with the consent of his Council, the general officers, the president of the Institutum Carmelitanum, the general archivist, and the Priors and other officers of the houses under his direct jurisdiction, if the above offices are vacant;
- b) with the consent of his Council, and for grave motives, to remove from office a Prior Provincial, after hearing his views and those of the members of the Provincial Council;
- c) with the consent of his Council, and for a just reason, to anticipate or postpone the celebration of the General Chapter, by no more than six months;
- d) for a just reason, to transfer religious from one house to another, or from one Province to another, after hearing the views of the religious concerned, and after consulting the Priors Provincial concerned.

§2. The Prior General has the right to preside, with active voice, over provincial and local Chapters, and over meetings of provincial and local councils, in the entire Order.

### **279.**

In addition to the obligations attached to his office by virtue of article 275, the Prior General is required:

- a) to reside ordinarily in the same house with the other members of the General Council;<sup>62</sup>
- b) at least once during his six-year term of office, to make canonical visitations to all the Provinces, General

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<sup>59</sup> Can. 624, §1

<sup>60</sup> Can. 588, §2; 596, §2

<sup>61</sup> Can. 623

<sup>62</sup> Can. 629

Commissariats and other foundations of the Order, either personally or through others;<sup>63</sup>

c) to send a report on the state of the Order to the Holy See, in accordance with canon law.<sup>64</sup>

**280.**

For a just reason, the Prior General may resign from his office. Such resignation requires no acceptance; however, to be valid, it must be made either in writing and submitted to the General Council, or orally in the presence of two witnesses who shall immediately inform the General Council.<sup>65</sup>

**281.**

If the Prior General's health should deteriorate to such an extent that, in the opinion of the doctors and of the majority of the members of the General Council, he no longer has full possession of his mental faculties, the Vice Prior General shall take in hand the government of the Order, and continue to do so for as long as this situation continues, with all the rights and obligations of the Prior General, except as stipulated in article 282, § 2.

**282.**

§1. If the office of Prior General should become vacant less than one year before the end of his six year term, the Vice Prior General shall assume the government of the Order until the completion of the six year term, with all the rights and obligations of the Prior General.

§ 2. However, if such a vacancy occurs more than one year before the end of the six-year term, the Vice Prior General shall assume the government of the Order with all the rights and obligations of the Prior General, and shall convene, within two months, an extraordinary General Chapter, in accordance with articles 260, § 1, 265 and 266. This Chapter shall elect a Prior General who shall remain in office until the end of the above six-year term. At the end of the six-year term, an ordinary General Chapter shall be celebrated.

**283.**

A Prior General who has completed his term of office, or resigned from it, may choose to reside in any house of the Order.

**284.**

Former Priors General have the right to vote in the Provincial Chapters of the Provinces in which they reside.

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<sup>63</sup> Can. 628, §1

<sup>64</sup> Can. 592, §1

<sup>65</sup> Can. 187; 189, §1

### *3. The General Congregation*

#### **285.**

Two years before the General Chapter, the Prior General, with the consent of his Council, shall convene a General Congregation to discuss matters of common interest to the whole Order.

#### **286.**

§1. The members of the General Congregation are:

- a) the Prior General;
- b) the members of his General Council;
- c) the Priors Provincial;
- d) the General Commissaries;
- e) the Provincial Commissaries of those Commissariats which, on the day of the convocation of the General Congregation, have at least twenty voting members;
- f) the Superiors of those General Delegations which, on the day of the convocation of the General Congregation, have at least twenty voting members.

§2. Each Prior Provincial and each General Commissary may be accompanied by one religious who is truly expert in those matters to be dealt with at the Congregation, and who shall have the right to take part in the meetings of the Congregation, but not the right to vote.

§3. Those Provincial Commissaries and General Delegates who are not included under § 1.f) above, and the Presidents of Regions, participate in the Congregation, but shall not have the right to vote.

#### **287.**

It pertains to the General Congregation, gathered in collegial assembly,

- a) to assist the Prior General and his Council in their task of governing and animating the Order;
- b) to foster communication and contact between the General Curia and the various areas of the Order;
- c) to ensure the implementation of the decisions and decrees of the previous General Chapter; to assess the effectiveness of the guidelines provided; to make decisions and issue decrees, which shall be valid only until the following Chapter;
- d) to assist in the preparation of the following Chapter, and to advise the Prior General concerning the venue of the Chapter;
- e) to discuss the financial matters of the Order.

### *4. The Council of Provinces*

#### **288.**

The Council of Provinces is a consultative organ established for the purpose of:

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- a) ensuring greater participation of the Provinces in the central government of the Order;
- b) monitoring trends and needs within the Order, with a view to providing orientations to the Prior General and to his Council;
- c) contributing to an evaluation of the development of the Order, on the basis of written reports presented by the members of the General Council.

### **289.**

The Council of Provinces consists of the following members:

- a) the Prior General;
- b) the members of the General Council;
- c) the Priors Provincial;
- d) the General Commissaries;
- e) the Provincial Commissaries;
- f) the Presidents of the Regions;
- g) the Superiors of the General Delegations.

### **290.**

The Council of Provinces is convened two years after the General Chapter.

## *5. Regions*

### **291.**

Provinces, General Commissariats and Provincial Commissariats may form Regions, with a view to promoting greater communication and co-operation.

### **292.**

Each Region shall be organised in whatever manner it deems appropriate or necessary, and shall draw up its own Statutes to regulate its activities. These Statutes, to be approved in keeping with article 195, §2, shall specify what regional officials are elected or appointed, and define their functions (President, Secretary, etc.).

## *6. The General Council*

### **293.**

§1. As a collegial body established in accordance with the law, the General Council consists of the Prior General, the Vice Prior General, two General Councillors for the North (a General Councillor for North and Central Europe and for North America, and a General Councillor for Mediterranean Europe), two General Councillors for the South (a General Councillor for Latin America, and a General Councillor for Asia, Africa, and Australia), the Procurator General and the Bursar General. As the Prior General's Council, it consists of the same

persons, excluding the Prior General. The Prior General may however vote with his councillors.<sup>66</sup>

§2. When matters of their competence are being discussed, general officials may be invited to express their opinions at the meetings of the General Council.

