

JURIDICAL ELEMENTS AND ADMINISTRATIVE PRAXIS IN THE GOVERNMENT OF THE PROVINCE



DIREZIONE GENERALE OPERE DON BOSCO
ROME

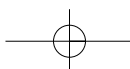
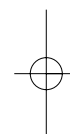
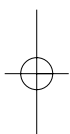


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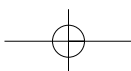
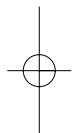
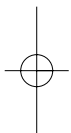
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PRESENTATION

In 1987 the manual 'Elementi giuridici e prassi amministrativa nel governo dell'ispettorato' was published, following the earlier 'Manuale del Segretario ispettorale ['Provincial Secretary's Manual'], integrating aspects of a juridical nature or which concerned administrative practice in the Province, taking account of both the promulgation of the Code of Canon Law in 1983¹, and – for us Salesians – the approval of the renewed text of the Constitutions in 1984.

Now, more than seventeen years later, during which time the text has been there to consult and guide in juridical aspects and for carrying out normative requirements above all at provincial level, we have decided to publish a new edition, revised in part. This was not only because the previous edition was out of stock, but mainly because it was an opportunity to introduce updates tied to the intervening changes in some parts of our own law but also in some aspects of ecclesial practice. As far as our own law is concerned, it should be recalled that in the most recent General Chapters (from GC23 to GC25) some modifications were introduced – albeit small ones – to the texts of the Constitutions and General Regulations, and these had to be taken into account², along with other capitular deliberations. In the Year 2000, besides, the renewed edition of the 'Ratio' ('The Formation of the Salesians of Don Bosco') was published, with its supplementary text ('Criteria and norms for Salesian vocational discernment'). In regard to the Church, as well as some juridical clarifications, there was a need to deal in particular with the norms given in 1991 by the Congregation for Divine Worship and the Discipline of the Sacraments in the case of dispensations from priestly celibacy. All this was looked at in coming to a conclusion that an update of the manual was needed. The changes – in reference to the previous text – are not many, but they need to be considered. The Procurator General, especially for the juridical part, and the Secretary General, worked together on the revision.

¹ Cf. JOHN PAUL II Apostolic Constitution *Sacrae disciplinae leges* Rome 25 January 1983

² In 2003 a revised edition of the *Constitutions and Regulations* was published in which the modifications introduced by the recent General Chapters were included.

As was indicated in the 1987 edition, the current 'Manual' is addressed primarily and specifically to the Provincial and to those who collaborate with him in governing the Province, and for its proper organisation; in a particular way the Provincial Secretary has been kept in mind, since he is there beside the Provincial to help him in attending to the juridical and administrative tasks and to look after the Province archives.

Because of the kind of text it is, it is linked directly to the book dealing with the Provincial's ministry of animation, ("L'ispettore salesiano: un ministero per l'animazione e il governo della comunità ispettoriale" [The Salesian Provincial: a ministry for the animation and government of the provincial community]): in fact it takes up many of the topics to be found there, developing them however from the particular point of view of the law.

As far as the setting out of material is concerned, it remains the same as for the 1987 edition, as can be seen from a quick glance at the General Index.

After an introduction on the meaning of community norms, the first two chapters consider aspects regarding the various bodies of provincial government: the Provincial, his Council, the Provincial Chapter (chap. 1 and 2). Special attention is given to the role of Provincial Secretary, whose various functions are described (chap.3).

Three chapters follow dealing with the 'curriculum' of each member: the stages of incardination in the Society and of the formation that follows (chap. 4,5 and 6).

A complete chapter (chap. 7) is then given to studying the particular situations of confreres who, in various ways, are considering separation from the Congregation. It can be noted how in this chapter particularly, different updates have been added, either to take account of rulings from the Apostolic See (as in the case of the dispensations from priestly celibacy), or to explain more basically certain ways of proceeding in drawing up case documents.

Chaps. 8 and 9 set out the norms respectively for the various Houses and Province in their entirety. The following chapter (chap. 10) presents in general the duties and the faculties that the law grants to the Provincial as a Major Superior and a Religious Ordinary.

After an overview of the economic and administrative procedures (chap. 11), the last two chapters deal with two most important topics for community organisation: communication between the Provincial and the General Administration (chap. 12) and the Archives, both of the province and the local communities (chap.13).

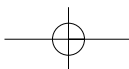
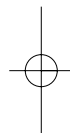
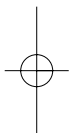
In conclusion what was written in 1987 could be recalled emphasising that it is a question of material of an extremely practical nature: the text is in fact presented as a compendium of norms taken from universal law and from our proper law, with the procedures to follow in carrying out the different tasks. But since for us Salesians no norm has sense if detached from the fundamental purpose of the vocation and mission of our Society, once again it is worth stating the importance of reading this text in the light of the main guidelines of our Rule of life.

This way 'juridical aspects' too, and 'administrative practice' can be useful for carrying out the Lord's plan in the provincial and local communities in the spirit of our Father Don Bosco.

Rome, 24th May 2004.

Fr Marian Stempel
Secretary General

Fr Francesco Maraccani
Procurator General



0. INTRODUCTION LAW AND SALESIAN PRACTICE

The current Manual has as its purpose to assist the Provincial and those who work closely with him – in the first place the Provincial Secretary – in carrying out in practice the tasks of government in the Province. It is directly linked to the book which describes the Provincial's service (*'A Ministry for animation and government of the provincial community'*), where we find the principles and basic criteria for animation and government of the Province, and where we also find practical problems regarding both the structures of government and the people concerned considered specifically from the point of view of law. It is also possible that some of the other topics of this book dealing with the Provincial's ministry are taken up, but from a different perspective and with a typically juridical tone to them.

0.1 Meaning of structures of government and community norms

As we begin to consider juridical aspects, it is good to have in mind the meaning that structures and community norms have in our Society. 1

The Constitutions, in fact, in harmony with all of our tradition, clearly evidence, from the earliest articles, the nature and purpose of the Society. These are to unite the brothers (clerical and lay) into a community of consecrated persons, so that they can be *'signs and bearers of God's love for young people, especially for those who are poor'* (Con. 2). The purpose towards which the Society (and each community, in fact) leans is, then, that of the holiness of its members, brought about through carrying out the mission of education and evangelisation of poor youth (cf. Con. 23).

But when we are dealing with a community of persons, inserted into a human and ecclesial context and with precise pastoral tasks, this same community needs structures and norms to guarantee an orderly and effective carrying out of the mission.

The structures and community norms appear, thus, as *means for making possible and practical the carrying out of the community's educative and pastoral project*: The SGC explicitly said this, referring to general principles of religious life: "The religious life is of its nature charismatic, for this reason it has a spiritual dimension and here its vitality is to be found. From the very fact that religious are human and have specific goals to attain together there is the need to have an organisation as in any other society and this has need of structures."¹

From the principles indicated here we can understand the absolute importance of community norms of a juridical and practical kind, but together with them we do not lose sight of the *spiritual perspective* in which they are considered, since they are always addressed to the fulfilment of the pastoral mission.

For the rest, the SGC continued, in reference to our Founder: "Don Bosco wanted a true Religious Congregation, and he wanted it well organised in such a way that there should be side by side with an informal manner of exercising authority, a structure pedagogically built around the person of the superior."²

0.2 Universal law and proper law

2

What are the 'community norms' that guide and direct our Society – at different levels – so that it can be an authentic Salesian community well organised in fulfilling the mission? The answer is easy: we find these norms for valid and secure organisation in the universal law of the Church and in our own proper law.

¹ SGC 706 cf. *A Guide to the Salesian Constitutions*, Rome 1986, p. 865; cf. Apostolic Constitution 'Sacrae disciplinae leges' AAS 1983, Pars III, p. XXIII.

² SGC 714.

The universal law of the Church – collected together in the *Code of Canon Law* – represents the complex of norms valid for all Religious Institutes, to which our Society too must conform so that its mission will be truly ecclesial, according to the intentions of the Founder. Since the Salesian community receives the Church's mandate and carries it out in its name (cf. Con. 6. 31. 44), it is necessary for its members to be faithful to those dispositions that give ecclesial meaning to its actions. From this we can also draw a practical consequence. Those responsible for guiding the Province need to have an understanding of and to be in harmony with the universal law of the Church; a specific competence is required, then, of the one who carries out the functions of provincial 'chancellor', i.e. the Provincial Secretary.

The proper law of the Society is based on the universal law of the Church itself. In fact the Code of Canon Law, renewed after the Vatican Council II, wanted to leave many practical decisions to the individual Institutes, which are called to express in their own proper legislative codes that which characterises their specific charism for the good of the entire people of God.

The proper law of our Society, according to indications given in Cons. 191, comprises the following texts:

1. The *Constitutions*, which represent the 'fundamental code' and contain the essential elements capable of defining the identity and mission of the Society, the ends it proposes and the spirit that animates it, as well as the key elements of community organisation (cf. CIC, can. 587).
2. The *General Regulations* which translate the essential elements of the basic code into practical norms adapted to changing situations – always at a universal level.
3. The *Deliberations of General Chapters* which determine the practical working guidelines for communities and confreres in a given period of time (for example a six year period) or to reach specific ends. It is along these lines that we collect together the deliberations of General Chapters regarding, for example, community life, the educative and pastoral project, the formative project, the missionary project etc.

4. The *General Directories* which contain the complex of norms valid for the entire Congregation on specific topics (for example the Formation Directory, called “*Ratio institutionis et Studiorum*” – FSDB).
5. The *Provincial Directories* and other *Deliberations of Provincial Chapters* which represent applied norms at the level of the provincial community.

In the following pages constant reference will be made to the above-mentioned normative texts.

0.3 **The service of authority for putting into place community norms**

- 4 The service of authority in communities is strictly tied to the discussion of the community project and to structures and norms for carrying it out.

The Code of Canon Law highlights the fundamental role that authority has in every religious community: it is presented as being among the essential and characteristic elements of every form of religious life (cf. CIC, can. 596 and can. 608); and while it is recognised that the remote basis for religious authority-obedience is the charism given by God to the Founder (and this is why the charismatic nature of the group shines through), universal law emphasises how such obedience-authority finds its place in the ecclesial setting: the hierarchy which approves and authenticates charisms, not only recognises the authority of the Religious superior but also outlines the principal elements of his important service. Can. 618-619 are given precisely to emphasising the prerogatives of authority in the religious community.³

Regarding the Salesian community, art. 121 of the Constitutions points out what must be the role and the characteristics of authority in the school of Don Bosco: it is a service to the brothers, exercised in the name and in imitation of Christ, addressed to “fostering charity, coordinating the efforts of all, animating, orientating, making decisions, giving corrections,

³ Cf. *The Salesian Rector*, Rome 1986 n. 282-283

so that our mission may be accomplished.” Here are listed typical aspects of Salesian authority already gathered together in art. 44, 55 and 65 of the Constitutions.

As part of this service of animation and guidance, there is the specific exercise of government in reference to observance of community norms: this is an unavoidable task for the Superior, who is called to guide the community in fidelity to the community project so that it can fully carry out its mission.

It is clear that this role, touching every Superior in his own community, takes on a particular relevance at province level, for the special meaning that the provincial community has in relation to the carrying out of the Salesian mission in a specific ecclesial and social context.

While the book dedicated especially to the ministry of animation of the Provincial⁴ has provided basic reasons for the exercise of his authority and for the service of animator and guide, this *‘book of government’* aims to be of special help in the implementation of the juridical-administrative requirements necessary in the management of the provincial community.

⁴ Cf. *L'ispettore salesiano. Un ministero per l'animazione e il governo della comunità ispettoriale*, Rome 1987.

1. THE PROVINCIAL AND HIS COUNCIL

1.1 Role and Duties of the Provincial

- 5 Article 161 of the Constitutions says: "Each Province is headed by a Provincial."
The Provincial is therefore the religious Superior who has responsibility for all the houses and all the members of the provincial community (Con 162).

By the universal law of the Church he is:

- *A major superior*, because to him is entrusted the government of a juridical circumscription of the Society (the Religious Province or *Ispettoria*) (cf. CIC can 620);
- *A religious Ordinary* (cf. CIC can 134 §1) because he enjoys "ordinary" power of government and jurisdiction (cf. CIC can 129 (in internal and external forum) over the members and over the communities, within the limits established by the law.

It is to be noted that in the *Vice-Provinces (Visitatorie)* the Superior of the Vice-Province has the same powers and rights as a Provincial. So also in the *Circumscriptions by special Statute*, except in what has been established in a particular Statute of the Circumscription.

The Constitutions of our Society present the figure of the Provincial above all as that of an animator and pastor (cf. Cons 44 and 161) and specify the responsibilities which are entrusted to him in the different sectors of the life and mission of the provincial community (cf. Con 161).

They stress that the Provincial as well as having "ordinary" authority, carries out his ministry in union with the Rector Major, the centre of unity of the whole Congregation.

