

Practical Factors of Provincial Government

Fr. Zdenko

In preparing my statement I based it on my own experience as Provincial and General Definitor. I have also used the experience of other Definitors in their pastoral visits.

I have limited myself to some aspects in the exercise of the Provincial Office which, in practice, often creates certain difficulties caused by a lack of experience, lack of tradition, perhaps a lack of clarity regarding our laws, or, simply by forgetting.

Without doubt this is not an exhaustive statement and certainly does not encompass all the practical and useful things that a Provincial often encounters in his daily work.

Without making a long introduction I would like to start from the beginning, i.e., the Provincial Chapter.

Provincial Chapter

After the Provincial Chapter you should inform the Generalate about the elections (who has been elected: Provincial, Council, Socius to the General Chapter and his substitute): then, a report on the situation within the Province (projects, difficulties....); the economic situation, and statistics of the Province and the "Resolutions of the Chapter".

This information often does not arrive at the Generalate from the Provinces, especially a report of the state of the Province and its finances. It is clearly stated in our laws: "The Provincial should exercise great care in making his pastoral visitation. After it is completed he should not fail to inform the General of the state of the Province" (N 218).

The Constitutions highlight that "the Provincial shall maintain close contact with all the houses in the Province, making the pastoral visitation of all of them at least once during his three year term" (§201). But since it is not stipulated when he should make this visit, perhaps it would be more convenient for the Report on the state of the Province to be sent to the General at the end of the three year term, because then the Provincial report can be presented at the Provincial Chapter.

Sometimes the General Definitory has a report of the Province only after the General visitation. A report every six years is not enough, i.e., that which the General Definitor makes, because in six years many things can change quite radically. Also it is important for the General House to know how much the Province has taken heed of the conclusions of the General visitation.

Postulations

Regarding postulations, which are often requested after elections in the provinces, it is important to bear in mind what is written in our Norms 175 and 176. It is stressed that postulation "can be allowed only in an extraordinary case" (§175) and for "a grave reason" (§176).

It often happens that the request for postulation comes to the Definitory without any motive or reason that would explain why such a postulation is necessary. Our Constitutions, also canon law, asks that "care must be taken that the same religious does not continue in offices of governance for a rather long period of time without an interruption" (§176). Should some one need to stay in office for longer then the Government of the Order should know the reasons in order to evaluate the request.

Exclaustrations

The same applies when exclaustration is asked for a religious. The Provincial, as you know, can give permission for a religious to live outside the community for a year (N §43). But when exclaustration is requested for more than a year permission is needed from the General.

It is, thus, necessary to have sufficient information, and not simply the positive opinion on the part of the Provincial, i.e., "I agree", "I support the request" etc. Our laws state that exclaustation can be granted "for a grave reason" (N §140), thus Fr. General and the Definitory must be informed if they are to be capable of giving a just evaluation, not doubting that the Provincial has also made a serious evaluation.

Who asks for exclaustation must first find a Bishop who will accept him and this acceptance must be given to him in writing. When the time for exclaustation runs out the case needs to be regulated so that it does not happen that someone had permission for three years which is then prolonged for an indeterminate length of time, without anyone saying anything. The ex-Provincial must inform his successor of these cases.

Regulating the cases of Friars who live outside the Priory

The same applies again regarding permission for a year which the Provincial can give. In certain cases this year becomes many years without the case being regulated. This means that contact should be maintained with the person, to see whether they have the intention of continuing or not. Our Norms, in number 150 say that the superior must look for that religious who has left the Order in order to help him return and persevere in his vocation. If he is not successful, he must initiate a process of dismissal, because one does not know where this person might end up as a member of the Province and then what complications may result for the Province.

It is true that, in these cases, as in cases where someone leaves the Order, we should act with sensitivity and love. All the means must first be exhausted to save a brother, which is the rule of scripture.

Dismissal from the Order

There are many problems in practice when it comes to expulsions from the Order when the juridical procedure is not well known.

Our Constitutions, in particular number 140 must be followed, as well as the relevant paragraphs in canon law, indicated in the said Constitution.