#### **294.**

The canonical election of each member of the General Council by the General Chapter shall be preceded by a consultative vote.

#### **295.**

All the members of the General Council shall be elected for a six-year term of office, at the end of which they may be re-elected to the same office; however, they may not be re-elected for a third term, unless they have been out of the office for at least three years.

#### **296.**

When acting explicitly as a collegial body, the General Council must proceed according to the law. As the Prior General's Council, its role is to assist him, and to give consent and advice, in keeping with canon law and with the law of the Order.

#### **297.**

§1. With due regard for the prescriptions of canon law,<sup>67</sup> when discussing matters of ordinary administration, a session of the General Council is valid if a quorum of four members is present.

§2. Whenever, according to law or to the Order's own laws, the business to be discussed requires the presence of more members than are available, the Council itself may, for the occasion, grant voice and the right to vote to general officers in the Curia, observing precedence and rank according to article 205 §3, or if these too should be absent, to the nearest major superiors.

#### **298.**

For more important matters, the Prior General shall avail himself of the services of his Council, even in those cases where he is not required to do so by law. He shall also hear the opinion of the officers mentioned in articles 311 and 312, on matters pertaining to their office.

#### **299.**

The Prior General and the members of his Council shall have frequent contact with the major superiors of the Order, so as to share in the life experience of the entire Order.

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<sup>66</sup> See the Declaration on the Authentic Interpretation of canon 127, §1 by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, 31 January 1991 in AOC 42 (1991) 5-7.

<sup>67</sup>Can. 699, §1

### *7. The Vice Prior General*

#### **300.**

It is the duty of the Vice Prior General:

- a) to conduct the affairs of the Order in the absence of the Prior General;
- b) to represent the Prior General at his request;
- c) to organise and to co-ordinate the work of the General Council;
- d) to supervise the functioning of the various administrative offices of the Curia.

### *8. The General Councillors*

#### **301.**

The members of the General Council shall be solemnly professed, and shall have the following qualities:

- a) the ability to coordinate, and the ability to work with others;
- b) the ability to implement promptly the decisions taken by the General Chapter;
- c) to be inspirational and creative.

#### **302.**

In fulfilling their duties, the General Councillors shall endeavour to keep the following four elements in proper balance, according to principles of collegiality, subsidiarity, and mutual co-operation:

- a) General Councillors are first and foremost members of the General Council, councillors to the Prior General; therefore they share in the responsibility of promoting the common good of the entire Order.
- b) General Councillors report to the General Council on the concerns and experiences of those regions of the Order which fall within the geographical area of their competence. With regard to relationships with provinces, commissariats and delegations within their particular geographical territory, each General Councillor shall be a link between the various local jurisdictions and the General Council.
- c) Keeping in mind the evolving dynamics which characterise both those areas of the Order which are already established, and those which are emerging, General Councillors for the North and the South are expected to follow closely the situation in their particular areas, with a view to identifying resources and needs and providing adequate information to the central government of the Order.
- d) Within the General Council, each Councillor shall be given an area of special responsibility. In addition, each General Councillor shall be involved in articulating the various areas of responsibility, defined in article 303, within his particular

geographical territory, and shall report to the General Council on their concerns.

### 303.

The General Council shall distribute among its members the following areas of responsibility:

a) The Carmelite Family:

- to be a link with the Carmelite nuns, with the sisters of Carmelite congregations, and with the secular institutes; and to promote an ever increasing involvement of lay Carmelites in the Order and in the Church.

b) Evangelisation:

- to keep the Order abreast of contemporary problems in the Church in the area of evangelisation, and to encourage and support Provinces in their initiatives in this area;
- to study and to promote new forms of service in the Order;
- to coordinate the activities of the international Justice and Peace Commission;
- to develop and sustain a network of contacts with the more important organisations and programmes in the area of Justice and Peace;
- to organise and co-ordinate existing programmes in the area of Justice and Peace throughout the Order.

c) Spirituality, Formation, Cultural and Academic Activities:

- to develop guidelines for the vocations ministry;
- to be in close contact with formation programmes in the different parts of the Order, giving special attention to the needs of formation in emerging areas, and providing assistance for exchanges of formation personnel;
- to develop leadership, with a view to establishing a formation system for the Order as a whole, in keeping with the *RIVC*. To this end, the Councillor responsible for this area may call on experts and/or establish an international commission for formation;
- to develop and organise a training programme for formators;
- to direct formation in the Order, and to promote an exchange among Provinces of formation programmes currently in use;
- to take a special interest in the various formation, spirituality, and study centres within the Order (the Institutum Carmelitanum in Rome, the Titus Brandsma Institute in Nijmegen, etc.);
- to call to the Order's attention new studies on its charism and spirituality, and to promote interest in such studies by means of courses, congresses, publications of original works and translations;
- to work towards a clear strategy within the Order in the area of theological and other studies.

d) new foundations;

e) houses under the direct jurisdiction of the Prior General.

**304.**

A member of the General Council who participates in a Provincial Chapter as *socius* of the Prior General has active voice in that Chapter.

**305.**

If the office of a member of the Council should become vacant in the course of the six-year term, the General Council, acting collegially, shall replace him as soon as possible with a suitable religious, who shall remain in office until the end of the six-year term.

*9. The Procurator General*

**306.**

It is the task of the Procurator General to act on behalf of the Prior General in all the affairs of the Order with the Holy See.

*10. The Bursar General*

**307.**

§1. The Bursar General shall:

- a) manage the assets of the Order;
- b) administer the financial affairs of the General Council;
- c) be in communication with the bursars of the Provinces, General Commissariats, and Provincial Commissariats;
- d) prepare estimated budgets for projects proposed by the General Chapter and by Councils of Provinces;
- e) convene the international financial commission, and, together with the commission, submit a proposal to the General Council for the taxes to be paid by the Provinces; draw up a financial plan; examine the yearly financial reports of the Provinces; establish criteria so that the financial orientations of the Order are consistent with the Order's preferential option for the poor and the marginalized; prepare books and accounts for periodic controls by the General Council;
- f) coordinate the promotion of and the necessary helps coming from various provinces for communities in difficulties.