- 6 Running through the texts of the Constitutions and of the

General Regulations it is possible to summarise the *principal duties* confided to the Provincial:

- *With regard to members and the houses:*
 - to take care of the formation of the members, especially the novices and the young confreres (Con 161);
 - to seek to have frequent personal contact with the confreres and to make the “Provincial Visitation” to each house every year (Reg. 146);
 - to animate the religious life and the apostolic mission of the Province (Con 161; cf. Con 44);
 - to keep in contact with the Rectors, whom he should call together at least once a year to treat of matters of general interest for the Province (Reg. 145);
 - to control the administration of the goods of the Province and of each house (Con 161).
- *with regard to the Salesian Family:*
by means of opportune contacts with the various groups of the Salesian Family, and through his delegate he seeks to promote the sense of belonging and a deeper understanding of the common vocation (Reg. 147); this task forms part of the responsibility which article 5 of the Constitutions entrusts to the Salesian Society to “preserve unity of spirit and to foster dialogue and fraternal collaboration for our mutual enrichment and greater apostolic effectiveness.” The General Regulations explain some of the specific tasks, which regard the animating action of the Provincial in this sector:
 - “It is the duty of the provincial and the rector, assisted by their respective delegates, to sensitise the communities so that they may discharge their duties in the *Salesian Family*.” (Reg. 36);
 - “In response to their request and as far as it lies within our power, we offer to the *Daughters of Mary Help of Christians* our fraternal help and our priestly ministry.” (Reg. 37);
 - “We provide a service of spiritual assistance to the *Don Bosco Volunteers* and to the religious and secular institutes who affirm in their statutes that they have a project of apostolic life according to the salesian spirit”. (Reg. 40);

- The Regulations invite the community to encourage and support the *Association of the Past Pupils of Don Bosco* (cf. Reg. 39). The Rector Major, to whom the Past Pupils refer as the centre of unity, charges the Provincials with the animation of the communities and of the *Association* itself. "The provincial in particular should consider it important to appoint a provincial delegate who is qualified and suitable in other ways. He should plan meetings of rectors of a kind that will lead the latter to a clear understanding of their communities' responsibility for animation and action, and will help them to select (if need be) local delegates who will be able to interpret and translate into practice this duty of every community."¹
- With regard to the *Association of Salesian Cooperators*, apart from what is stated in Article 38 of the General Regulations, here are some references taken from the Regulations of Apostolic Life (RAL) of the Cooperators themselves:
- "Salesian Provincials, because of the specific responsibilities of the Society of St Francis de Sales substitute the Rector Major at local level and guarantee, with the collaboration of the rectors, the bonds of unity and communion. They provide for the spiritual assistance of the Centres and involve their own religious communities in the generous fulfilment of this service of animation" (RAL 23, no.3). "For this reason the Provincial, in union with the Rector Major and sharing in his ministry, has a particular responsibility as regards animation, guidance and promotion..." (RAL 42, no.2). "Delegates are appointed by their own Provincial (SDB or FMA) after hearing the opinion of the members of the respective Council of the Cooperators, and with due regard to the needs of the Centres" (RAL 46, no.2). Article 45 §2 of the RAL finally speaks of the need for the consent of the SDB Provincial (and if necessary also of the FMA Provincial) for the erection of a local centre of the Cooperators.

¹ Cf. The letter of the Rector Major on "Past Pupils of Don Bosco" in AGC321 1987 p.38

- *with regard to lay collaborators*
 - He shows a keen interest in their Salesian preparation and should ascertain how they are integrated into our works (Reg. 148).
- *with regard to social and ecclesial organisations*
 - he will take care of relationships with authorities and ecclesial and religious organisations within the territory of his circumscription; included in this task are the relationships which the Provincial must maintain with Bishops, with Religious Superiors and with the civil authorities in his circumscription.

An annual duty of great importance for the service of animation and guidance entrusted to the Provincial is the **Provincial Visitation** which he must undertake. The Provincial's Manual² speaks at length of the meaning which the Visitation has for contact with the confreres and with the communities in view of the common mission and brotherhood. Here are the organisational and juridical aspects as they are explicitly explained in article 146 of the General Regulations which says:

1. *Once a year he will make with particular care the provincial visitation to each community.*
2. *During the visitation he should meet each member, hold a meeting with the local council, and carry out with the community a review of their religious observance, the witness of their consecrated life, their apostolic zeal in pastoral activities, their concern for fostering vocations and the financial situation. The provincial councillors may assist him in this task.*
3. *At the end of the provincial visitation he should write down in the register kept for the purpose in the archives of the house his observations and decisions of a general character. Those of a confidential nature he should communicate separately. At the next visitation he should verify that they have been carried out.*

² *L'Ispettore salesiano*, Roma 1987, nn. 425-435

1.2 Qualities required for appointment as Provincial

- 8 Following what is prescribed by Canon Law (cf. Canon 623) the Constitutions (cf. art. 162) specify the following qualities needed for a confrere to be validly appointed Provincial.
- a. He must be a *Priest*; this corresponds with the general norm set by article 121 of the Constitutions about the priestly title for guidance of the Salesian community.
 - b. He must be *perpetually professed for at least ten years*; this condition answers the requirement that whoever is called to animate the provincial community has valid experience of the Salesian life and spirit.

1.3 Appointment of the Provincial

- 9 1.3.1 According to the norm of Constitution 162 the Provincial is *appointed by the Rector Major with the consent of his Council*.
- 1.3.2 The appointment by the Rector Major is *preceded "by a wide consultation in the Province concerned"*. The following particulars are to be observed in making this consultation:
- *it is addressed to all the confreres of the Province* (even to those who are temporarily transferred to another Province for reasons of study or illness)³;
 - *it is conducted by the Rector Major*, according to the conditions established by the Rector Major himself;
 - *the results* are sent directly to the Rector Major who will provide personally or by means of a delegate for the scrutiny of the forms.

1.4 Taking possession

- 10 After his appointment by the Rector Major and his Council and before he fully assumes his powers, it is necessary that

³ The norms given for participation in Provincial Chapters are valid also for confreres taking part in the Consultation; these norms can be seen in Reg. 165 and are quoted in this Manual in number 28.

the Provincial *takes possession* of the role of Superior in the Province with which he has been entrusted.

The Provincial takes possession of a Province in a community function in the presence of a Delegate of the Rector Major (the Regional Councillor or the previous Provincial or a Provincial Councillor).

When he takes possession of the Province, the Provincial makes the *Profession of Faith* prescribed by the Constitutions (Con 121)⁴, with the annexed oath of fidelity and signs the corresponding document. For the “profession of faith” and the oath of fidelity please see Appendix A-7 .

The document, certifying the taking of possession, signed by the Provincial, is to be sent to the General Secretariat as soon as possible.

1.5 Length of appointment

- 1.5.1 By virtue of the Constitutions (Con. 163), the Provincial stays 11
in office for *six years*.
The particular law of the Society prescribes that *ordinarily* (except that is for very serious reasons) at the end of his six years, the Provincial is not confirmed in office neither in the Province where he has exercised his ministry, nor in any other Province.

- 1.5.2 During the six years the Rector Major, with the consent of his Council, can transfer the Provincial elsewhere or appoint him to another office if he judges such action necessary for the good of the Congregation (Con 163).

1.6 Composition of the Provincial Council

Canon 627.1 of the Code of Canon Law says: “Superiors are to 12
have their own Council, in accordance with the Constitutions and they must make use of it in the exercise of their office.”

⁴ Cf. CIC canon 833, 8.

The Salesian Constitutions, obeying canonical directions, state that the Provincial may be assisted by a Council which “assists him in everything that concerns the animation and government of the Province.” (Con 164). It is up to the Provincial to convoke the Council, arrange the Agenda and preside at the meetings.

Whilst the text of the Constitutions recommends that “in matters of greater importance he should always listen to his Council” (Con 165), article 155 of the Regulations prescribes that “the Council shall be called together at least once a month, and the agenda to be dealt with shall be made known in advance.”

- 13 With regard to the *composition of the Provincial Council*, the Salesian Constitutions (Con. 164) state that it is made up of:
- the Vicar of the Provincial (Vice-Provincial);
 - the Provincial Economist;
 - and ordinarily three or five other Councillors.

The decision on the number of Councillors (three or five), besides the Vice-Provincial and Economist, will depend on the situation and the needs of the Province (numbers, territorial extension, facility of animation...) and will be proposed to the Rector Major by the Provincial himself.

The Constitutions do not foresee that the Councillors will be given a particular sector of animation (similar to what happens in the General Council); however, this does not prevent the Provincial from charging individual Councillors to help him in a special way in a specific sector (Youth Ministry, Formation, Salesian Family ...)

1.7 Requirements for appointment as Provincial Councillor

- 14 1.7.1 For a member to be appointed a Provincial Councillor the Constitutions require that he *be perpetually professed for at least five years and no longer in the period of initial formation* (for a brother, that is, that he has finished his formation studies, for a cleric that he be a priest or a permanent deacon) (Cf. Con. 166).

This answers the need for the Provincial Councillor, called to collaborate with the Provincial in discernment and anima-

tion, to have completed his formation and to have had genuine experience of Salesian life and activity.

- 1.7.2 A requirement *for the Vice-Provincial* is that he be a *priest*. This need is tied to the fact that the Vice-Provincial, taking the place of the Provincial in the ordinary governance of the Province, is a Major Superior and Religious Ordinary (like the Vicar-General in a diocese); the general norms given in article 121 of the Constitutions therefore apply to him. It is to be noted in particular that the Vice-Provincial, bearing in mind Canon 833.8 and Constitution 121 must make the profession of faith before assuming office.

1.8 Appointment of Provincial Councillors

- 1.8.1 Provincial Councillors *are appointed by the Rector Major with the consent of his Council* (Con. 167). Given the importance which Provincial Councillors have in the animation of the Province, the Constitutions want the Superior General himself to select the persons who are most suitable to assist the Provincial in his important duties. The Provincial, however, is called upon *to make his proposals* to the Rector Major; he knows the Province and its needs for adequate animation at first hand and it is therefore appropriate that he proposes to the Rector Major those people whom he sees are most suitable for collaboration. **15**
- 1.8.2 The Constitutions prescribe that for the appointment of Provincial Councillors *a wide consultation* be made among the confreres of the Province (Con. 167). The manner of such a consultation, following the norm of Regulation 154, is fixed by the Rector Major with the consent of his Council. The principal indications given by the Rector Major and his Council are published in number 312 of the Acts of the General Council.⁵ **16**

A. The Consultation

1. *All the confreres of the Province* are to be consulted. In his

⁵ Cf. AGC312, 1985 pp. 54-55.

duty of animation the Provincial should aim at arousing a sense of participation and co-responsibility. (Con. 123)

2. Every confrere should be invited to *propose on the appropriate form three names in order of preference* with the reasons for his choice; This is to be done separately for the Vice-Provincial, for the Economer and for each of the Councillors who are finishing their term of office. It should be borne in mind that in accordance with Constitution 167 the members of the Council finishing their first three-year period may be re-elected.
3. The Provincial *conducts the consultation at least every three years* and it remains valid for the following three years. This presumes that the expiry dates of the Councillors during the triennium are listed and are made known to the confreres along with the specific duties they perform in the Council itself.
4. The consultation should be made in good time so that the proposals reach the Rector Major for examination during one of the two plenary sessions of the General Council.

B. Examination and evaluation of the results.

5. The counting and the evaluation of the replies of the confreres are to be *undertaken by the Provincial*. He will examine and analyse the opinions of the confreres so that he can accurately fill in the *appropriate forms* which come from the General Secretariat. The Provincial will send to the Rector Major a copy of each form with the results of the Consultation.
6. The Provincial, bearing in mind the results of the Consultation and after careful reflection and discernment, will decide on the *proposals which he will send to the Rector Major*, along with the results of the consultation on another form furnished by the General Secretariat. The Provincial may consult trustworthy people, but, because of the nature of the Consultation and the ends which it proposes, it is not something to be submitted to the examination and vote of the Provincial Council.

1.9 Period of Office of Provincial Councillors

The Constitutions state that the period of office of each Councillor is *three years* (Con. 167). At the end of the three-year mandate the Councillor *may be re-elected* following the procedure given above (consultation, proposal of Provincial, nomination of the Rector Major with the consent of his Council).

The Constitutions also state that, during the three-year period a Councillor *may be relieved of his office*. In this case it is prescribed that, since the appointment of the Provincial Councillors lies within the jurisdiction of the Rector Major, then his being relieved of office, also in the case of the one concerned requesting it, *depends solely on the Rector Major himself*.

1.10 Consent and opinion of the Provincial Council

The Constitutions and Regulations indicate the main tasks of the Council which assists the Provincial in everything that concerns the animation and government of the Province (cf. Con.164-165; Reg. 155).

The cases in which the Provincial must have the consent or must hear the opinion of his Council are spelt out in detail. In these cases it must be borne in mind that:

- When the *consent* of the Provincial Council is required the Provincial *acts invalidly* if he has not duly convoked the Council and if he has not received its positive consent (the positive vote of the majority of the Councillors present). It is to be noted that, in proposing the vote for this consent, the *Provincial does not vote* nor does his vote count in resolving an equal vote of the Councillors.⁶
- When the *opinion* of the Council is requested, the Provincial is bound to ask the Council for it but he is not obliged to follow the opinion of the majority in the decision he takes.

This having been said, there follow the various cases in

⁶ See, in this case, the official interpretation given by the Commission for Interpretation of CIC in AAS 1985, p.771.

which the consent or the opinion of the Provincial Council is required, as they are given in the Constitutions or General Regulations:

- 19 A. *Cases in which the Provincial must have the consent of his Council:*
1. Admission to novitiate, to profession, to ministries and to sacred orders (Con. 108);
 2. Appointment of a Rector or his possible transfer (Con. 177);
 3. Appointment of the Director of Novices (Con. 112);
 4. Setting up provincial Delegations and appointment of Delegates (Con. 159);
 5. Request to the Rector Major and his Council for authorisation to open or close houses, to modify the scope of existing works and to undertake extraordinary works (Con. 132);
 6. Convocation of an extraordinary Provincial Chapter (Con. 172);
 7. Financial operations as specified in article 188 of the Constitutions (cf. also Reg 193);
 8. The determination of sectors of activity which will be represented in local councils (Con. 180);
 9. Modification of the ordinary structures and roles within communities (Con. 182);
 10. Authorisation of confreres to live outside the religious house (Can 665 §1; cf. Con. 165);
 11. Agreements with local Ordinaries and ecclesiastical and civil bodies (Regs. 23 & 25);
 12. Setting up mission offices and making twinning arrangements (Reg. 24);
 13. Authorisation given to a confrere to perform pastoral work in non-Salesian institutes (Reg 35);
 14. Decision to change the Provincial House (Reg. 153);
 15. Appointment of a Moderator of the Provincial Chapter and invitation of experts and observers to it (Reg. 168);
 16. Determination of the manner of consultations for the appointment of Rectors (Reg. 170);
 17. Appointment of a Rector to another office before the completion of his mandate (Reg. 171);

18. Approval of the annual financial budget and balance sheet of the Province (Con. 190; Reg. 196);
19. Determination of the contribution of the houses required for the needs of the Province (Reg. 197);
20. Authorisation of modifications and other initiatives of any considerable importance in the houses (Reg. 200).