First of all there must be a grave cause, which is external, imputable, and juridically proven. The causes can be found in canons 694-696. Then, there is incorrigibility, in spite of the interventions and the consistent sanctions adopted by the Superiors. It must be specified in the document that is sent to the Superior General a summary of all the attempts by the Religious Superiors, and the support offered to the person to help overcome the crisis so as to return to the right path.

Then there must be canonical warnings and other prescriptions of the law (Can. §697). After gathering the proofs, the first warning must be given in writing or before two witnesses. The reason for the warning must be clearly indicated, and explicit that, if he does not reform, he will be expelled from the Order.

If there is no response, after 15 days, a second canonical warning is sent. Then, after 15 days, if there is sufficient proof of incorrigibility and his defense is insufficient, all the Acts are to be sent to the Superior General. The person involved always has the right of offering a defense directly to the General (Can. §698).

The Superior General, with his Council, (at least 4 members for the Act to be valid) sends out the decree of dismissal (Can. 699).

For it to be valid it must be specified that the Religious, according to the law, has the right of recourse to the Holy See against the decree of dismissal within 10 days of the notification of the decree; and then, during the recourse, the dismissal does not have effect, but is suspended (Can. §700).

With legitimate dismissal his vows cease, *ipso facto*, as well as his rights and obligations coming from profession. And if the member is a cleric he cannot exercise sacred orders until he finds a Bishop who accepts him into his diocese, after a suitable probationary period, in

conformity with norms of Can. 693, or at least allows him to exercise sacred orders (Can. 701: Const. 141).

When a religious has been legitimately dismissed he cannot claim compensation for any work in the Order; however Superiors should observe charity and evangelical justice (Can. §702; Const. §142).

The Provincial as Coordinator of the Communities

One of the most important duties of the Provincial is to be “fostering and coordinating the life and activity of the Province” and in such a way that “all the religious...work together in love and harmony” (Const. §201).

In the same chapter we then read: “With a view to promoting the spiritual good of each community and to fostering a genuine fraternal spirit, he shall maintain close contact with all the houses in the province” (Const. §201); and the Norms in num. 218 add: “he frequently visit all the houses personally, especially houses of formation, and participate for a few days in their community life”.

In this context, during the pastoral visits of the General and Definitory, there are many complaints by various houses about the Provincial because he is never seen in some communities and he does not show any interest whatsoever in the life, ministry and needs of other communities. Sometimes the reasons are due to tensions that exist in these communities, or the tensions that the Provincial has with the prior or some friar of a particular community. But this is not a reason to remain away from a house and avoid making fraternal visits. If this happens, there is the risk that in the end the communities are left to look after themselves for everything and thereby become isolated, almost independent, within the province. Even if there is tension it must be the Provincial who takes the first step, he must organize meetings with the community and with the individual religious, to stop the divisions and to protect communities, by creating a climate of dialogue and collaboration. Where meetings and dialogue are lacking with the religious communities, the result will inevitably lead to divisions, various forms of individuality and, in the end, anarchy.

It is important to mention in this context the Church document “Congregavit nos in unum”, that our General Chapter, in its “Operative Conclusions”, suggests our communities read, study and reflect (§85).

1. The accent is placed on the fact that it is not enough for a superior to have only juridical authority but also spiritual authority. This means that the Provincial should be someone whose life is spiritual and who holds dear spiritual values and who himself is the spiritual promoter and animator in the province.

2. From this, then, it follows that his authority is at the service of unity and collaboration within the province. The Document says: “An operative authority of unity is that which tries to create a climate that is favourable to sharing and co-responsibility, which seeks the support of all for all, that encourages the brothers to assume responsibility and then respects it, which seeks obedience of the religious, in respecting the rights of the individual, who willingly listens to them, promoting their agreed collaboration for the good of the Institute and the Church, which practices dialogue and offers opportune times to meet, which knows how to encourage and offer hope in difficult times, which knows how to look ahead in indicating new horizons for missionary activity. And again: an authority which seeks to maintain the balance between different aspects of community life. Balance between prayer and work, between apostolate and formation, between work and rest”.