§2. In the performance of his duties, the Bursar General may enlist the assistance of experts, whether religious or lay, approved by the General Council.

*11. The Secretary General and the Offices of the Curia*

**308.**

§1. The Secretary General, and the secretaries of the Order's special priority areas, are appointed by the Prior General, with the consent of his Council. The Secretary General is the official secretary (*notaio*) of the Order.

§ 2. The Order's special priority areas are:

- a) the Carmelite Family;
- b) evangelisation;
- c) formation, spirituality, and cultural and academic activities.

**309.**

Should he consider it advisable, the Prior General, with the consent of his Council, may appoint a co-secretary to assist the Secretary General.

**310.**

§1. The Secretary General shall:

- a) prepare the meetings of the General Council; attend the meetings, without voice or vote; and prepare the acts of the meetings;
- b) send and receive official letters and other documents;
- c) be responsible for the technical and administrative preparation of the General Congregation, of the Council of Provinces, and of all other meetings convened by the competent authority;
- d) facilitate communication between the General Council and the various Provinces of the Order, in the best way possible.

§2. The secretaries for special priority areas shall, together with the respective Councillors:

- a) prepare assemblies, meetings of commissions, and any other gatherings dealing with their particular area;
- b) develop projects in their particular area to promote the development of the Order;
- c) submit to the Bursar General estimates of expenditures for the projects mentioned under b) above;
- d) at the end of each year, submit a report to the General Council on the activities of their area.

**311.**

Other offices attached to the General Curia are the following:

- the office of the Postulator General for the promotion of causes of beatification and canonisation;
- the office of the Delegate for social communication.

**312.**

The Prior General, with the consent of his Council, shall appoint officials to fill the general offices mentioned above and any other offices which may be created, and define their rights and responsibilities.

## CHAPTER XX

### The Government of Provinces

#### 1. The Provincial Chapter

**313.**

The Provincial Chapter is the fraternal gathering in which local communities strengthen their sense of belonging to the provincial community, through shared concern for common problems.

**314.**

The ordinary Provincial Chapter shall be celebrated every three years, during the month chosen by the preceding Chapter and approved by the Prior General.

**315.**

The extraordinary Provincial Chapter shall be celebrated in accordance with article 353, §2 of these Constitutions.

**316.**

Provincial Chapters shall be conducted according to these Constitutions and the prescriptions of the Provincial Statutes.

**317.**

Provincial Statutes shall clearly define who are the *gremiales* of the Provincial Chapter, keeping in mind that the number of delegates must be at least equal to that of the members who attend by right, without prejudice to the norms set out in articles 278. § 2, 284, and 304.

**318.**

Where the number of religious and other circumstances permit, Provincial Statutes may stipulate that all religious who have active voice in the Province shall be *gremiales* of the Provincial Chapter.

**319.**

For the election of delegates to the Provincial Chapter, only voting members of the Province who are not already *gremiales* of the Provincial Chapter shall have active and passive voice.

**320.**

On the occasion of the celebration of the first Provincial Chapter of a newly erected Province, it is the prerogative of the Prior General, after hearing the views of his Council and of the interested parties, to decide who shall be the *gremiales* of the Chapter; to convene the Chapter, either directly or through another person; and to do what is set out in articles 316, 319, 324-331.

**321.**

It is the responsibility of the Provincial Chapter:

- a) with due regard for the norms set forth in article 322, to elect by canonical election the Prior Provincial and the Provincial Councillors, and, if the Provincial Statutes so provide, a Vice Prior Provincial and an Assistant Provincial;
- b) to draw up and amend Provincial Statutes, and issue other decrees;
- c) to establish guidelines and criteria to be followed in the government of the Province;
- d) to decide, if appropriate, the sharing of the goods of the whole Province, with due regard for justice and charity;
- e) to determine the contributions to be made by some or all of the houses of the Province towards common needs;
- f) to make other decisions, as appropriate, for the proper functioning of the entire Province or of any house within it.

**322.**

Provincial Statutes may decree that all religious who have active voice in the Province shall take part in the election of the Prior Provincial and of Provincial Councillors. The Statutes shall specify precisely the manner in which voting shall take place, and the number of votes that must be obtained so that a person may be declared elected.

**323.**

At least six months before the celebration of the Provincial Chapter, the Prior Provincial shall send a written convocation to individual houses, indicating the place and the date of the opening of the Chapter, and inviting the religious to pray for the success of the Chapter.

**324.**

§1. Within a month of the convocation of the Chapter, the Prior Provincial, with the consent of his Council, shall institute a secretariat and a preparatory commission. Where circumstances advise it, only a preparatory commission may be established, and this will also serve as secretariat.

§ 2. In addition to the preparatory commission for the entire Province, a special commission may also be instituted for the Provincial Commissariat.

**325.**

The preparatory commission shall consist of several religious knowledgeable in the matters to be discussed at the Chapter. However, major superiors shall not be members of the commission. All necessary means shall be put at the disposition of the commission to fulfil its task.

**326.**

Before and during the Chapter, the secretariat shall be the executive and coordinating centre for all technical and administrative matters.

**327.**

Both local chapters and individual members of the Province have the right to send to the preparatory commission proposals to be examined at the Provincial Chapter.

**328.**

It is the responsibility of the preparatory commission:

- a) to organise the proposals it receives, according to appropriate criteria;
- b) to express its own views with regard to the proposals;
- c) to summarise the proposals, in a form suitable for voting.

**329.**

The documents prepared by the preparatory commission shall be collated in a single file and sent to all the *gremiales* of the Chapter, and to all the houses of the Province, at least one month before the opening of the Chapter.

**330.**

As soon as the Chapter is convoked, delegates shall be elected. The results of all the ballots and the names of the elected candidates shall be published immediately.

**331.**

If the Provincial Statutes so require, the preparatory commission, as soon as it is established, shall arrange for all the voting members of the Province to give their consultative vote on the candidates to the office of Prior Provincial and on the candidates to the office of provincial councillor. The results of this consultation shall be made public at the first session of the Chapter, in accordance with article 333, f), unless Provincial Statutes stipulate otherwise.