B. Cases in which the Provincial must seek the opinion of his Council: **20**

1. for the choice and preparation of personnel for formation communities (Reg. 157);
2. for the selection of parish priests (Reg. 27);
3. for the temporary transfer of a confrere to another Province (Reg. 151);
4. for the appointment of the Provincial Secretary (Reg. 157);
5. for the setting up of offices and secretariats, and the establishing of commissions for consultation or pastoral activity at provincial level (Reg. 160).

2. THE PROVINCIAL CHAPTER

2.1 Nature and Responsibilities of the Provincial Chapter

- 21 Articles 170 and 171 of the Constitutions determine the nature and competence of the Provincial Chapter. Such aspects are amply treated elsewhere¹, but it is opportune to recall here the essential elements.

From a charismatic point of view the Provincial Chapter is fundamentally “*the fraternal gathering* in which the local communities strengthen their sense of belonging to the provincial community” (Con 170); it is therefore the place and the privileged moment for the co-responsible construction of the provincial community and the examination and evaluation of its mission.

Juridically the Provincial Chapter is the *Representative Assembly* of the confreres of the local communities. In fact, by means of the local and provincial elections the proportional presence of all the communities and of all the members is guaranteed, and the sum total of the activities and the works of the Province are reflected on.

- 22 **The responsibilities of the Provincial Chapter** are clearly indicated in article 171 of the Constitutions and in article 167 of the General Regulations:

1. To decide on what pertains to the good *running of the Province*; in particular, to enquire into suitable means for promoting the religious and pastoral life of the Provincial Community (Con 171 1.2).
Forming part of this task:

¹ *Guide to the Reading of the Salesian Constitutions*, Rome 1986 p. 833 and following; cf. also *The Salesian Provincial*, Rome 1987, numbers 416-421.

- to study and analyse the report of the Provincial on the state of the Province (Reg. 167,1);
 - to suggest ideas and criteria for the planning and reorganization of the works of the Province (Reg. 167,3);
 - the contribution which the Provincial Chapter can give for the Provincial Educative and Pastoral Project (cf. Reg. 4).
2. To formulate and revise the *Provincial Directory* in matters left to be decided at provincial level (Con. 171,4).²
 3. To study and evaluate how the deliberations of the previous General Chapter have been carried out and to prepare suitably for the next. For this last case the Provincial Chapter must elect *one or more delegates to the General Chapter* and their substitutes (Con. 171,3.5; Reg. 167,2).

2.2 Convocation of the Provincial Chapter and its frequency

- 2.2.1 *Convocation of the Provincial Chapter* is made by the Provincial (Con. 172) with an appropriate circular letter addressed to the confreres of the Province. **23**
In the letter of convocation the Provincial explains the objectives which the Chapter proposes, communicates the name of the Moderator and indicates the time foreseen for the preparation and celebration of the Chapter.
- 2.2.2 *The Provincial Chapter shall ordinarily be called together every three years* (Con. 172). **24**
The triennial rhythm can be modified when a General Chapter is convoked for motives foreseen by article 143 of the Constitutions (death or resignation from office of the Rector Major) or by article 149 (Extraordinary General Chapter).
- 2.2.3 In cases of special necessity, when the good of the Province requires it, an *extraordinary Provincial Chapter* can be convoked. **25**
The decision for the convocation is made by the Provincial who must have the consent of his Council and who must consult the Rector Major (Con. 172).

² Cf. AGC315, 1985 pp. 35-43.

2.3 Composition of the Provincial Chapter

26 The composition of the Provincial Chapter is determined by article 173 of the Constitutions.

Some members of the Provincial Chapter are there by right, others are elected.

2.3.1 *The members by right ("ex officio") (in virtue of their office) are:*

- the Provincial and Provincial Councillors;
- the Delegate of each of the Provincial Delegations;
- the Moderator of the Provincial Chapter;
- the Rectors of all canonically erected houses; or, if a Rector is seriously impeded, the Vice-rector with the previous approval of the Provincial;
- the Director of novices.

2.3.2 *Elected members:*

For these the Constitutions provide for two separate elections at two different levels:

- a. *at local level:* every house, or group of houses, elects its delegate to the Provincial Chapter in accordance with what is laid down below;
- b. *at provincial level:* delegates are chosen from among the members of the Province (who are not members by right or already elected in the individual houses) in proportion of 1 for 25 or fraction of 25 members of the Province.

2.4 Procedures for elections to the Provincial Chapter

27 It is opportune to summarise the procedures for elections to the Provincial Chapter as indicated by the Constitutions and the General Regulations.

2.4.1 *For elections at the level of each house:*

- a. In the case of a **canonically erected house with at least six members**: the confreres belonging to it meet, under the presidency of the Rector, to elect a delegate for the Provincial Chapter and a substitute who will take his

place if he is definitely unable to take his place at the Chapter (Reg. 161-162). The norms for the voting are given in article 153 of the Constitutions: both the delegate and the substitute are elected by secret vote; whoever receives the vote of an absolute majority of those present will be considered elected. If the first scrutiny should be ineffective, there shall be a second and a third. If the third also should be inconclusive there shall be a fourth in which the only candidates shall be the two members who have obtained the highest number of votes in the third scrutiny. If again there should be an equal number of votes, the senior by profession shall prevail, and in the case of equality of profession, the senior by age.

- b. In the case of a ***canonically erected house but with less than six members***: the Provincial shall arrange for its confreres to meet with those of a house (or more houses) in identical conditions and together, under the presidency of the Rector who is senior by first profession they will proceed to the election of a delegate and a substitute under the voting norms indicated above.
If for various reasons it is not possible to join together canonically erected houses in the above-mentioned conditions, the Provincial shall arrange that the confreres of the house with less than six members join those of a neighbouring canonically erected house with six or more members (Reg 163).
- c. In the case of a ***Salesian house not yet canonically erected***: since it must always be linked to a (neighbouring) canonically erected house, the Provincial shall arrange for the confreres of the community not yet canonically erected to join those of the house to which they are linked, and together, with equal rights active and passive they will proceed to the election of a delegate and substitute to the Provincial Chapter.

2.4.2 For the elections at provincial level the procedure is indicated in article 165 of the General Regulations. The article is reproduced here in full: **28**

- 1. When the election of the delegate of each community has

been completed, the provincial will notify the confreres of those elected, and will send them a list of the perpetually professed members of the province who are eligible for the provincial chapter. This list will include confreres temporarily and lawfully absent from the province and exclude confreres of other provinces present for the same reasons;

2. confreres who for lawful reasons are temporarily absent from their province will participate in the election of the community in which they reside, but for the election of delegates of the provincial community they will receive from their own provincial a voting-paper which they will return to him duly completed;
3. the number of those to be elected is in proportion of 1 for every 25 or fraction of 25 members of the province; in arriving at the number both temporarily and perpetually professed members are included, as well as confreres temporarily absent from the province for lawful reasons;
4. each confrere with the right to vote will receive from his provincial a voting-paper on which he may indicate as many names as there are members to be elected;
5. it is for the provincial to collect the voting-papers and guarantee the secrecy of the voting;
6. the counting of the votes will be done by scrutineers appointed by the provincial. Those who have the highest number of votes in successive sequence will be elected. If votes are equal the senior by profession will be elected, or in the case of further equality the senior by age;
7. if the substitute of a delegate of a community is elected on the provincial list a new election for the substitute will be made. If one of those elected on the provincial list cannot take part in the chapter, he will be substituted by the first of the non-elected members who received the highest number of votes.

29 2.4.3 *With regard to participation at the elections* (cf. Con.174; Reg. 165) the following is to be noted:

- a. all the members who are residing in the community take

part in the election of the delegate and substitute ***in the local community*** even those who have only been transferred temporarily (unless they are guests who are simply passing through); in particular, students in formation houses or houses of study and confreres temporarily transferred to a house because of illness vote in the election of delegate and substitute;

- b. all the perpetual and temporary professed who, at the time of the elections for the chapter, *live and work in the Province*, take part in the election of delegates ***in the provincial community***, both those who are definitively incardinated (in the Province) and those who have been temporarily transferred for reasons of work. Confreres from another province who are present in the Province for reasons of study or health or work directly concerning the province to which they belong are excluded. (These take part in the voting for the province to which they belong.)

Confreres of the province who are *legitimately absent* from the province also take part in provincial ballots. These are students who are away from the Province and others who are elsewhere for reasons of health or apostolate on behalf of the Province or who are legitimately absent (*absentia a domo*) provided that, in this last case, there is no mention of loss of voting rights (active and passive) in the document granting leave of absence.³

- 2.4.4 In special cases our own particular law allows ***voting by letter***. 30
Article 164 of the General Regulations says the following concerning this:

Besides what is prescribed in article 165 of the General Regulations, voting by letter is allowed, with the approval of the provincial, in the following cases:

³ Confreres who are exclaustated do not take part in the election of delegates for the Provincial Chapter (nor can they be elected) whether they have an Indult of Exclaustation granted by the Rector Major or whether they have been secularised “ad experimentum” in a diocese (These have the state of exclaustated confreres during the period of probation). Canon 687 of the Code of Canon Law states that the exclaustated religious has neither active or passive voice.

1. when because of distance or other serious reason the members of communities with less than the minimum of six professed members cannot meet together nor join the members of another house with six or more professed members for the election of the delegate to the provincial chapter;
2. when a confrere cannot be present for serious reasons at the election of the delegate of his own community;
3. when a member of the provincial chapter cannot attend the chapter for the election of the delegate of the province to the General Chapter.

31 2.4.5 *For an adequate representation of members* in the Provincial Chapter the Provincial should bear in mind what article 169 of the General Regulations says:

“In elections, consultations and appointments it should be kept in mind that it is desirable for chapters and councils to express by the significant presence of clerical and lay members the complementary relationship between them that is characteristic of our Society.”

2.5 **Special norms for the functioning of the Provincial Chapter**

32 2.5.1 *Appointment of the Moderator*

With the consent of his Council the Provincial has the power of appointing the Moderator of the Provincial Chapter (Reg. 168).

He will attend to this in good time so that the confreres can send their proposals or observations to the Moderator or obtain information from him.

After the appointment of the Moderator, the Provincial and his Council can also appoint a *Preparatory Commission* for the Chapter itself.

33 2.5.2 *Experts and observers at the Provincial Chapter.*

With the consent of his Council the Provincial has the power of inviting to the Provincial Chapter Salesians and non-Salesians as experts and observers without the right to vote (Reg. 168).

2.5.3 *Standing orders of the Provincial Chapter* 34

It belongs to the Provincial Chapter, after it has been convoked and declared open, to establish standing orders for the functioning of the Provincial Chapter (Reg. 167, 4).

The Provincial Chapter, in drafting its own standing orders will bear in mind both the prescriptions already established by the universal law or by our own particular law and those norms possibly contained in the "Provincial Directory"; the Provincial Directory can in fact lay down norms which are judged to be sufficiently lasting, so as to be applied to succeeding Provincial Chapters.

2.5.4 *Manner of substitution at Chapters* 35

Among the norms which the Provincial Chapter must decide there are those regarding *the manner in which substitutes to the General Chapter take part* (cf. Reg. 162). Such procedures refer particularly to the manner in which each individual substitute will take the place of one or other delegate to the Chapter in the event that he is unable to be present: this obviously concerns provinces which have more than one delegate.

3. THE PROVINCIAL SECRETARY

In the exercise of his ministry the Provincial avails himself of the work of collaborators who support and help him: first the Provincial Council which – as we have seen¹ – assists him in the service and animation and guidance and in discerning what is necessary for the life and mission of the provincial community; then of the collaborators taking part in the various provincial teams (committees or commissions) which make their contribution by study and action in the various sectors of Salesian life and action: formation, youth ministry, Salesian family, social communications, economy.

Among the collaborators of the Provincial, the **Provincial Secretary** has a special role, which is particularly close to the Provincial above all in those things which touch on the organisational and juridical aspects of provincial life.

The present Manual, which treats in a special way of the juridical and administrative tasks relative to the government of the Province, concerns the Provincial Secretary in a special manner, as well as the Provincial himself.

3.1 The role of the Provincial Secretary

36 The role of the Provincial Secretary is described, in an essential and complete manner by article 159 of the General Regulations which states:

“The Provincial and his Council have at their service a secretary who has the role of a notary.

“He is present at the meetings of the Council without the right to vote, unless he is one of the councillors; he records

¹ Cf. nn 12-20, pp. 25-31.

the minutes. He is in charge of the provincial archives and sees to the collecting and recording of statistics. He is appointed by the provincial after hearing the opinion of the council and remains *ad nutum*.”

As can be seen the article of the Regulations unequivocally takes us back to article 144 of the Constitutions which describes the role of the Secretary General. The tasks which our rule assigns to the Secretary General for the whole Congregation are practically all transferred to the provincial level.

From the text of the General Regulations it can immediately be seen that the Provincial Secretary is described as a close collaborator of the Provincial and his Council; he is at their service and, through them, at the service of the province.

On the one hand the secretary is presented as a trustworthy man of the Provincial and his Council on whom they can rely for the ordinary discharge of business regarding the confreres and communities; on the other hand he fulfils an important community service for the orderly life of the Province and its history.

3.2 Duties of the Provincial Secretary

The duties the Provincial Secretary is called upon to fulfil can be better understood from a study of the four profiles which follow.

3.2.1 *Function as a notary*

37

Something which stands out prominently in the General Regulations (Reg. 159) is the specification “with the role of a notary”.

This means that the Provincial Secretary has the role of “*notary*” or “*chancellor*” in the provincial community. In fact:

- he registers the acts of provincial government and sends them, in the required manner, to Salesian headquarters;
- he acts as “*actuary*” in business of a juridical nature to be sent to the Apostolic See.
- his signature, on acts that require it, provides public proof of the regularity of procedures.