Yes, we can say that here is presented an ideal that in practice does not exist, i.e., with all these ideal characteristics. But, this is the road to follow in spite of all the difficulties and unforeseen events that can confront us.

Moving Religious

It happens often that many people in the province do not change house for decades and thus some communities become true monasteries, becoming autonomous and independent. In this way fraternal communion within the province is harmed and its common good. Such people lose the sense of belonging to the province and their only interest becomes what is convenient and useful for that house where they have been conventuals and from which they are never moved.

Even though these moves can often be very delicate and problematic, it is good for the individual religious and also for the province, not to allow some to remain too long in the same house, so that after some time they become immovable. (a wit once said: "Many houses are rich with immovable goods, but it is also true that many friars have by now become immovable").

The Provincial as promoter of pastoral activity

Num. 51 of our Norms states: "It is the right and duty of Provincials in their respective provinces to promote the forms of apostolic activity deemed more suitable as well as to coordinate them in keeping with their own resources and needs".

It is thus important to promote in the communities, above all, apostolates that are specific to the Order and those for which the local Church seeks help, then to create for every community, together with the Church, a pastoral project that is realizable and possible, so that "all the religious may be kept abreast of the apostolic activity of the community", and "whereby individualism and a scattering of forces in the apostolate may be avoided" (N. §48).

This obligation of the Provincial, in practice, is often neglected, leaving thus the space to individualism or over working.

The Provincials are also invited to ensure that "sufficient numbers of religious should be provided for each house according to pastoral needs, lest the spirit of prayer and the common life suffer detriment" (N §51).

It is not easy to achieve this balance between the needs of the apostolate and the demands of community life, but it is always very dangerous when preference is given to one to the detriment of the other.

Initial and on-going formation

Another big task that the Constitutions see the Provincials as being responsible for is formation, both initial as well as on-going.

When our laws speak of the pastoral activity of our communities, the Provincials are asked to ensure that "the religious are adequately trained, in accord with recent Church norms, for the various ministries they are to be assigned to" (N §51 b).

It is true, as the Constitutions state, that in the approval of candidates we should be more concerned with "quality than with numbers" (C §105), but it often happens that, when vocations are few, we accept those who come forward but often without too much clear discernment. This creates very serious problems later on.

The Provincial always has a lot of responsibility for formation beginning with postulancy, and thus is constantly invited to visit the houses of formation, in order to know the situation well, and then, at the end of it, he must always give the 'placet' so that the candidate may be admitted into the novitiate or to profession.

This accompaniment is equally necessary even when the students are sent to the International College, Rome, or to other colleges of specialization, above all when this involves newly ordained priests. There should be on-going contact with the students and their formators in order to have afterwards the persons well formed and well educated.

Every province should have a formation project that comprises of the entire formation period. This will guarantee continuity in formation and not allow things that are not planned. The Order has provided sufficient material that can be used in this context. It is not uncommon for everything to be left to the ability and creativity of the formators who often do not exchange experiences and information with one another.

We must pay attention especially to the formation of our formators, i.e., give them the chance to attend various courses organized by the Order or the local Church in order to be better up to date, and to follow and understand the latest developments in the human sciences and theology.

Promotion of vocations

The responsibility of the Provincial to promote vocations cannot be stressed enough. The Constitutions tell us that "all our religious should have the fostering of vocations to the Order very much at heart" (C §104), but it is up to the Provincial to coordinate this work in appointing religious, "endowed with special qualities" (N §70 d), to dedicate themselves in a special way to this task.

This task is of the greatest importance and it cannot be left to chance. Where there is serious work in this field there are vocations. Sometimes in the provinces there is no such project, no one person is committed to this task, and then it is said that everyone is involved, but no one single person seriously takes it on as their principle duty.

Collaboration between the provinces

This is an area where the defects are clearly visible, not only at the international level, but also within the same country and geographical area.