**332.**

§1. The Prior General has the right to preside over the Provincial Chapter, in person or through a delegate.

§2. If the Prior General is absent, and has not designated a president, the Chapter shall canonically elect one of the *gremiales* to the presidency. The outgoing Prior Provincial shall preside over this election, but he shall have no passive voice.

§ 3. The president, elected according to §2 above, has the right and the obligation to preside over the Chapter until the new Prior Provincial is elected and has accepted the office. In this case, the election must be confirmed by the Prior General in accordance with article 249.

**333.**

The first session of the Chapter shall proceed as follows:

- a) The Prior General, or the president designated by him, or, in the absence of both, the Prior Provincial of the preceding three-year term, shall give an appropriate address;
- b) If the Prior General has sent a letter designating the president of the Chapter, the letter is read.
- c) If necessary, the president of the Chapter is elected, in accordance with article 332, §2.
- d) After hearing the views of the Provincial Council, the president appoints the following Chapter officials from among the *gremiales*: a secretary, two revisers of the acts, two scrutineers, and two tellers.
- e) If they consider it advisable, the *gremiales* elect three judges to hear and settle, on behalf of the Chapter, any legal conflicts or other cases which may arise. The judges must report to the *gremiales* on the outcome of their work, at the appointed time.
- f) The ballots of the consultative vote, mentioned in article 331, are opened and their contents made known, if this has not been done beforehand.

**334.**

During the second session of the Chapter, the outgoing Prior Provincial shall present a written report on the spiritual and temporal state of the Province; the other provincial officials shall report on their activities, in accordance with the Statutes of the Province.

**335.**

The *gremiales* shall next determine:

- a) the agenda of Chapter, and the days on which elections are to take place;
- b) whether some religious who are not *gremiales* may take part in the sessions, in accordance with article 221, §2.

**336.**

The *gremiales* shall next examine the document drafted by the preparatory commission, and discuss it in chapter commissions; they shall then return to the plenary assembly to discuss and ratify whatever conclusions might best serve the good of the Church, of the Order and of the Province.

**337.**

Decisions made by the Provincial Chapter are valid for the entire Province until such time as they may be revoked; they may be revoked or amended in subsequent Provincial Chapters.

**338.**

The acts of the Provincial Chapter shall be recorded in a special book, and shall be read at the last session; they shall be sealed with the seal

of the Province, and signed at least by the president and by the secretary. As soon as possible, the Prior Provincial shall send a copy of the acts to the Prior General, whose prerogative it is to approve them, with the consent of his Council. After the acts have been approved, copies shall be sent to all the houses of the Province.

**339.**

Other meetings either of a particular category of religious or of all the voting members of the province are to be encouraged. These meetings are to study more carefully and to resolve problems affecting the whole province, and to increase common responsibility.

*2. The Prior Provincial*

**340.**

§1. To be validly elected to the office of Prior Provincial, the candidate must be one who has received priestly ordination, has had five years of solemn profession in the Order, and is at least 30 years of age.<sup>68</sup>

§2. Only a religious belonging to the Province can be elected Prior Provincial. In exceptional cases, for a good and grave reason, and with the consent of the Prior General, the Provincial Chapter, with due regard for article 322, may elect a friar from another Province to the office of Prior Provincial.

**341.**

Provided the Provincial Statutes do not stipulate otherwise,

a) for the election of the Prior Provincial, only the three candidates who have obtained the largest number of votes during the consultation mentioned in article 331, shall have passive voice.

b) If at least two of the above candidates declare that, if elected, they have the intention of not accepting the office, the Provincial Chapter has the power of deciding how to proceed in this case.

**342.**

§1. The Prior Provincial is elected for a three year term, at the end of which he may be re-elected to the same office; he may not be re-elected for a third three-year term, unless he has been out of office for at least three years.

§2. A Prior Provincial who has come into office to complete his predecessor's three-year term in accordance with article 353, §2, is eligible for two further consecutive three-year terms.

§3. a) The Prior Provincial, if the Provincial Statutes allow it, may be elected for a six-year term. However, he may not be re-elected thereafter, unless he has been out of office for at least three years.

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<sup>68</sup> Can. 129, §1; 588, §2; 596, §2; 623

b) If the office should become vacant before the end of the three-year term, the Prior Provincial who fills the vacancy in accordance with article 353. § 2, shall remain in office only until the completion of the same three-year term.<sup>69</sup>

**343.**

The election of the Prior Provincial shall take place as specified in article 245, unless the Provincial Statutes provide otherwise.

**344.**

The Prior Provincial has full authority of office once he has accepted election and it has been confirmed.

**345.**

The Prior Provincial shall send a report on the state of the Province to the Prior General, in accordance with the Prior General's instructions.

**346.**

In addition to the rights conferred on his office by canon law, the Prior Provincial has all the faculties attributed to local superiors by the present Constitutions. Ordinarily, however, he shall not interfere in the government of individual houses. Moreover, with due regard to article 350, for a just motive commensurate to the action, the Prior Provincial has the following power:

- a) with the consent of his Council, and after hearing the views of the persons concerned, for a grave reason, to remove from office provincial and local officials; in the case of local officials, he shall first hear the views of the Priors concerned, and/or separately those of the voting members of the houses concerned;
- b) with due regard for articles 283 and 348, to transfer religious from one house to another;
- c) with the consent of his Council, to allow members to live outside their community for just reasons, but not for longer than one year. For reasons of study, health, or apostolate in the name of the Order, such authorisation may be given for as long as there is need;<sup>70</sup>
- d) to dispense individual religious, even habitually, from the obligation to recite the Divine Office, and from laws concerning fast and abstinence;
- e) without prejudice to article 201, §4, to dispense individual religious and specific houses, or even the entire Province, from specific provisions of the Provincial Statutes, provided the dispensation concerns purely disciplinary matters;
- f) in accordance with canon 832 of the Code of Canon Law, to authorise members of his Province to publish writings on moral or religious matters.