One special task of the Provincial Secretary, which is included in his function of “chancellor” is his participation in the meetings of the Council (without the right to vote, unless he is one of the councillors) and the writing up of the *minutes of these meetings*. This in itself is a very sensitive and important task since in the minutes of the meetings of the Council is preserved a faithful record of what the Provincial and his Council are doing in their search for the will of God and in their guidance of the communities. The Secretary will therefore take particular care in compiling the minutes of the meetings of the Provincial Council, recording the deliberations and the essential lines of the process of discernment used in the Council. The minutes, kept in the provincial archives (in a reserved place) are a document of fundamental importance.

38 3.2.2 *In charge of the services of the secretariat*

The provincial secretary is in charge of a number of services which are part of the responsibility of the provincial centre. Of particular note are the following:

- the “*provincial correspondence register (protocol)*” which entails registering all the official correspondence of the provincial offices;
- the careful compilation and preservation of documents relating *both to the confreres and to the houses and the province*; a section of the secretariat office is set aside for personal details and records;
- the collection of *statistical data*, regarding the province which is to be sent to the centre of the Congregation.

There are also numerous duties of a logistical nature which can find in the secretary the person always available for the good of the confreres and of the community.

39 3.2.3 *Channel of information and communication*

Because of his position – close to the provincial and his council and his responsibility for various services at the provincial centre – the provincial secretary is a person who is able *to encourage communication and information*:

- both between the province and the centre of the Congregation (by means of prompt dispatch of documents, data and information);
- within the provincial community, collecting information from communities and also communicating to the communities all that the provincial charges him to do.

Even though the publication of the Province "News Letter" is often entrusted to a team in the Province, this team may find in the provincial secretary an important point of reference that is very useful for the information to be distributed.

It is also the task of the Provincial Secretary, in agreement with the Provincial, *to dispatch the Acts and official documents* sent out by the Provincial with his Council.

3.2.4 *In charge of the Provincial Archives*

40

One of the most important tasks which the General Regulations entrust to the Provincial Secretary (and to the Secretary General at world level) is responsibility for looking after and preserving the archives of the Province.

This theme will be taken up again in the Chapter dedicated to the Archives, but even now it is necessary to stress the importance which the Archives have in the history of the Province, for the preservation and handing down of the genuine aspects of the family tradition.

3.3 **Attributes of the Provincial Secretary**

For the tasks which he is called upon to undertake in the service of the Provincial and his Council it is important that the secretary cultivate a number of attributes that ought to distinguish him. Some of these are: 41

- for his function of "notary" it is indispensable that the Secretary has a *good knowledge of Canon Law and of the law proper to our Society*: he is in fact often called upon to make people aware of what is required by the law for the validity of the acts; for some juridical practices, in particular, the role of the "actuary" ordinarily lies within his competence.

43

- being the right-hand man of the Provincial and his Council (he is “their hand and their memory” as has been said) it is necessary that the Secretary be distinguished by his *faithful and loyal collaboration, humble dedication, prudence and equilibrium*. As the name itself shows (“*a secretis*”) he must be a man of discretion, capable of keeping secrets, and at the same time pleasant and able to deal with people. It is important to emphasise that, since he takes part in the meetings of the Council, he must be very discreet regarding matters discussed in the Council and discernment procedures carried out there.
- it is moreover important that the Secretary has a marked *Salesian sensitivity* and a great love for the Congregation and for the Province which he is called upon to serve; he will thus know how to find in his work, which can appear dry and sometimes keeps him shut up in his office, a meaningful apostolate through the contribution which he brings to the building up of the community and its mission;
- finally, it must be stated that it is necessary for the Secretary to be aware that he must keep himself constantly *updated*, also from the technical point of view, if he is to give effective and valid service.

These are the qualities which the Secretary must seek to cultivate, conscious of his own limitations but trusting in the help which the Lord gives him.

3.4 Appointment and term of office of the Provincial Secretary

- 42 Our rule lays down that the appointment of the Provincial Secretary is the prerogative of the Provincial who must hear the opinion of the Provincial Council (Reg. 159). In view of the functions which he must fulfil in his service of the Province, our rule does not fix an expiry-date for the term of office of the Secretary. He remains “*ad nutum*” (at the will of) the Provincial. Taking stock of the qualities and the expertise which he must possess, the Provincial with his Council will assess the appropriate time for the task entrusted to the Secretary; in any case the service to the Province and to the Congregation will demand that the change of the Secretary should not occur too frequently.

4. ENTRANCE INTO THE SOCIETY PRENOVITIATE AND NOVITIATE

In this Chapter the rules and procedures regarding entry into the Society of a new confrere will be examined.

In two successive sections the stages of the PRENOVITIATE and NOVITIATE will be considered.¹

I. NORMS REGARDING THE PRENOVITIATE

The Constitutions (cf. Con. 109) have stipulated that before going to the novitiate the aspirant should have a period of “special preparation”: it is a stage which immediately precedes the novitiate, and is also called “prenovitiate”.

4.1 Admission to the Prenovitiate

Nothing is prescribed by the Constitutions and by the General Regulations regarding the procedure of admission to the Prenovitiate. The “*Ratio*” however gives some criteria so that admission to this stage meets the need of our vocation and mission.²

Each individual Province is to state in its own *Provincial Directory* the most convenient methods for initiating candidates into this time of special and intensive preparation for the novitiate (Cf. Reg. 88).

¹ The rules quoted here refer to the *Ratio Institutionis et Studiorum* (FSDB, Rome 2000) and to Criteria and norms for Salesian vocational discernment (Rome 2000) as well as to the Constitutions and General Regulations.

² Cf. FSDB 351; Criteria and norms for Salesian vocational discernment, 112.

4.2 The objectives

- 44 The objectives of this period which immediately precedes the novitiate are indicated in article 109 of the Constitutions: it is a special time which aims at the deepening, on the part of the aspirant, of his vocational choice; his maturing as a man and as a Christian and verifying his suitability for beginning the novitiate.
This experience also allows the Congregation to judge the maturity of the candidate to enter the novitiate.³

4.3 The formative environment

- 45 Our rule leaves it to the *Provincial Directories* to determine the environment in which candidates to the Salesian life must make their immediate preparation (cf. Reg. 88). However, some conditions which cannot be set aside have been determined:
- the experience must be spent in a *Salesian Community* which provides the opportunity for a knowledge of and a real contact with Salesian community and apostolic life (Con 109, Reg. 88).⁴
 - there must be a *guide* who personally follows the prenovices and helps them in maturing their own vocational choice (Con 109).⁵

For the studies during this time see what FSDB 342 and 353 have to say.

4.4 Length of Prenovitiate

- 46 The length of the prenovitiate experience must be *at least six months* (Reg. 88).⁶
When deciding on the beginning of the prenovitiate our

³ GC 21, 269; see also FSDB, 331.

⁴ Cf. FSDB, 344, 348.

⁵ Cf. FSDB 345

⁶ Cf. FSDB 349

“*Ratio*” asks us to bear in mind Canon 643 §1.1 of the CIC which sets the minimum age for admission to the Novitiate at the completion of 17 years.⁷

II. NORMS REGARDING THE NOVITIATE

The Novitiate is a special time which marks the beginning of the Salesian religious experience (Cf. Con 110; CIC, Canon 646). It is an experience of life which not only leads the novice to an in-depth knowledge of the vocation to which he is called and to mature in it but which is already uniting him intimately to the Congregation and its mission (even if effective incorporation will take place in the act of profession). For the importance of this time both the universal law and our own particular law set down a number of rules to guarantee the validity and the effectiveness of the period of testing.

4.5 The novitiate house

4.5.1 “To be valid a novitiate must take place in a house which is duly designated for this purpose” (CIC Can 647 §2; cf. Con 111). 47

4.5.2 *It belongs to the Rector Major*, with the consent of his Council, *to canonically erect or suppress* the novitiate house, and also to approve its *transfer* to another suitable community. In conformity with the canon these acts are to be carried out in the form of a written decree (CIC Can 647 §1; Con 132 §1.3).⁸

For the canonical erection of the novitiate the Provincial, after having received the consent of his Provincial Council, must send to the Rector Major the following documentation:

- a detailed application giving the reasons and the opinion expressed by the Provincial Council and the choice of the Patron (Title of Our Lord or of Our Lady or a Saint or a Blessed) under whose protection the house is to be dedicated.

⁷ Cf. FSDB 351.

⁸ Cf. FSDB, 373. Regarding the location of the house of the novitiate see also Reg. 89 and FSDB 374.

- the written consent of the Ordinary of the place (Cf. CIC can 609 §1) (this is necessary when it is a matter of canonical erection of a new house and not when it is only concerned with the transfer of the novitiate to a house which has already been canonically erected).

48 4.5.3 *In particular cases*, and by way of exception, the Rector Major, with the consent of his Council, can grant permission for a candidate to the Salesian life to make his novitiate in another canonically erected house of the Society under the direction of a member who takes the place of the Director of Novices (Cf. CIC Canon 647 §2).

In this case a detailed request must be sent to the Rector Major by the Provincial who will give the exceptional⁹ reasons for asking for the Indult. The Provincial will also give the name of the person who is to be the spiritual guide of the candidate in the role of the Director of Novices.

49 4.5.4 The Code of Canon Law gives authority to the Provincial to *allow a group of novices to reside*, for a certain period of time, *in another house of the Society* specified by him (Cf. CIC Can 647 §3.)

Our own particular law¹⁰ states that:

- the Provincial empowered to give this permission is the one under whose authority the house of novitiate is placed. To reside in another house which is not in the same Province, agreement with the Provincial concerned is required;
- the designation of the house is to be made by a written decree;
- the novices must be accompanied by the formation guides and by the Director;
- the period of time is to be clearly stated in the decree;
- the religious house must be exclusively Salesian and canonically erected.

⁹ Cf. FSDB , 376.

¹⁰ Cf. FSDB, 375.

4.6 The Director of Novices

The Director of Novices is the spiritual guide who coordinates and animates all the work of formation of the novitiate (Con 112). He is solely responsible for the direction of each novice (CIC can 650 §2) and works together with the person who guides the formation community in the overall formation programme.¹¹

The Constitutions indicate the principal qualities of the person who is called to undertake such a task and at the same time they define what is laid down for his designation as requested by Canon Law (Cf. can 651 §1).

Regarding the qualities the Constitutions state: “He must be a man of prudence with spiritual and Salesian experience and an up-to-date knowledge of practical psychology and youth problems. He should be able to relate easily to other people, to engage in dialogue, and to inspire confidence in the novices by his kindness” (Con 112). He must be “perpetually professed” (Con 112).

4.6.1 Appointment of Director of Novices

50

The Director of Novices is appointed by the Provincial with the consent of his Council (Con 112). To be valid the appointment must be *approved by the Rector Major*.

For this the Provincial will send to the Rector Major the “Proposal for the appointment of the Director” (on the appropriate form APPROVAL OF THE APPOINTMENT OF THE DIRECTOR OF NOVICES) with the opinion and the voting given by the Provincial Council.

4.6.2 Duration of office of the Director

51

The Director of Novices remains in office for *three years*. At the end of the triennium he may *be reappointed*, also for fur-

¹¹ Whilst here the importance of the role of the Director is referred to it must not be forgotten that a team of formation guides is necessary to support the Director. Regarding this the Ratio says: “The formation team should be of the right size and calibre. There should be a variety of people and roles; in particular, every effort should be made to see that among the confreres responsible for formation there are also Salesian brothers. (FSDB, 378).

ther periods of three years, by the Provincial with the consent of the Provincial Council (Con 112).

It should be noted, however, that the approval of the Rector Major is always necessary for the reappointment of the Director, with the formalities indicated above. In fact, our rule does not permit the reappointment of the Director without the approval of the Superior General (contrary to what happens for the Rector of a house: cf. Reg. 170).

4.7 Admission to the Novitiate

52 4.7.1 Requirements for admission to the Novitiate

Article 90 of the General Regulations says: "When the candidate considers himself ready and sufficiently prepared he makes his application to begin the novitiate." The free request of the aspirant is therefore the first condition for entry into the trial of the novitiate.

Our own particular law points out a number of *criteria or positive elements* confirming the attitude of the prenovice to the Salesian life: see Regulation 90 and FSDB 335 where these criteria are listed.¹²

For the validity of admission to the novitiate the Regulations prescribe that none of the impediments foreseen by canons 643-644 of the Code of Canon Law are present. The *impediments* against valid admission are the following:

- one who has not yet completed the seventeenth year of age;
- a spouse, while the marriage lasts;
- one who is currently bound by a sacred bond to some institute of consecrated life, or is incorporated in some society of apostolic life, without prejudice to can. 684;
- one who enters the institute through force, fear or deceit, or whom the Superior accepts under the same influences.

The code also recommends: "Superiors are not to admit secular clerics to the novitiate without consulting their proper

¹² See also Criteria and norms for Salesian Vocational Discernment, Rome 2000, nn. 113-116.

Ordinary; nor those who have debts which they are unable to meet.”

See also in this matter the observations made in “*Criteria and norms of vocational discernment*” numbers 114-116.

4.7.2 Necessary Documentation

53

Before admission to the Novitiate the Provincial Secretary should take care to see that the following documents are presented. They are needed to ensure some of the conditions for admission:

- *the application of the candidate* addressed to the Rector of the Prenovitiate House in which he freely declares his intention of making the trial of the Novitiate with a view to undertaking the Salesian life and mission;
- *proof of baptism and confirmation*;
- *proof of free status*;
- for one who had been admitted to a Religious Institute or to a Society of Apostolic Life the testimony of the major Superior of the Institute or Society (can 645 §2);
- for those who come from a Diocese, testimony of the last ministry or order (diaconate or priesthood) and testimonial letters of the Ordinary of the place or of the Rector of the Seminary (if it is just a matter of seminarians) (can 645 §2)¹³

Finally, the following are to be requested:

- *birth certificate*;
- *family status* (composition of the family of origin);
- *health certificate* (medical reports on physical and psychological health).¹⁴

In those countries where it is possible to do so, it is necessary to ask the competent authority in good time for *exemption from or postponement of military service*. Documentation of this is to be added to the candidate's file.