Sometimes the collaboration is minimal, reduced only to meetings between the Provincials, i.e., that which has to be done. There are no common or concrete initiatives, or very few. It sometimes seems that the provinces are more competitors and rivals than collaborators.

Our General Chapter in Avila, 2003, being aware of this problem, invited the provinces to collaborate. In num. 79, 3 we read: "At the level of nations or regions there will be studies on how to grow in collaboration, in order to live better our Teresian-Carmelite life, in order to improve formation and to carry forward common initiatives, which characterize our presence and service in and for the Church. The General Definitory will look for ways of helping and coordinating greater collaboration, to facilitate such initiatives".

Num. 83 of the Operative Conclusions repeats the invitation to collaborate and num. 118 invites the General Definitory to "dialogue with the provincial conferences and/or circumscriptions, to realize a restructuration project".

It is clear that the Definitory can not do much without the initiatives from the provinces and a willingness to collaborate and restructure.

Books and registers

Sometimes the General Visitor complains that the books and registers of provinces and of individual communities have been neglected, and not kept up to date for a long time, or even, are non existent, or those that do exist cannot be found and no one knows where they are because they have been opened only once in six years (the book of the canonical visitation). It is immediately clear how much notice is taken of the indications of the Visitors.

The presence of religious from one province in the territory of another

Number 43d of our Norms says: "When any friar will be living within the territory of another province for some time, the Provincial of this province is to be advised beforehand".

It often happens that this norm is not respected. This is not referring to the presence of a community from one province in the territory of another, which often creates a lot of problems when there is no agreement with the Provincial of the latter, but with certain religious who come to work in parishes of various dioceses, who are either exlaustrated or are on loan from the province at the service of the diocese. The Provincial in whose territory the friar is working should be notified. Not only because that is what our laws state but also because not to do so would be a sign of a lack of fraternity and courtesy.

When a province wants to create only a presence (not a foundation) within the territory of another province it must first get permission from the General Definitory, but even before this there should be a dialogue with the Provincial of the territory where this presence is desired in order to avoid possible tensions. We appeal here to fraternal understanding on the part of the Provincials when they evaluate the motives of those who want to make a presence within their province.

Provincial Bursar

It is very important to have in the province a bursar who is capable and well prepared and who has a certain inherent understanding of finances. It is not enough that the person be good and honest, he should also understand something about the field of finance. It is therefore necessary to give the candidate for the office of bursar, the opportunity to attend schools and specialization courses in this field: today without being well prepared one will be taking risks.

It is helpful to have also a financial commission as a mechanism to help and to keep check, not because there is a lack of trust, but because it is good and helpful in itself. All this does not concern only the provinces that are better off but also those that are poorer, in order to know how to benefit better from the little we receive in gifts or earn through our ministry.

Then, our laws ask that "every six months the Provincial Bursar is to submit a documented report to the Provincial Council concerning the administration entrusted to him..., each year...he is to inform the communities concerning the economic status of the province...every three years the financial report of the province already presented to the Provincial Chapter shall be sent to the Bursar General" (N §260 a b c).

I stress this because in this area we are all quite sensitive and there is always a danger of doubts emerging and accusations due to lack of clarity, so we need to be very careful and transparent.

Our nuns

At the end I would like to point out also the obligation that the Provincials have regarding our nuns, according in accordance with our Constitutions. This obligation refers not only to the convents (monasteries) under the immediate jurisdiction of the provincials, but also those that are not.

Our Constitutions state, in num. 103: "In accordance with our Holy Mother St Teresa's express wish, our apostolic mission in the Church obliges us to be available for the spiritual guidance and formation of the nuns of the Order. This should be a prime concern to all, and superiors, especially major superiors, should make adequate provision for this in an organized way within their respective jurisdictions".

I do not wish to enter into all the difficulties that are to be found in this area, but this should not be an excuse for those who are responsible to withdraw themselves from their duty.

As I said at the beginning, these are only some practical aspects where often there are gaps or omissions, on the other hand every province has its specific situation that cannot be determined entirely by law, thus many things have been left to the wisdom and prudence of every Provincial.

Fr. Zdenko