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<sup>69</sup> Can. 625 §3

<sup>70</sup> Can. 665, §1

**347.**

The Prior Provincial shall visit frequently the houses of his Province, in particular houses of formation, and the monasteries of nuns under the jurisdiction of the Order.<sup>71</sup> During visitations, in keeping with canon 628, §3 of the Code of Canon Law, he shall enter into dialogue with the brethren and with the nuns on all matters pertaining to the observance of the consecrated life.

**348.**

§1. Before transferring religious from one house to another, the Prior Provincial shall, as far as possible, hear their views and those of the local Priors concerned; moreover, he shall take into consideration the circumstances and abilities of individual friars.

§2. Transfers shall be made by a precept, given at the opportune time in writing.

**349.**

When the two Priors Provincial concerned agree, and with due regard for article 202, religious who agree to it or request it, can be transferred from one province to another; the Prior General must be previously informed.

**350.**

Once the Provincial Chapter has been convened, the Prior Provincial may not, without the consent of the Provincial Council, act in any way which would result in changes to the voting members of the Chapter or which would increase or diminish their numbers.

**351.**

§1 If the Prior Provincial is absent or otherwise impeded, he may appoint as vicar any member of the Province who has received priestly ordination, with due regard for article 321, a). If he does not appoint a vicar, the Prior Provincial shall be replaced by the first provincial councillor, according to the order of precedence.

§2. The vicar shall have the same duties and the same faculties as the Prior Provincial, but he shall make no changes in the Province without the consent of the Provincial Council.

**352.**

§1. The Prior Provincial ceases to be in office at the end of the time for which he was elected, if he is removed from office by the Prior General, in accordance with article 278 §1, b), or if he resigns from office.

§2. To be valid, his resignation must be made in writing, or orally in the presence of two witnesses, and accepted by the Prior General, after hearing the views of his Council.

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<sup>71</sup> Can. 628, §1

**353.**

§1. If the office of the Prior Provincial becomes vacant less than six months before the end of the three-year term, the vice Prior Provincial or the first provincial councillor, according to precedence, shall govern the Province until the end of the three-year term, with all the rights and obligations of the Prior Provincial.

§2. If, however, the office becomes vacant more than six months before the end of the three-year term, the vice Prior Provincial or the provincial councillor mentioned in §1 above shall take in hand the government of the Province with all the rights and obligations of the Prior Provincial; however, within one month of the date of the vacancy, with due respect for the provisions of article 322, he shall either convene an extraordinary Provincial Chapter, which shall have the same *gremiales* as an ordinary Provincial Chapter, in accordance with articles 317 or 318; or, if the Provincial Statutes allow, he shall convene the electors in accordance with article 322. In either case, a Prior Provincial must be elected who shall retain the office until the end of the three-year term, when an ordinary Provincial Chapter shall be celebrated.

**354.**

The Prior Provincial of the preceding three-year term shall communicate to the Provincial Council any and all information which might be necessary or useful for the good government of the Province.

**355.**

The office of Prior Provincial is not compatible with the office of local Prior.

*3. The Provincial Council***356.**

§1. The Provincial Council, as a collegial body, in keeping with the law, is composed of the Prior Provincial, the Provincial Councillors, the Vice Prior Provincial and the Assistant Provincial, where these offices exist, except where, with respect to the latter office, the Provincial Statutes stipulate otherwise. As the Council of the Prior Provincial, it is composed of the same persons excluding the Prior Provincial. The Prior Provincial may however vote with his councillors.<sup>72</sup>

§ 2. The provincial secretary is the official secretary (*notaio*) for all the sessions of the Provincial Council.

**357.**

The Provincial Council, as a collegial body, must act according to the norms of the law. As the Prior Provincial's Council, its task is to provide assistance and give consent and advice, in accordance with canon law and with the law of the Order

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<sup>72</sup> See Part IV note 66

**358.**

The Provincial Council is the collegial court of first instance in legal controversies and penal cases within the Province.<sup>73</sup>

**359.**

§1. Without prejudice to article 322, four provincial councillors shall be elected at the Chapter by all the *gremiales*. As soon as the elections have been proclaimed, accepted and confirmed, the provincial councillors shall have voice in the Chapter and in the Provincial Council.

§2. In a General Commissariat, if the Provincial Statutes so provide, only two councillors may be elected,

§3. Provincial Councillors are elected for a three-year term, at the end of which they may be re-elected for a further three-year term; they may only be re-elected for a third term after an interval of three years, unless Provincial Statutes stipulate otherwise.

§4. Should a vacancy occur in the Provincial Council in the course of a three-year term, the Provincial Council shall elect a substitute who shall hold office until the following Provincial Chapter, unless Provincial Statutes stipulate otherwise.

**360.**

To be validly elected to the Provincial Council, a friar must be solemnly professed.

**361.**

The main task of the Provincial Council is to provide effectively for the common good of the Province by implementing existing norms and by other appropriate means; and furthermore to promote cooperation and co-responsibility among all the religious. To this end, the Provincial Council may issue decrees for the Province as a whole or for any individual house, with due respect for canon law and for the law of the Order. In order to accomplish their tasks more effectively, the Councillors, in their particular areas of activity, may call upon the assistance of other religious and of lay people, experts in law, in economics, in technical matters, etc.

**362.**

During the Chapter, and after the Chapter if the Provincial Statutes so provide, it is the prerogative of the Prior Provincial, with the consent of his Council, to appoint:

- a) a Provincial Commissary, where this is required, in keeping with article 375 §1, and after consultation with those concerned;
- b) Priors and other officials in each house, where this is required by the Provincial Statutes;
- c) the director of novices;

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<sup>73</sup> Can. 1427, §1; 1717

- d) one or more formators;
- e) the provincial bursar;
- f) a delegate for the nuns and sisters of the Order;
- g) other officials for those offices which concern the Province as a whole.

**363.**

In addition to the faculties conferred on him under article 362, it is the prerogative of the Prior Provincial, with the consent of his Council:

- a) without prejudice to article 370, to appoint officers for the province whenever such offices become vacant before the completion of the three-year term;
- b) in special cases, and after hearing the views of the persons concerned, to determine extraordinary contributions to be paid by individual houses;
- c) to give authentic interpretations of the Statutes of the Province; such interpretations are no longer valid after the following Provincial Chapter, unless the Chapter confirms them;
- d) with the previous consent of the Prior General, and at the request of the majority of the electors of the Province, to postpone or anticipate the celebration of the Provincial Chapter, but not by more than three months.