All the documents are to be placed in the appropriate PERSONAL FILE which is to be kept in the Provincial Secretari-

¹³ Cf. *Criteria and norms for Salesian Vocational Discernment*, Rome 2000, no. 116).

¹⁴ Cf. also FSDB 352 where it speaks of a medical check-up and a psychological examination before and during the prenovitiate.

at. The main particulars are to be sent in due course to the Director of Novices.

54 4.7.3 *Procedures for admission to the Novitiate*

The procedures for the admission of a prenovice to the novitiate are the following:

1. *At local level* (the house where the prenovice has made his prenovitiate): the application of the prenovice is examined by the Rector with his Council who will give their opinion of it and vote on it (it should be noted that, in this case, the Rector can vote with the Councillors);
2. *At provincial level* the application of the candidate is examined, bearing in mind the opinion of the Rector and local Council. The Provincial Council gives its own opinion and votes on the application (it should be noted that the Provincial does not vote);
3. After receiving the consent of his Council *admission to the novitiate lies within the jurisdiction of the Provincial.*

Admission to the Novitiate *is to be registered on the appropriate form* (cf. FORM AN'4 in the Appendix A-2). Three copies are to be made, one copy to be kept in the Provincial Archives, one to be sent to the Director of Novices and the third to be sent to the General Secretariat. The main personal data of the candidate, useful for Salesian documentation, are to be written on this form.

With regard to the *specific vocational choice* (brother or priest) the *Ratio* says: "One's specific option as brother or future priest should be clarified during the novitiate before making the profession, so as to tailor the formation accordingly during the period of temporary vows, and draw up a programme of the corresponding studies and activities (cf. SGC 660, GC21, 299). The option will have to become definitive for everyone before the specific formation which follows practical training."¹⁵ In the case of a novice who is already ordained (deacon or priest) the vocational choice will be made at the end of the novitiate at the time of application for first profession.

¹⁵ Cf. FSDB 323.

4.8 **Duration of the Novitiate and interruption to it**¹⁶

4.8.1 *Duration of the Novitiate* 55

The novitiate lasts for *12 months*. This norm of the universal law (cf. can 648) is mentioned by our own particular law (cf. Con 111). The Novitiate begins when the candidate, after being admitted by the Provincial, enters the Novitiate House and places himself under the guidance of the Director of Novices (cf. Con 111).

In computing the time it is necessary to bear in mind what Canon Law decrees; concerning this see Canons 201, 202, 203.

4.8.2 *Interruptions during the Novitiate* 56

There can be interruptions during the Novitiate. Canon Law (cf. can. 649 §1) and our own rule (Con. 111) state:

- a. absences up to 15 days are admissible for right reasons; if the days of absence exceed 15 days, they must be made up;
- b. an absence from the Novitiate exceeding three months renders the Novitiate invalid and it must therefore be begun again;
- c. according to Canon 647 §3 periods of time residing in another Salesian house, legitimately sanctioned by the Provincial, are not reckoned as days of absence.¹⁷ Our Constitutions on the other hand do not make provision for periods of apostolic activity mentioned in canon 648 §2 spent outside the house of Novitiate; they must therefore be considered as absences.

As well as permitted absences, it is necessary to bear in mind that *the first profession can be anticipated*, with the permission of the competent Provincial *but not by more than 15 days* (cf. Can. 649 §2).

4.8.3 *Conclusion of the Novitiate* 57

- a. The Novitiate concludes with the religious profession, after the novice has applied for profession and has been admitted legitimately.

¹⁶ Cf. FSDB 379

¹⁷ Cf. FSDB, 375; see also Number 49 of this Manual.

- b. During the Novitiate a novice who thinks that he is not suitable for the Salesian vocation can freely leave the Society at any time.
- c. If the Director of Novices and the Formation guides decide that the novice is not suitable for the Salesian life (either during the year of Novitiate or at the end of it, when he is not admitted to profession) the novice will be dismissed.
The dismissal itself belongs to the Provincial of the Province where the House of Novitiate is situated (cf. Reg. 90).¹⁸
The General Secretariat is to be informed promptly of the departure of a novice.
- d. Finally, it should be borne in mind that in special cases the Provincial may *prolong the Novitiate for a period not exceeding six months*, in accordance with canon 653.¹⁹

¹⁸ Cf. FSDB, 385

¹⁹ Cf. Reg. 93; FSDB 380.

5. SALESIAN RELIGIOUS PROFESSION

The religious profession is the point of arrival on the journey of faith of the young man who has been called and who has had a living experience of the values of the Salesian vocation in the prenovitiate and the novitiate. The Constitutions stress the importance of this fundamental act in the life of the Salesian and cite in evidence some significant points: **58**

- the act of profession is the response of the Salesian who offers himself to God with fully liberty for the service of the young: “it is one of the most lofty choices a believer can consciously make” (Con 23);
- the profession also entails a commitment of the Society towards the professed; the Superior of the Society (the Rector Major or his Delegate) publicly receives the profession and joyfully welcomes the new confrere among the members of the community (cf. Con 23-24);
- the profession is also a public act in the eyes of the Church: through the Superior, in fact, it is the Church itself which receives the profession, recognises publicly the obligation assumed by the professed person and admits the religious to the ecclesial mission confided to the Salesian Society.

On account of the value of the act of profession, the law places several conditions to safeguard both its validity and its meaning.

5.1 Temporary profession and perpetual profession

Perpetual profession is, by its very nature, the central and definitive act of incorporation into the society; the whole time of the preparation and the maturation of the young man is **59**

geared to this act. At the end of the Novitiate the novice has personally decided to give himself completely to God and to involve his whole life in the Salesian mission.

The discipline of the Church, however, aware of human frailty and the need for sufficient time for maturation of the religious personality, has decided that at the end of the Novitiate there will be a further period of trial and experience of religious life. This is the period of *temporary profession*.

This period of temporary profession is a real time of consecrated life (see Con. 113); it is not merely a transitional period, but it has its own meaning and value; the professed person is a real member of the Society dedicated to God and to young people (cf. Con 105); however, it is to be stressed that it aims to come to maturity in the perpetual profession which will definitively ratify the consecration of the Salesian.

In accordance with the Code of Canon Law (cf. can 655) our particular law states that the period of temporary profession will *ordinarily last for six years*. Article 113 of the Constitutions states that:

- a. *in the first triennium* the profession will ordinarily be either for *three years or for one year*. This will depend on:
 - the free application of the candidate;
 - the admission made by the Provincial on the basis of the opinion of the formation guides.

The *Ratio* adds that in certain cases, especially in view of perpetual profession, there is nothing to prevent the profession being for two years (respecting always what Canon 658 §2 states).¹

- b. *in the second triennium* the profession will *ordinarily be for three years*: this means that generally the professed are to be advised to make the profession for three years, their own full freedom being always respected.

For special reasons, judged as such by the Provincial, the period of temporary profession may *be prolonged, but not beyond nine years* (cf. Con 11; Can 657 §2).

¹ Cf. FSDB, 390.

5.2 Admission to first profession

5.2.1 First profession concludes the period of the maturing process of the Novitiate. It is made at the end of the Novitiate after the novice has made his application and has been legitimately admitted. As has already been indicated above when treating of the Novitiate, the Provincial can – for valid reasons – give permission to *anticipate the first profession, though not by more than fifteen days* (Can 649 §2). 60

5.2.2 The *conditions for the validity of the first profession* are to be found in Canon 656 of the Code of Canon Law: 61

- the candidate is to be at least eighteen years of age;
- the novitiate has been made validly;
- admission has been granted freely by the competent superior, with the vote of his Council;
- the profession is to be explicit and made without force, fear or deceit; the presence of witnesses to the profession is required to guarantee such liberty;
- the profession is to be received by the lawful superior or through his delegate.

5.2.3 *The procedure to be followed* for admission to profession is as follows: 62

- 1) *Application of the candidate*: this is the first and basic element, expressed in full liberty by the person who intends to make his profession. Our *Ratio* emphasizes that, without prejudice to the personal style proper to each one, it is advisable that the application contains the following common elements:
 - awareness of the public act one intends to perform;
 - freedom to perform the act;
 - the intention of committing oneself for the whole of one's life (even when making an application for temporary profession);
 - reference to having carried out one's own discernment and of having requested the opinion of the spiritual director and the confessor;

- an indication of one's orientation towards the specific vocation of the Salesian priest or Salesian brother.²

2) *Opinion and vote of the Local Council*: the Rector and the Local Council are called together to give their opinion on and to vote on the application for admission (it should be noted that in this case the Rector can vote with the Council). The minutes of the admission, signed by the Rector and by each of the Councillors are to be sent to the Provincial.

The Director of Novices who has had a special role in accompanying the novice on his vocational journey is present at the meeting for admission to profession in the Novitiate House.

3) *Opinion and vote of the Provincial Council*: after receiving the opinion of the Local Council, the Provincial Council is called upon to examine the application of the candidate, to give its own opinion and to vote for admission to the profession (in this case the Provincial does not vote). The Minutes of the Provincial Council are to be signed by all the Councillors. For a carefully considered assessment, especially in doubtful cases, the opinion of the Provincial of the Province to which the candidate belongs can be requested (in the case in which the candidate is admitted to profession outside his own Province).

4) After receiving the consent of the Provincial Council, *admission to profession lies within the jurisdiction of the Provincial*. It should be noted that this is the Provincial of the Province where the Novitiate House is situated, even though the candidate may belong to another Province.

5.2.4 Documentation for first profession

63

The following is the documentation for first profession to be kept in the Provincial Archives (in the personal file of the member);

- Application of the candidate;
- Minutes of the Local Council and Minutes of the Provin-

² Cf. FSDB, 386.

cial Council, with the opinions given and signed by the respective Councillors. These Minutes are to be written on the Form "PROPOSAL FOR ADMISSION TO FIRST PROFESSION" (F3 – pp'8.

- Report form certifying that the profession has taken place, duly signed by the professed confrere, by the Superior who received the Profession, by two witnesses and by the Provincial Secretary.

The importance of the opinions expressed by the respective Councils, Local and Provincial, for admission to profession should be noted. Special care must be given to them.

The following documents are to be sent to the General Secretariat as soon as possible:

- The Minutes of Admission of the Local and Provincial Councils (PROPOSAL FOR ADMISSION TO FIRST PROFESSION" – F3 pp'85).
- Report Form certifying that the profession has taken place, duly filled in and signed.

5.3 **Renewal of temporary profession**

- 5.3.1 When the time of the temporary profession has expired (annual, or triennial, or in special cases biennial) it is necessary to proceed to its renewal (Cf Canon 657 §1). 64

It should be noted that *there must not be any interval of time* between the expiry of the temporary profession and its renewal.³

In the case that, for serious reasons, the renewal of the profession has to be *postponed* for some time (unless it is a matter of so few days that it is possible to speak of substantial continuity) a renewal "*ad tempus*" which joins the present profession to the following one must be made into the hands of the Superior.

³ See FSDB and Criteria and Norms for Salesian Vocation Discernment, no 126. Our texts insist that the renewal of profession must be made without delay.

The Provincial can permit the *anticipation* of the renewal of temporary profession for several reasons, but within a limited span if time (at most a month).

5.3.2 The *procedure* for the renewal of the profession is identical to that followed in the first profession (Cf. no. 60), namely:

- 1) the free application of the professed confrere;
- 2) the opinion and vote of the Rector and the Local Council;
- 3) the opinion and vote of the Provincial Council;
- 4) admission made by the Provincial, after receiving the consent of his Council.

5.3.3 The following *documentation* is required for temporary profession after the first one:

- The following documents are to be kept in the *Provincial Archives*: the application of the professed Salesian, the Minutes of admission of the Local Council and of the Provincial Council, the Report Form duly filled in and signed certifying that the Profession has taken place;
- The Report Form, duly filled in and signed, certifying that the Profession has taken place is the only document to be sent to the *General Secretariat*.

5.3.4 During the period of temporary profession (postnovitiate, practical training) *periodic scrutinies (or assessments)*⁴ are to be made. By means of these the formation community voices its opinion on the progress of the young confrere in his vocational journey and in his formation. The opinions expressed in these scrutinies are to be forwarded to the Provincial. They become part of the documentation witnessing the Salesian journey of the individual, and they are to be kept in his personal file in the Provincial Archives.

5.4 **Perpetual Profession**

As has already been stated, *perpetual profession is the point of arrival along the journey of vocational growth of the professed*

⁴ Cf. FSDB, 296, 444

Salesian; it is the complete donation to God and to young people for his whole life. This was already his intention at the time of his first profession and he makes it explicit at the solemn moment in which he expresses his definitive commitment.

Both the universal law and the particular law of the Society give some special requirements for the important step of perpetual profession in the life of the professed Salesian and in the community itself.

5.4.1 *Immediate Preparation for Perpetual Profession*

65

The whole period of formation is preparation for perpetual profession.⁵ But because of the importance of the act of perpetual profession our particular law establishes that *there be an appropriate period of immediate preparation* (Con 117) and it wants the whole provincial community to be involved and to accompany the person who proposes to make his perpetual profession (Con 117).

The Salesian “*Ratio*” explains the meaning, the conditions and the time of preparation for perpetual profession.⁶ In particular FSDB 513 states clearly: “Let the Province establish a **programme of preparation** for perpetual profession in which it spells out the manner, the contents, the duration and the persons responsible, and includes also the spiritual retreat preceding the profession”.

5.4.2 *The procedure for admission to perpetual profession follows substantially the same lines as for admission to first profession (cf. no. 60), namely:*

66

- 1) *The application of the candidate* in which in a special manner – as well as to his personal freedom – he must express his full knowledge of the definitive act he is undertaking and make known those elements which con-

⁵ Cf. CG21, 290.

⁶ Cf. FSDB Chapter XI, preparation for perpetual profession, no. 501 and following.

- firm the Salesian maturity reached in the period of temporary vows;⁷
- 2) The opinion and the voting of the *Rector and of the Local Council*;
 - 3) The opinion and the voting of the *Provincial Council*.