**364.**

For a session of the Provincial Council to be legitimate, the Councillors must be present together, according to the norms of article 219, §2.

**365.**

In keeping with Provincial Statutes, the Prior Provincial must convene his Council whenever matters which are the competency of the Provincial Council need to be discussed, or when the consent of the Council is required.

**366.**

At every session, following a prayer for divine assistance, the minutes of the previous meeting shall be read; thereafter, the Council shall proceed to a thorough and careful discussion of the affairs of the Province. The bursar's accounts for the Province shall be examined at least once a year.

**367.**

§1. The minutes of every session of the Council shall be recorded in a special book, signed by all the *gremiales*, and sealed with the seal of the Province. The Prior Provincial shall take care that adequate information concerning the matters discussed should be made available, from time to time, to all the houses of the Province.

§ 2. Copies of the minutes mentioned in §1. above shall be sent to the General Council solely for information. (*pro informatione*)

**368.**

A Provincial Councillor may also hold the office of local Prior if the Provincial Statutes allow it.

*4. Provincial Officials*

**369.**

Those religious who are chosen to fill provincial offices should be outstanding for their prudence, learning and experience, since they will be collaborators of the Prior Provincial, who will avail himself of their work and advice in the government of the province.

**370.**

All the officials of the Province (secretary, bursar, etc.) shall be designated for a three-year term and may be re-appointed to the same offices. Should any of these provincial offices become vacant before the end of the three-year term, another friar shall be designated to fill the office, but only until the end of the three-year term.

**371.**

§1. The Prior Provincial may appoint a religious to be his assistant and help him to fulfil his obligations, as so directed. This religious shall remain under the authority of the local Prior in all matters pertaining to the common life, insofar as his responsibilities to the Prior Provincial allow it.

§2. The Assistant Provincial can also be a local Prior, unless otherwise stated in the Provincial Statutes.

§3. If the office of Prior Provincial should become vacant at any time during the three-year term for whatever reason, the office of Assistant Provincial shall immediately also become vacant.

**372.**

The Prior Provincial shall entrust the archives of the Province to the care of a qualified religious. The archives shall be kept with the utmost care, if possible in the house in which the Prior Provincial resides; all business files and important documents shall be preserved therein, in an orderly fashion.

**373.**

§1. Other offices, functions and commissions shall be created in every Province, whenever they seem necessary or useful to the life and activities of the Province.

§2. The offices, functions and commissions mentioned in §1 above are governed by the Provincial Statutes.

**374.**

Without prejudice to article 371 §3, provincial officials cease in office at the end of the three-year period for which they were designated, as provided under article 346 a); or by means of a written resignation or in the presence of two witnesses and accepted by the Prior Provincial, after hearing the views of his Council.

**5. Government of Provincial Commissariats****375.**

§1. Unless otherwise stipulated in the statutes of the province, it is the prerogative of the Provincial Council, after obtaining the consultative opinion of the voting members of the Commissariat, to elect by canonical election to the office of Commissary one of the three candidates who has received the largest number of votes in the above mentioned consultation.

§2. Unless otherwise determined by the Provincial Statutes, two councillors shall be elected by canonical election by all the voting members of the Commissariat.

§3. The Provincial Commissary shall be elected for a three-year period, to coincide with the term of office of the Prior Provincial, in accordance with article 342.

**376.**

Although the Provincial Commissary is not included among the major superiors, he is nevertheless bound by the same obligations as the Prior Provincial, and, by delegation, enjoys the same faculties as the Prior Provincial, with the exception of those which the Prior Provincial may explicitly reserve to himself.

**377.**

§1. If necessary, a director of formation, a director of novices, a bursar for the Commissariat, and other officials may be appointed within the Provincial Commissariat, in accordance with the statutes of the province.

§2. The above officials shall be appointed by the Provincial Commissary, with the consent of the councillors, and with due respect for article 370.

§3. With the consent of the councillors, and for a just motive, the Commissary may remove the above officials from office and/or appoint new ones.

**378.**

The statutes of the province may include specific norms for the government of the Provincial Commissariat, provided they are not contrary to these Constitutions.

## CHAPTER XXI

### Government of Communities

#### *1. Local Chapters and Councils*

##### **379.**

§1. The local Chapter, over which the Prior or the one who takes his place presides, is the fraternal governing body of the house, in keeping with these Constitutions and with the Provincial Statutes.

§2. In houses where there is no council, the local Chapter will act as the Prior's council.<sup>74</sup>

##### **380.**

§1. In individual houses, all the solemnly professed brethren are members of the local Chapter.

§2. The manner in which brethren who are not yet solemnly professed are to participate in the local Chapter shall be defined in the Provincial Statutes.

##### **381.**

It is the responsibility of the local Chapter to evaluate, especially through dialogue and to choose according to common criteria, the initiatives of the community; to encourage and stimulate responsible cooperation by all members; to examine and assess any commitments made by the community or by individual members; to draw up specific norms for the house and to amend or revoke them for acceptable reasons; to discuss the more important matters; when this arises, to express to the relevant superiors opinions concerning the admission of candidates to profession and to ordination.

##### **382.**

Except as provided in article 390, the local Chapter of each legally established house, in which at least four solemnly professed religious reside habitually, may elect the Prior, the bursar and other local officials, provided the Provincial Statutes allow it.

##### **383.**

§1. On a suitable date after the Provincial Chapter, the local chapter of the houses treated in article 382 shall meet to carry out the matters specified in that same article. The chapter is also to decide other questions which seem necessary or opportune to it.

§2. Other meetings of the local Chapter shall be held at times set by the Provincial Statutes.

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<sup>74</sup> Can. 627, §1

**384.**

§1. Besides meetings of local Chapters, in accordance with the format and times set out by Provincial Statutes, gatherings of all the religious of a community, including non-voting members and, if necessary, experts not belonging to the community, shall be held to discuss matters pertaining to the consecrated life, the apostolate, etc. These meetings are to be planned in advance and discussions should take place even if the Prior, or some of the brethren, are absent.