As can be seen the legal pathway to be followed is similar to that of the preceding professions; but for this decisive step it is necessary to emphasise two details:

- a. *the whole community*, because of the co-responsibility it has in the development of every confrere is invited to express – in a form which it finds opportune and in keeping with charity – its own opinion on the brother who is seeking profession.⁸
- b. given the importance of the act, for a sufficient and sure discernment, the Provincial Council will have before it (along with the opinions of the community and of the Local Council) the *detailed curriculum of the candidate*, with all the observations that were expressed during the time of his formation.

After he has received the consent of his Council, admission is the prerogative of the Provincial.

67 5.4.3 *Time of perpetual profession*

The Salesian Constitutions lay down that perpetual profession takes place *ordinarily six years after the first profession* (Con. 117).

Normally therefore perpetual profession will be made at the expiry of the six years of temporary profession.

⁷ Cf. FSDB, 517. Here the FSDB gives a reminder that the application must also indicate an express will to continue in the Salesian life already undertaken; reference to dialogue with the Rector and his agreement for the application, mention of the discernment made and of the request for an opinion from the spiritual director and from the confessor.

⁸ Cf. Reg 81. Note that the article of the Regulations refers to all admissions; there is the wish, however, to emphasise in a special way admission to perpetual profession (as also admission to ordination to the diaconate and to the priesthood). Cf. also FSDB 302.

In special cases perpetual profession can be *anticipated*, always abiding by canon 658 of the Code of Canon Law.⁹ Our “*Ratio*” explains that this exceptional situation (something quite out of the ordinary) requires a just cause recognized as such by the Provincial and his Council.¹⁰

For appropriate reasons our particular law allows the Provincial to *prolong the time of temporary profession, but not beyond nine years* (Con 117). But this decision must also be a result of prudent judgment, based on sufficient and reasonable grounds, so that this prolongation does not become an ordinary practice.¹¹

It is to be borne in mind that before perpetual profession the member must draw up his *will* in conformity with the norms of civil law (cf. CIC, can. 668 §1; Con. 74). There are to be two copies of such a will, one of which will be kept in the Provincial Archives (cf. Reg. 52).

5.4.4 *Documentation to be kept in the Provincial Archives* is as follows: **68**

- 1) The application of the professed member;
- 2) The Minutes of admission of the Local Council and of the Provincial Council (written on the form “PROPOSAL FOR ADMISSION TO PROFESSION: F4 PR’85) signed by members of the respective Councils;
- 3) The certificate confirming that the profession has taken place, signed by the professed member, by the Superior receiving the Profession, by two witnesses and by the Provincial Secretary.

⁹ With reference to the anticipation of perpetual profession the Code of Canon Law has two instructions which must be kept in mind: Canon 658 lays down among the conditions for the validity of perpetual profession “previous temporary profession of at least three years”; while Canon 657 §3 permits anticipation of perpetual profession for a just reason, but not by more than three months with respect to Canon 658. For us Salesians our particular law states instead that ordinarily the minimum length of temporary profession is six years. Only for grave reasons (for exceptional cases) can there be exceptions to the ordinary rule, but respecting in every case the prescriptions of the universal law.

¹⁰ Cf. FSDB, 511.

¹¹ Cf. FSDB, 510.

The following are to be sent *to the General Secretariat*:

- 1) The Minutes of Admission of the Local Council and of the Provincial Council ("PROPOSAL FOR ADMISSION TO PROFESSION" – F4 PR'85);
- 2) The certificate confirming that the profession has taken place, duly filled in and signed.

The Provincial Secretary will advise *the parish where the professed member was baptised* so that the profession can be entered in the Baptismal Register.

5.5 Celebration of the Profession

69 The celebration of the profession is carried out according to the "*Rite of Religious Profession*". Special solemnity should be given to the celebration of perpetual profession. In the celebration the Provincial or the Vice-Provincial receives the profession in the name of the Rector Major and welcomes the professed member into the Society. Where necessary, the Provincial can delegate another Salesian to receive the profession. Such delegation should be duly recorded (indicated, for example, on the certificate recording the profession).

During the celebration, as has already been pointed out, a *certificate* is filled in, confirming that the profession has taken place. This is to be signed by the professed confrere, by the Superior receiving the profession, by two witnesses and by the Provincial Secretary.

5.6 Re-admission into the Congregation

70 Re-admission into the Congregation, without the obligation of repeating the novitiate, *falls within the exclusive jurisdiction of the Rector Major with the consent of his Council* (cf. CIC, con 690).

Two possibilities are given:

- 1) The case of *a novice who has completely finished the novitiate and has left legitimately* (not by dismissal) at

the end of the novitiate without making his profession. Should he desire to be admitted into the Congregation, without repeating the novitiate, he is to make his request to the Provincial, giving his reasons for such a request. The Provincial, having examined the reasons with his Council, will present the request to the Rector Major with a detailed report on the case. (The report clearly highlights the reasons for which the applicant did not make his profession at the time and the reasons why he now asks to be accepted into the Congregation.)

- 2) The case of a ***professed confrere who legitimately left the society after his profession*** (at the expiry of his vows, by dispensation or by secularization). If the above-mentioned confrere wishes to be re-admitted into the Congregation he will present his request addressed to the Rector Major, giving the reasons for such a request. In this case also, the Provincial, having examined the reasons with his Council, will send the request to the Rector Major, along with:
- a detailed *curriculum vitae* of the applicant;
 - a *full report* giving the reasons why the confrere left and those which are now leading him to re-apply. It is very important that (from the report of the Provincial and from the examination made by the Provincial Council) the reasons why the ex-professed member abandoned the Congregation are clearly expressed, as well as those for which he now finds his re-admission opportune.

In both cases it is for the Rector Major to decide on a *suitable period of trial* before the temporary profession as well as the length of the temporary vows before perpetual profession. It should be noted that the Code of Canon Law always expects a period of temporary vows before the renewal of perpetual profession (Cf. can. 690 §1).

The indult for re-admission must be mentioned on the certificate witnessing the profession.

Please remember also to send a copy of this certificate to the General Secretariat after the profession has taken place (temporary profession first, then perpetual profession).

72 In the special case in which an application is made for re-admission to the Society *by an ex-member, who was dismissed from the Society or who was dispensed from the diaconate or from priestly celibacy*, recourse must be had to the **Apostolic See** which is the only authority competent to grant re-admission in such circumstances. The person concerned will therefore address his application to the Holy Father. The Provincial with his Council will examine the application and express an opinion on it. The Provincial will then send it to the Rector Major who, after having sought the consent of his Council, will forward the file to the competent Congregation of the Apostolic See (Congregation for the Institutes of Consecrated Life or Congregation for the Doctrine of the Faith).

5.7 Religious on military service

73 It is necessary above all to bear in mind that, since military service is not compatible with religious life,¹² wherever it is possible, candidates for the religious life should apply in time for exemption from ordinary military service. Those countries where religious do not enjoy exemption from ordinary military service are referred to the essential directions of the Decree "*Militare servitium*" (military service) promulgated by CRIS on 30 July 1957¹³ and still in force.

5.7.1 No one can be *validly* admitted to perpetual profession if he has not first been freed from the obligation of ordinary military service.

5.7.2 During military service *temporary profession is suspended*. However, *the member can apply and the Provincial - having heard the opinion of his Council - can give permission for the*

¹² We can apply, by analogy, to the religious life what canon 289 says of the clerical state: "As military service ill befits the clerical state, clerics and candidates for sacred orders are not to volunteer for the armed services" (without the permission of their Ordinary).

Wherever it is possible, remember to request in time – before the novitiate – exemption from or postponement of ordinary military service.

¹³ *Militare servitium*, AAS XLIX 1957, nn. 13-14, pp. 871-872.

profession to remain in force even during military service. In this case, for a sound and serious reason, the Provincial can later also suspend the profession.

5.7.3 *For the religious whose profession remains in force during military service:*

- he is considered as one who is legally absent from the Religious House and is bound only to observe those articles of the Constitutions which, in the opinion of the Provincial, are compatible with military service;
- the time spent in military service is calculated as time of temporary profession which is necessary before perpetual profession.

5.7.4 *The member whose vows are suspended during military service*

- he still remains a member of the Society;
- however, he can freely leave the Society, simply by making a declaration in writing that he wants to do so to the Provincial or verbally before witnesses;
- he can be dismissed by the Provincial for a just cause.

5.7.5 *At the end of military service, the member must spend at least three months in the community* with temporary vows. The Provincial – with the advice of his Council – can, however, shorten this time, or even prolong it for a year, before admitting him to perpetual profession.

5.7.6 Novices, during military service, continue to be numbered among those of the Society, if they themselves do not leave or are not dismissed.

6. MINISTRIES AND SACRED ORDERS

For Salesians destined for the Priesthood and Diaconate the instituted Ministries (Reader and Acolyte) and the Sacred Orders (Diaconate and Priesthood) are steps of significance and importance for the vocation and mission which the Lord gives them. Both the universal law and our own particular law give detailed norms so that these stages can be reached in line with their authentic ecclesial and Salesian significance.

The indications of a formative character which are at the basis of a conscious and efficacious reception of Ministries and Sacred Orders are not directly considered in this Manual; these will be found in the Salesian *Ratio Institutionis et Studiorum* (FSDB). Instead the principal juridical conditions relative to the admission to and the conferring of the Ministries and Sacred Orders¹ are listed.

6.1 The Ministries of Reader and Acolyte

- 74 6.1.1 The conferring of the Ministries of Reader and Acolyte for candidates to the Diaconate (permanent deacons also) and the priesthood is *an obligation ratified by Canon Law* (cf. canon 1035; ASC 293, 26). *Only the Apostolic See, for special reasons, can dispense from this obligation.*
- 6.1.2 To be admitted to the Ministry of Reader or of Acolyte the candidates, who do not necessarily have to be perpetually professed, *present their application with full freedom* to the Rector of the formation community where they are undergoing their formation. In their application they will point out

¹ Cf. ASC no. 293, 1979, p.27.

the reasons for which they are asking to be admitted to the Ministries of the Church according to the spirit of Don Bosco.²

6.1.3 *The procedure for admission* is as follows:

- 1) Examination of the application of the candidate in the Local Council, which gives its own opinion and votes (the Rector can vote together with the Council);
- 2) Examination of the same application in the Provincial Council, which gives its own opinion and votes, in the light of the opinion of the Local Council;
- 3) Having received the consent of his Council, *admission is made by the Provincial.*

6.1.4 *Conferring of the Ministries*, other than by a Bishop, can be done by the Rector Major or his Vicar, and by the Provincial or his Vicar or by another priest delegated by the Provincial. After the conferring, the certificate confirming that the Ministry has been received is to be filled in (on the appropriate *Form*). 75

6.1.5 The common law (cf. can 1035) and our own particular law³ require that the Ministries be *exercised for a suitable length of time* in view of an adequate and specific preparation for the service of the Word and of the Altar. In particular *an interval of at least six months is prescribed between the Ministry of Acolyte and Diaconate* (Can 1035 §2; FS-DB 492). Also an interval of at least some months is required to elapse between the ministries.⁴ 76

6.1.6 The following *documentation is to be kept in the Provincial Archives*: 77

- 1) The personal application of the candidate;
- 2) The Minutes of Admission of both the Local and Provincial Councils (Form: PROPOSAL FOR A MINISTRY...);

² See in Criteria and Norms of Salesian Vocational Discernment, Rome 2000, no.132 some general criteria for admission to Ministries.

³ Cf. FSDB, 492.

⁴ Cf FSDB, 492.

- 3) The certificate confirming the conferring of the Ministry, filled in by the Provincial Secretary (cf. Form: CONFIRMATION OF THE CONFERRAL OF THE MINISTRY OF READER OR OF ACOLYTE).

The certificate confirming that each ministry has been received is the only document to be sent *to the General Secretariat* (Form: CONFIRMATION OF THE CONFERRAL OF THE MINISTRY OF READER OR OF ACOLYTE).

6.2 Order of the Diaconate

The Order of the Diaconate, by which the ordained person enters to become part of the sacred hierarchy, is protected by special canonical rules intended to establish the requirements for the admission and the valid exercise of the Order. The norms of our particular law supplement the canonical norms. They safeguard the Salesian style in which the Diaconate is received and exercised in the community.

78 6.2.1 *Prerequisites for admission to the Diaconate.*

In accordance with canon law and our own particular law the prior requisites for admission to the Diaconate (in view of both the Priesthood and the Permanent Diaconate) are:

- 1) To have received the Ministries of Reader and Acolyte, bearing in mind the periods of time prescribed between one Ministry and the next, and between the Ministry of Acolyte and the Order of the Diaconate (Cf. can. 1035; FSDB, 492);
- 2) To be perpetually professed (can. 1037);
- 3) To be free of irregularities and impediments listed in canons 1042-1043;⁵

⁵ Canon 1047 §4 allows the Ordinary (Provincial) to dispense from irregularities and impediments, unless they are reserved to the Holy See as indicated in the same canon 1047 §1,2,3. However, when dealing with a candidate who has some irregularity or impediment, the Provincial must consider well how to give a solution which is legal and appropriate.

- 4) Application freely written in his own hand and signed (Canon 1036) with the documents required by the Code of Canon Law (certificates of baptism and confirmation, certificates of Ministries received, certificate of studies duly completed) (cf. can. 1050);
- 5) For studies: our particular law states that ordination to the Diaconate can take place only after the third year of theological studies, for deacons going on to the priesthood.⁶

The aptitudes required for the exercise of the Sacred Order can be seen in “*Criteria and norms for vocational discernment*”.⁷

6.2.2 Admission to the Diaconate

79

Admission to the Diaconate should be made with *particular diligence and seriousness*.⁸ The steps for admission are those which have already been noted:

- 1) Detailed application by the candidate: canon 1036 says explicitly that the candidate “attests that he will spontaneously and freely receive the Sacred Order and will devote himself permanently to the ecclesiastical ministry” as a Salesian.
- 2) Opinion of the formation community; according to article 81 of the General Regulations the local community is invited to express its opinion in the form most in keeping with charity;⁹
- 3) Opinion and voting of the Local Council (the Rector can vote with the Council);
- 4) Opinion and voting of Provincial Council, which will bear in mind all the opinions received. It is appropriate for the Provincial Council to *have before it the full formative curriculum* of the ordinand (See also canon 1051 §2).
- 5) *Admission depends on the Provincial* after he has received the consent of his Council.

⁶ Cf. FSDB, 494; AGC no. 312,1985, p.56.

⁷ Cf. *Criteria and Norms for Vocational Discernment*, Rome 2000, no. 134 and following.

⁸ FSDB, 493.

⁹ See also FSDB 301-302.

80 6.2.3 *Dimissorial Letters*

After admission has taken place, in order to proceed to the ordination, the Provincial will send to the ordaining Bishop the *dimissorial letters*, prescribed by the universal law (canon 1021). In these it must be explicitly indicated that the ordinand has been definitively enrolled in the Religious Institute, that he is subject to the Superior who is presenting the letters, that the scrutinies have taken place in accordance with the universal law and that the Superior considers the candidate suitable.

If the ordaining bishop is not the diocesan Bishop, the latter should be informed (in accordance with any local customs).

81 6.2.4 *Documentation*

After the ordination has taken place the following documentation is to be kept in *the Provincial Archives*:

- 1) The application of the professed member;
- 2) The Minutes of the Local Council, signed by the Rector and the Councillors;
- 3) The Minutes of the Provincial Council, signed by the Provincial and the Councillors;
- 4) The certificate confirming that the ordination has taken place, issued by the Bishop.

The following documents are to be sent to the *General Secretariat*:

- 1) The Minutes of the Local Council and of the Provincial Council with their respective opinions (Form: PROPOSAL FOR ORDINATION TO THE DIACONATE);
- 2) The certificate confirming that the ordination has taken place signed by the Provincial.¹⁰

Information that the ordination to the Diaconate has taken place is to be sent to *the parish of baptism* so that it can be entered into the Baptismal Register.

¹⁰ For practicality's sake the General Secretariat has had a form printed for this confirmation of ordination to the diaconate, so as to avoid sending to the Central Archives the confirmation certificate given by the Bishop. This is to be kept in the Province.

6.2.5 *Exercise of the Diaconate*

82

The Code of Canon Law prescribes that, after ordination to the Diaconate, deacons are to spend “*an appropriate time exercising the diaconal Order*” before being promoted to the priesthood (Cf. canon 1032 §2). Canon 1031 §1 indicates that the interval of time between the diaconate and the priesthood be at least six months.

Our “*Ratio*”, following the lead given by the Rector Major and his Council,¹¹ gives these directions: “After his diaconal ordination, without interrupting his prescribed studies, every deacon exercises his ministry in liturgical and pastoral functions which offer specific scope for it. It is important that this exercise be carried out systematically and under guidance, with proper assessments on the part of those in charge of formation.¹² In every case the ‘appropriate time’ is to be measured with respect to both the individual candidate and the characteristics of our Congregation.¹³

6.2.6 *The Permanent Diaconate*

83

For permanent deacons our “*Ratio*” gives some specific conditions:

- 1) The preparation of permanent deacons must have some bearing on the Local Church where they will exercise their ministry. They will eventually be attached to the formation communities and study centres either Salesian or those of the place.¹⁴
- 2) A religious deacon, residing temporarily or permanently in an area where the permanent diaconate has not been established, may not perform diaconal functions without the consent of the local Ordinary.¹⁵

¹¹ Cf. AGC no 312, 1985, pp.56-57.

¹² Cf. FSDB, 494.

¹³ Cf. FSDB, 494.

¹⁴ Cf. FSDB, 498.

¹⁵ Cf. Paul VI, *Sacrum diaconatus ordinem* (1967), no. 34; FSDB, 499.

- 3) The Salesian Brother who wants to begin a formation course with a view to becoming a permanent deacon or priest must present his application to the Rector Major, having first obtained the approval of the Provincial with his Council;¹⁶
- 4) The Salesian permanent deacon who wishes to begin studies with a view to becoming a priest must present his application to the Rector Major, having first obtained the approval of the Provincial with his Council.¹⁷

In both cases the applications will be the subject of special discernment, with the consideration and reserve which a change of vocational choice deserves.¹⁸

6.3 The order of the priesthood

Much of what has been stated for the Diaconate applies also to the priesthood. Here is a synthesis of the main points.

84 6.3.1 *Prerequisites for priestly ordination*

The prerequisites for a candidate to be promoted to the Priesthood are, in general, all of those already indicated for the Diaconate (cf. no. 78).

To be added is the necessity for the candidate to have been ordained a Deacon (with the relative documentation; cf. canon 1050 §2).

The Code of Canon Law also points out that the minimum age for admission to the priesthood is 25 years (can. 1031 §1); for us, when a member has made his profession after having reached the age of 18 and has followed the normal course of formation, there is no reason to assume that his age is less than that prescribed.

Our “*Ratio*” states that the candidate can go on to priestly ordination after he has finished *the fourth year of theology or the first year of studies for the licentiate*.¹⁹

¹⁶ Cf. FSDB, 481.

¹⁷ Cf. FSDB, 500.

¹⁸ *ibid.*

¹⁹ Cf. FSDB, 4995; AGC no. 312, 1985, p. 57.

6.3.2 *Admission to the priesthood*

85

The steps for admission to the priesthood are the same as those for admission to the diaconate, namely:

- 1) *The candidate* freely makes his application, well aware of the obligation which he is about to take on in the eyes of the Church and of the Congregation (cf. can. 1034 and 1036).
- 2) *The Local Community* expresses its opinion on the admission of the member in the form most in keeping with charity (Reg. 81).²⁰
- 3) *The Local Council* examines the application, expresses its opinion and votes (the Rector may vote with the Council).
- 4) *The Provincial Council* examines the application, the opinion of the community and the decision of the Local Council, bearing in mind the formation curriculum of the professed member, and then gives its own judgment and votes.²¹
- 5) After he receives the consent of his Council, *the Provincial admits the member to ordination to the priesthood.*

6.3.3 *Dimissorial Letters*

86

As for the Diaconate (cf. no. 80) the Provincial sends the "*Dimissorial Letters*" to the ordaining Bishop, so that he can proceed to the ordination. If the ordaining Bishop is not the Diocesan Bishop, the latter must be fully informed, and the ordination will take place in agreement with him.

6.3.4 *Documentation*

87

The following documents are to be kept in the *Provincial Archives*:

- 1) The personal application of the Candidate;
- 2) The Minutes of both the Local Council and the Provincial Council with the opinions expressed (Form: PROPOSAL FOR ORDINATION TO THE PRIESTHOOD...);

²⁰ Cf. FSDB, 301/302.

²¹ Cf. FSDB, 303 about the responsibility of the Provincial Council in admissions.

- 3) The certificate confirming that the ordination has taken place, issued by the Bishop.

The following documents are to be sent to the *General Secretariat*:

- 1) The Minutes of the Local Council and of the Provincial Council, with the opinions expressed (Form: "PROPOSAL FOR ORDINATION TO THE PRIESTHOOD");
- 2) The certificate confirming that the ordination has taken place, issued by the Provincial.²²

The parish of baptism is to be informed that the ordination to the priesthood has taken place so that it can be noted in the baptismal register.

²² See footnote 10 regarding a similar certificate for ordination to the Diaconate.

7. SEPARATION FROM THE SOCIETY

In this chapter the various forms of separation from the Society, more or less grave according to the norms of Canon Law (Bk. II, Part II, Chap. VI) and of our Constitutions (Con. 194), are considered.

The different forms of separation that we will consider are the following:

- 7.1 Transfer to another Institute
- 7.2 Temporary absence from the religious house
- 7.3 Exclaustration
- 7.4 A temporarily professed member leaving at the end of the period of vows
- 7.5 Indult to leave the Institute for a temporarily professed member
- 7.6 Indult to leave the Institute for a perpetually professed member
- 7.7 Secularization
- 7.8 Dispensation from the diaconate
- 7.9 Dispensation from priestly celibacy
- 7.10 Dismissal from the Society

Reference will also be made to the help that the Superiors and the community should give to confreres who leave the Society (n. 7.11).

7.1 Transfer to another Institute

Transfer to another Institute occurs when a religious (Salesian) leaves his own Congregation to be incorporated in another, *without there being any interruption to the religious vows*. There is a change in the specific nature of the charism. The Salesian Constitutions consider this possibility in art. 194; the General Regulations in art. 94 consider the possi-

88

bility of the transfer of a religious from another Institute to our Society. Everything is regulated by cann. 684-685 of the CIC.

7.1.1 Should a *perpetually professed*¹ Salesian decide, after serious discernment, to pass to another religious Institute, he should make his request to both the Rector Major of our Society and to the Superior General of the Institute he wishes to enter.

7.1.2 *The Superiors General of both Institutes* (our Society and the Institute to which the Salesian wished to be admitted) will submit the request to their own Councils to have their consent.² Having received the consent of their own Councils, the Superiors General have the faculty of permitting the one making the request to enter the new Institute on probation.

7.1.3 The religious, having received the consent of the two Superiors, will spend a *probationary period* in the new Institute. This period is determined by the proper law of the Institute, but in every case it must last at least three years (cf. can. 684 §2).

During the probationary period the religious – while remaining linked to his own Institute – begins to live in the new Institute, observing its Constitutions and obeying the Superiors of the Institute.

At the end of the probationary period he can be admitted to perpetual profession in the new Institute.

Otherwise he will return to his original Congregation.

89 7.1.4 An analogous procedure will be followed by a *religious from another Institute who requests to transfer to our Salesian Society*. Art 94 of the General Regulations speaks about this pos-

¹ For a *professed member in temporary vows* who wishes to change Institute, the normal procedure for admission to the Institute is followed, the dispensation contemplated by can. 688, §2, having been obtained with the subsequent period of the novitiate or of temporary profession. To proceed otherwise would require a special Indult from the Apostolic See.

² In the case of our Society, for the Rector Major with his Council to be able to make a considered judgment, in addition to the request of the confrere concerned (addressed to the Rector Major), *the Provincial will send a detailed report with his own opinion on the matter.*

sibility, and prescribes that the probationary period in our Society be of three years duration.

7.1.5 For the transfer of a religious (Salesian) to a *secular Institute* 90
or to a *Society of apostolic life* or vice-versa (that is from these
to a religious Institute) the permission of the Apostolic See is
required and its instructions are to be followed (can. 684, §5).³

7.1.6 When there is the transfer of a confrere to another Institute
or vice-versa, the importance of *sending to the General Secre-*
tariat the documentation regarding both the beginning of the
probationary period and the eventual making of the perpetu-
al profession in the new Institute should be remembered.

7.2 Temporary absence from the religious house

7.2.1 *Faculty to grant temporary absence* 91

Can. 665, §1 states that «religious are to reside in their own religious house and observe the common life; they are not to stay elsewhere except with the permission of the Superior». The same canon gives the faculty to the *Major Superiors* (= Rector Major or Provincial, and their respective Vicars), with the consent of their own Council, to authorise a religious to live outside the religious house, but *not for more than a year*, unless it be for reasons of health, studies or an apostolate to be exercised in the name of the Institute.

7.2.2 *The procedure to be followed* is the following:

- the Salesian makes his personal request addressed to the Provincial, describing the reasons for the request;

³ In the case of a Salesian wishing to transfer to a secular Institute or a Society of apostolic life, *the following documentation* should be sent to the Rector Major:

- request of the confrere concerned, addressed to the Holy Father;
- judgment of the Superior of the secular Institute (or of the Society of apostolic life) disposed to accept the Salesian;
- complete «curriculum vitae» of the confrere;
- report of the Provincial with his own opinion.

- if it is a question of a priest or a deacon, a document from the Bishop is necessary in which he states his willingness to allow the religious to exercise his ministry in the Diocese;⁴
- the Provincial puts the request before the Provincial Council and asks for its consent (by secret ballot);
- having received the consent of his Council, the Provincial grants permission for the absence *in a written document* with precise conditions for the life of the Salesian during his absence (see a fac-simile in APPENDIX A-8). This document should be *countersigned by the one concerned*;
- a copy of the document signed by the confrere should be sent promptly to the General Secretariat.

7.2.3 The Provincial can grant this permission for absence to the confrere *only once and for not more than a year*.

An eventual extension of the absence – *beyond a year* – on the part of the Provincial is possible for the special reasons mentioned in canon law:

- reasons of physical or mental health;
- reasons of study;⁵
- an apostolate exercised in the name of the Society (“*absentia ratione apostolatus*”).⁶

The permissions for absence granted for these reasons last for as long as the motives for which they were granted last.

7.2.4 In weighing up the reasons the Provincial should bear in mind that granting permission for absence from the religious

⁴ In particular cases, in which the cleric (priest or deacon) who makes the request *does not intend to exercise his ministry*, the Bishop of the Diocese where the aforementioned cleric (priest or deacon) is going to live should be informed.

⁵ It should be noted that it is a matter of motives of study both «*discendi*» and «*docendi*»; not however, for confreres during the course of initial formation, since our “*Ratio*” prescribes that these confreres undertake their studies in Salesian formation communities (and therefore permission for absence cannot be granted to them).

⁶ In the case of granting permission for absence for reasons of an apostolate, the Provincial should remember to draw up a «*Convention*» with the ecclesiastical or civil institution with which the Salesian confrere will exercise his apostolate (see in this regard n. 136 in this Manual).

house (“*absentia a domo*”) requires a **just and proportionate reason**. Our practice is ordinarily not to grant this permission for reasons of a vocational crisis to confreres who are temporarily professed, to confreres in initial formation and to Brothers.⁷

7.2.5 Permission for absence from the religious house for a religious means simply the *temporary suspension of the obligation to «reside in their own religious house and observe the common life»*.