§2. Different points of view concerning the consecrated and Carmelite life of the community should be discussed at these meetings, keeping in mind the teachings of the Gospel and the form of life which the religious have freely embraced through profession.

**385.**

In houses where more than ten voting members are assigned a Council of the Prior shall be set up, if the Provincial Statutes so provide.<sup>75</sup>

**386.**

Where it exists, the Council shall have the task of assisting the Prior in the fulfilment of his office as leader and animator of the community. Moreover, the Council shall give advice and consent, in the most simple and effective way, in accordance with the norms of canon law and of the law of the Order, concerning those matters, as determined by Provincial Statutes or by the local Chapter.

**387.**

§1. The number of council members, and the manner in which they are to be designated, shall be specified in the Provincial Statutes; they shall remain in office for a three-year term, and may be immediately re-elected for successive three-year terms.

§2. If the common good demands it, and for grave reasons, the Prior Provincial may remove the councillors from office, or accept their resignation.

## *2. The Local Prior*

**388.**

§1. Every house of the Order, even if not canonically erected, in which at least three brethren habitually reside, shall be headed by a Prior, designated in accordance with either article 362 or articles 382, 390, and 392.

§2. A house which depends on another main house shall be governed in accordance with the Provincial Statutes.

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<sup>75</sup> Can. 627, §1

**389.**

To be elected Prior, a religious must be solemnly professed for at least five years and must belong to the Province, except as provided in article 202.

**390.**

When the Prior and other local officials must be elected by the local Chapter:

- a) the voting member who is first by order of precedence shall preside over the election of the Prior. Without prejudice to article 355, the Prior Provincial shall have no voice in this election, except in the house in which he resides.
- b) The election shall take place in accordance with article 245 and must be confirmed by the Prior Provincial.

**391.**

When the local Prior is nominated by the Prior Provincial with his Council, the appointment shall be preceded by appropriate consultations.<sup>76</sup>

**392.**

§1. The Prior shall be designated for three years; if his office should become vacant before the end of the three-year term, another person shall be elected to complete the term.

§2. At the end of the three-year term, the Prior may be re-elected to the same office; however, he may not be elected for a fourth successive three-year period, even in a different house, without an interval of at least three years.<sup>77</sup>

**393.**

The Prior shall:

- a) direct the activities of the brethren and promote their active and responsible obedience in a climate of authentic brotherhood;
- b) reside in his house, and not absent himself except for a just reason;<sup>78</sup>
- c) ensure that his community know and put into practice the directives of the Holy See, of the Conference of Bishops, and of the Conference of Major Superiors; and that it observes these Constitutions and any directives issued by the Order and by the Province;<sup>79</sup>

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<sup>76</sup> Can. 625, §3

<sup>77</sup> Can. 624, §§ 1 and 2

<sup>78</sup> Can. 629

<sup>79</sup> Can. 592, §2

d) convene the local Chapter, in accordance with articles 218 and 219, §1 whenever matters arise which pertain to the competence of the Chapter as such, or which cannot be decided without the advice or the consent of the Chapter.<sup>80</sup>

### 394.

In addition to the faculties conferred on him by canon law, the Prior and his vicar or substitute may, for a just reason:

- a) on a case by case basis, dispense individual members or the entire community from the obligation to celebrate in common the Divine Office, in whole or in part. The obligation to recite the Office privately shall remain in force;
- b) on a case by case basis, dispense individual members or the entire community from obligations concerning fast and abstinence imposed by canon law<sup>81</sup> or by the laws of the Order;
- c) allow individual members to live outside the community on a temporary basis, in accordance with the conditions set forth in the Provincial Statutes;
- d) grant permission to clerics to preach in the community's church.<sup>82</sup>

### 395.

§1. For a just reason, the Prior may resign from office before the end of his three-year term. However, to be valid, his resignation must be made in writing, or orally in the presence of two witnesses, and must be accepted by the Prior Provincial with the consent of his Council.<sup>83</sup>

§2. For a just reason, and with the consent of his Council, the Prior Provincial may remove a Prior from office before the end of his three-year term. Before doing so, however, he shall hear the views of the Prior himself and of each of the voting members in the house, individually.

## 3. Other Local Officials

### 396.

§1. The Provincial Statutes shall decide whether the office of sub-prior (*vice priore*) should be instituted, and determine the extent of his authority.

§2. With due regard for the prescriptions of canon law, the Provincial Statutes shall stipulate who is to govern the house in the absence of the Prior.

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<sup>80</sup> Can. 127, §1

<sup>81</sup> Can. 1245

<sup>82</sup> Can. 765

<sup>83</sup> Can. 187; 189, §1

**397.**

§1. The offices of sacristan, bursar and secretary, and those of other officials, shall be defined by the Provincial Statutes.

§2. Provincial Statutes shall determine the manner in which these offices are to be filled, and their duration.

## CHAPTER XXII

### The Administration of Goods

#### 398.

The Order, the Provinces and the houses as juridical persons can acquire, administer, alienate and use temporal goods, in accordance with canon law and with the law of the Order.<sup>84</sup>

#### 399.

§1. It pertains to the General Chapter, and outside the Chapter, to the Prior General with the consent of his Council, to approve the Financial Directory of the Order containing norms concerning the ordinary and extraordinary administration of goods, and the duties and requirements of bursars.

§2. National and regional financial directors, where they exist, must meet the requirements of the civil legislation in their respective countries.

#### 400.

§1. There shall be a bursar or financial administrator for the Order as a whole, and one for each Province and house. The office of bursar or financial administrator shall not be held by the Prior General, the Prior Provincial, or, where possible, by the local Prior.<sup>85</sup>

§2. To assist bursars in their duties, boards for financial affairs are to be instituted, in accordance with the Financial Directory and with Provincial Statutes.<sup>86</sup>

#### 401.

Every Province and General Commissariat shall make an annual contribution to the ordinary and extraordinary expenses of the General Council, to the institutions which depend from the General Curia, and to common projects of the Order approved by General Chapters and General Congregations, in accordance with the percentages assigned to them by the General Council immediately after the Chapter. These percentages may be adjusted, if necessary, by the General Congregation or by the Council itself, in extraordinary circumstances, always on the proposal of the General Financial Commission.

#### 402.

The bursar shall exercise his office in the service of the brethren, with attentive concern for all their needs, as the administrator of goods belonging to all, in a way that will help them to observe their vow of poverty.

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<sup>84</sup> Can. 634, §1

<sup>85</sup> Can. 636, §1

<sup>86</sup> Can. 1280

**403.**

§1. For the execution of any administrative, legal, or financial act, the official representatives of the Order, of a Province and of a house shall be, respectively, the Prior General, the Prior Provincial, and the local Prior. The Prior, for the area which is his competence may, if he so wishes, delegate this authority to his bursar,

§2. When for the purposes of civil law the office of legal representative is necessary to execute acts valid in the civil forum, such persons shall be nominated in accordance with the Financial Directory and the Provincial Statutes.

To execute acts in accordance with his office the legal representative must obtain the authorisation of the competent authority.

**404.**

It is the responsibility of the respective Prior to supervise with care the administration of all property belonging to the Order, to the Province, and to the houses under their authority. Moreover it is their responsibility to ensure the orderly management and administration of temporal goods.<sup>87</sup>

**405.**

The Financial Directory determines the frequency with which the Bursar General and his board shall meet with provincial bursars to discuss financial and economic matters of the Order.

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<sup>87</sup> Can. 1276, §1

## CHAPTER XXIII

### Departure and Dismissal from the Order

#### 406.

With regard to temporary separation, that is, exclaustation, whether freely requested or imposed on a religious by the Holy See against his will, the norms of canon law and of the law of the Order shall apply.<sup>88</sup>

#### 407.

§1. A friar who, for a grave reason, requests to leave the Order during the time of his temporary profession may be granted the appropriate indulgence by the Prior General, with the consent of his Council.<sup>89</sup>

§2. At the end of his temporary profession, the friar is free to leave the Order. Likewise, for a just reason, and following consultation with his Council, the Prior Provincial may deny him further profession.<sup>90</sup>

#### 408.

§1. Any physical or psychological infirmity which, in the opinion of experts, renders the friar mentioned in the previous article unsuited to life in the Order, even if such infirmity was contracted after profession, is sufficient reason for not admitting the friar to the renewal of temporary profession or to solemn profession, unless the infirmity was contracted through negligence on the part of the Order or because of work performed within the Order.<sup>91</sup>

§2. If, however, a professed member in temporary vows should become insane, he shall not be dismissed from the Order, even if he should be incapable of making his profession.<sup>92</sup>

#### 409.

A solemnly professed brother shall not request an indulgence to leave the Order except for very grave reasons, pondered before the Lord. He shall submit his request to the Prior General, who shall forward it, together with his opinion and that of his Council, to the Holy See, to which is reserved the concession of such an indulgence.<sup>93</sup>

#### 410.

The indulgence itself, once made known to the brother concerned and not rejected by him at the moment of notification, constitutes by force of law dispensation from vows and from all obligations deriving from profession.<sup>94</sup>

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<sup>88</sup> Can. 686, §§1 and 3; 687

<sup>89</sup> Can. 688, §2

<sup>90</sup> Can. 688, §1; 689, §1

<sup>91</sup> Can. 689, §2

<sup>92</sup> Can. 689, §3

<sup>93</sup> Can. 691

<sup>94</sup> Can. 692

**411.**

§1. A member is *ipso facto* dismissed from the Order in cases specified by canon law.<sup>95</sup>

§2. In such cases, if the facts are known with certainty, it is sufficient for the Prior Provincial with his Council to issue a statement of the facts. He shall take care, however, to inform the dismissed member, and to ensure that the evidence collected is preserved in the archives of the Province. The notice and a summary of the documents shall be sent to the General Curia.<sup>96</sup>

**412.**

A brother may also be dismissed from the Order for other reasons, provided they are serious, external, imputable and juridically proven as required by canon 696 of the Code of Canon Law, and provided the norms of canon law are observed.

**413.**

With legitimate dismissal, the vows and any rights and obligations deriving from profession cease *ipso facto*. However, if the dismissed brother is a cleric, he may not exercise Holy Orders until he has found a bishop who will accept him, or at least permit him to exercise his ministry.<sup>97</sup>

**414.**

Brethren who have left the Order shall have no claims on the Order for any activity performed in its favour. Superiors, however, should feel themselves bound in charity to contribute to their needs, in keeping with the statutes, especially at the beginning of their new way of life.<sup>98</sup>

**415.**

It is recommended that Provincial Statutes, with the help of experts in local civil law, set out agreements to be signed by each candidate before he is admitted to the pre-novitiate or the novitiate.

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<sup>95</sup> Can. 694, §1

<sup>96</sup> Can. 694, §2

<sup>97</sup> Can. 701

<sup>98</sup> Can. 702

## EPILOGUE

### 416.

The brethren should make every effort to ensure that the Carmelite ideal, as outlined in the Rule and in these Constitutions, becomes the very wellspring of their lives. Engaged in a single, fleeting journey<sup>99</sup> on this earth, they are to be like exiles in a foreign land; their homeland is in heaven.<sup>100</sup> They should join then with all the saints in striving to understand every measure of Christ's love, which surpasses all knowledge,<sup>101</sup> and aflame with burning love and ardent desire, in aspiring to reach that place which the Lord, on leaving this world, promised to prepare for us.<sup>102</sup> Let them be rooted and strengthened in love, ever vigilant, lighted torches in their hands; increasing their talents so that, at the hour of their death, they may be worthy to hear the consoling words of the Lord as he returns: "Well done, good and faithful servant!"<sup>103</sup>

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<sup>99</sup> Heb 9:27; LG 48

<sup>100</sup> Phil 3:20

<sup>101</sup> Eph 3:17-19

<sup>102</sup> John 14:2-3; Heb 4:11

<sup>103</sup> Matt 24:42-51; 25:1-30; Mark 13:32-37; Luke 12:35-48; 21:34-36