One can therefore define the juridical situation of the absent religious:

- He remains a member of his own community, bound by his vows and by all the obligations undertaken; he preserves his active and passive voice, unless it was determined otherwise in the granting of the permission for absence;
- The religious who is absent remains fully under the care of his legitimate Superiors and should return to the religious house if recalled by them;
- The religious who is absent gives an account to the Superior of money received and spent;
- In the document granting the permission to be absent it is opportune that there be explicit provisions regarding:
 - the contacts he should maintain with the Congregation;
 - the exercise of his rights (active and passive voice etc.);
 - the fulfilment of his religious duties;
 - the financial assistance considered necessary;
- Serious failure to fulfil religious duties as far as is possible according to the terms of the permission granted, justify the Superior in taking corrective measures with regard to the religious.

7.2.6 At the expiry of the period of the absence granted, the Salesian *should promptly return to community*. The Provincial will promptly inform the General Secretariat of the return when it happens.

⁷ In this regard see the letter of the Vicar of the Rector Major to Provincials, dated 20 January 1985 (Prot. n. 85/64).

7.3 Exclaustation

92

Exclaustation is the situation of someone who while remaining a member of the Institute, in fact lives outside it with the permission of the competent authority, and with the suspension of certain rights and duties.

Exclaustation is a form of more prolonged «absence» from the religious house, granted by the Superior General or by the Apostolic See for serious reasons or in determined cases imposed and regulated by law: cf. cann. 686687.

A. *Exclaustation granted*

7.3.1 *The Rector Major*, with the consent of his Council, for grave reasons, can grant to a perpetually professed member of the Society an *Indult of exclaustation*, valid for a period *not exceeding three years*.

7.3.2 *The procedure* is the following:

- 1) The Salesian, perpetually professed, presents to the Provincial his *request addressed to the Rector Major*, explaining the serious reasons for which after suitable discernment he is requesting the Indult;⁸
- 2) If it is the question of a priest or a deacon, it is necessary to add the document from a Bishop in which he states his willingness for the Salesian to exercise his ministry in the diocese;
- 3) Having heard the opinion of his Council, the Provincial sends to the Rector Major the request and the Bishop's document with a detailed report and with his judgement. He also adds the biographical information about the confrere and his «curriculum vitae».
- 4) The Rector Major, after putting the request before his Council and having received their consent issues the Re-

⁸ Reasons for requesting the Indult of exclaustation are of different kinds depending on the wishes of the one making the request or other circumstances, and of such a kind that a simple permission of absence as provided by can. 665 cannot suffice or would not be appropriate. The gravity of the reasons is required for the cessation of common life in a way far more extensive than in the case of absence.

script with the Indult of exclaustation, which is given to the confrere, and the Bishop is informed.

- 7.3.3 *An extension of the exclaustation* after the three years granted by the Superior General, or else an Indult for a period longer than three years, is in the competence solely of the *Apostolic See* (through the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life).⁹

In this case the person concerned must address his *request to the Holy Father*; the documentation (which includes – as mentioned above – the request of the confrere, the “curriculum vitae”, the document of the Bishop for priests and deacons and the report by the Provincial with the opinion of the Provincial Council) should be sent by the Provincial to the Rector Major who, having received the opinion of his Council, with send it to the Apostolic See.

- 7.3.4 *The juridical situation of an exclaustated religious* is defined by *can. 687* of the CIC: «They are considered as dispensed from those obligations which are incompatible with their new condition of life. They remain dependent on and under the care of their Superiors and particularly in the case of a cleric of the local Ordinary... But they lack active and passive voice».

With regard to the simple permission for «absence from the religious house» the CIC establishes clear conditions:

- The religious who is exclaustated *remains a member of the Society*, dependent on legitimate Superiors and also the local Ordinary;
- *Lacks active and passive voice*: therefore cannot elect nor be elected for the Chapters or for responsibilities within the Society;
- Has to observe the Salesian Rule of life in all those things which are not incompatible with the new condition

⁹ Although it is possible to request from the Apostolic See an exclaustation for longer than three years, it is not the ordinary practice of the Apostolic See to grant such an exclaustation. The ordinary way to proceed therefore will be that of requesting from the Rector Major exclaustation for three years, and then eventually if necessary an extension from the Holy See.

(which requires a just autonomy in living his life and in exercise of the apostolate).

It should be noted that the CIC, while it speaks about the dependence of the person exclaustated on Superiors and the local Ordinary, also mentions the duty these Superiors have of accompanying the absent confrere with paternal care.

93 B. Exclaustation imposed

7.3.5 At the request of the Superior General with the consent of his Council, exclaustation can be imposed by the Apostolic See on a member of an Institute of pontifical right. For this *grave reasons* are required and equity and charity are to be observed (can. 686, §3).

7.3.6 In the case where there are reasons to proceed with the imposition of exclaustation on a member, the Provincial with his Council will carefully examine the situation and send to the Rector Major a very detailed report, which indicates the reasons for the request and the attempts made to resolve the matter in a different way.

7.4 A temporarily professed member leaving “at the end of the period of vows”

94 7.4.1 A professed member with temporary vows on completion of the time of temporary profession who wishes to leave the Society, is free to do so (CIC, can. 688, §1; Con. 194). At the expiry of the temporary vows in fact the obligation of the religious before the Church and the Society ceases and he is free to withdraw. He will *communicate his decision in writing to the Provincial*, after an appropriate discernment and after speaking with the Superiors.¹⁰

7.4.2 In addition a temporarily professed member leaves the Institute at the expiry of temporary vows *when he is not admitted*

¹⁰ It should be noted that when a temporarily professed confrere does not submit a request to renew his profession he is thereby showing his intention to leave the Society.

by the Provincial and his Council to the renewal of his vows or to perpetual profession (can. 689, §1)

7.4.3 What can. 689, §2.3 says should be remembered:

- Even though contracted after profession, a physical or psychological infirmity which in the judgement of experts renders the member unsuited to lead a life in the Institute constitutes a reason for not admitting the member to renewal of profession or to perpetual profession, unless the infirmity was contracted through the negligence of the Institute, or because of work performed in the Institute;
- A religious who becomes insane during the period of temporary vows cannot be dismissed from the Institute, even though unable to make a new profession.

7.4.4 When a temporarily professed member leaves the Society at the expiry of the vows, ***the Provincial should promptly communicate the fact to the General Secretariat***, providing information regarding the individual's leaving and the principal reasons for it. The importance should be emphasised of the Provincial (with the help of the formation personnel if possible) making an analysis of the reasons that have led to this leaving (both in the case of the professed member not asking to renew his vows and in that of admission not being granted). In collaboration with the Formation Department a FORM has been produced (cf. APPENDIX A-3), which in addition should be sent as soon as possible to the General Secretariat¹¹. **The Provincial should add a letter** in which he describes the vocational history of the professed, with a careful analysis of the reasons which have led to the person leaving.

7.5 **Indult to leave the Institute for a temporarily professed member.** 95

7.5.1 *The Rector Major, with the consent of his Council, has the faculty to grant to a temporarily professed member the Indult to*

¹¹ Cf. FSDB, 305

leave the Institute, when, for a *grave cause*¹² he requests such an Indult before the expiry of the vows taken (cf. can. 688, §2).

7.5.2 ***The procedure*** to obtain the Indult is the following:

- a. The temporarily professed presents the Provincial with his *request addressed to the Rector Major*, explaining the reasons for the request.
- b. The Provincial considers the request with his Council and sends a report to the Rector Major clearly pointing out the *grave reasons* which lead to the request for the Indult before the expiry of the vows. It would be convenient for the report of the Provincial to contain a brief «*curriculum vitae*» of the professed (which could also be attached as a separate document).
- c. In the General Council the Rector Major examines the request of the professed member together with the Provincial's report, and with the consent of his Council grants the Indult.

7.5.3 Once the Indult has been granted, the General Secretariat sends the Indult *in triplicate*¹³ to the Provincial. The Provincial then notifies the one concerned that the Indult has been granted.

¹² It should be noted that in regulating in a new way the leaving of the Institute during temporary vows, the CIC also requires for the dispensation from temporary vows – before they expire a *grave cause*. It would therefore be necessary that the professed member judges the seriousness of the reasons which are leading him to request to leave the Society before the expiry of the vows. But the request of the professed member in itself is not sufficient: the competent Superior has to judge that there are sufficient reasons to leave religious life on the part of someone who has freely assumed a commitment, even though, according to the requirements of the Church, only temporarily. The gravity of the reason will often be linked to the lack of a vocation or to conduct by the religious that does not correspond with his vocation and could be damaging to others.

¹³ *Three copies* are sent which are given to the one concerned who must sign them. Afterwards: one copy is given to the one concerned; one copy is kept in the Provincial Archives; the third is sent to the General Secretariat (as indicated in n. 7.5.5.)

- 7.5.4 The Indult comes into effect when, on being informed, the person requesting it does not refuse it. The Indult carries with it the dispensation from the temporary vows and from all the obligations arising from religious profession (cf. can. 692).

However, the dispensed confrere must *sign the document*, with the date the notification was received as a sign that he accepts it.

- 7.5.5 *A copy of the document signed by the professed member should be sent promptly to the General Secretariat.*

It should be remembered that the practice is not concluded until notification signed by the one concerned is received.¹⁴

7.6 **Indult to leave the Institute for a perpetually professed member** 96

- 7.6.1 Universal law reserves to the Apostolic See the faculty of granting to a perpetually professed member the Indult to leave the Institute (can. 691, §2).

In our Society the Rector Major has the faculty to grant such an Indult, with the consent of his Council, by the «privileges» granted to the Society.

- 7.6.2 The CIC recommends that a perpetually professed religious should not request to leave the Institute except for *very grave* reasons weighed before the Lord (can. 691, §1).

This imposes the obligation of a serious discernment on the part of the professed religious, but also a special responsibility on the Superiors (Provincial, Rector, Formation personnel) to help the confrere in difficulty to carefully evaluate his situation and the way to respond before God.¹⁵

¹⁴ In the case where it has not been possible to obtain the signature of the one concerned, a copy of the Rescript should be sent to the General Secretariat with a statement that it has been notified and not refused. *In the case that the Indult is not accepted by the professed; he remains in the Congregation:* the matter should be promptly communicated to the General Secretariat.

¹⁵ See in this regard AGC n. 312, 1985, pp. 48-49

7.6.3 **The procedure** to follow regarding the dispensation is the following:

- a) The *professed member* who intends to ask for the Indult, makes his *request addressed to the Rector Major* explaining the *grave reasons* which lead him to make the request, evaluated after the discernment carried out in dialogue with the Lord and with the help of an appropriate spiritual director. He gives the request to the Provincial who will forward it to the Rector Major.
- b) The *Provincial* will send the *necessary documentation* that enables the Rector Major and his Council in conscience to evaluate whether motives exist to grant the dispensation. Such documentation ought to include:
 - the request of the professed member;
 - complete personal details;
 - the formation curriculum, from the admission to the novitiate until perpetual profession and beyond, with the observations and the voting of the local and the Provincial Councils at each admission;¹⁶
 - *a careful report by the Provincial* on the origin and causes of the vocational crisis, its development, conversations with the confrere by the Provincial and/or other Superiors prior to the decision to request the dispensation;
 - *the final evaluation and the opinion of the Provincial and his Council* regarding the concession of the dispensation.¹⁷
- c) *The Rector Major* will consider the request of the professed member in the General Council in the light of the Provincial's report, and having received its consent, can grant the requested Indult.

7.6.4 Once the Indult has been granted, it is sent to the Provincial by the General Secretariat *in triplicate*.¹⁸

¹⁶ The **curriculum** mentioned here will be in *two parts*: one part regarding the stages of formation (*curriculum of formation*), from admission to the novitiate until perpetual profession, *with a transcript of the observations and the voting for each admission*; a second part lists the houses and the responsibilities after perpetual profession.

¹⁷ Cf. ACG n. 312, 1985, p. 49

¹⁸ Cf. Note n. 13

The Provincial sees that the person concerned is notified that the Indult is granted.

- 7.6.5 As in the case of the dispensation from temporary profession, the Indult comes into effect from the time it is communicated and the confrere does not refuse it. *The Indult carries with it dispensation from the vows and from all the obligations arising from profession* (can., 692).

The professed member who has received the Indult should sign and date it, indicating his acceptance.

- 7.6.6. The Provincial Secretariat will then ensure that *a copy of the Indult duly signed by the person concerned is returned to the General Secretariat*.¹⁹

The fact of the dispensation from perpetual profession should also be communicated to the *parish of Baptism*, so that it can be noted in the Baptismal Register.

7.7 Secularisation

97

«*Secularisation*» is the form of an «Indult to leave the Institute» through which the Salesian priest or deacon *passes to the secular clergy* and is incardinated, with or without a period of probation, in a Diocese²⁰.

This form of Indult is regulated by can. 693 of the Code of Canon Law, which provides for two possibilities:

- a. secularisation «*praevis experimento*» (or «*ad experimentum*» or «*in prova*»), which is granted with a period of probation before incardination: according to the law, the probation may last up to five years;
- b. *simple* secularisation («*pure et simpliciter*») by which the Bishop states that he is willing to incardinate the religious immediately without waiting for any period of probation.

¹⁹ What is indicated in *note n. 14* applies. But in the case of the perpetually professed everything possible should be done to have the document signed.

²⁰ The term «*secularisation*» refers to the «*secular clergy*», which is an expression often used to indicate the *diocesan* clergy.

The conditions and the main points to be observed are summed up here.

- 7.7.1 According to can. 693 a prior condition for a confrere to be incardinated in a Diocese is to have a document written by the *Bishop stating that he is willing to accept the confrere with a view to incardination*. In the document the Bishop must state clearly whether he is accepting the religious on probation («ad experimentum») or whether he will incardinate him at once («pure et simpliciter»).
- 7.7.2 Having this document from the Bishop it is possible to proceed with the request for secularisation. For this the ***following documents*** have to be sent to the Rector Major:
- 1) *The request from the petitioner addressed to the Holy Father*: which must explicitly state the reasons and the kind of secularisation being requested (“*praevio experimento*” or simple); see a facsimile of the request in APPENDIX A-9;
 - 2) *The original document from the Bishop*, which states that he is willing to accept the confrere among the diocesan clergy (“*ad experimentum*” or “*pure et simpliciter*”, as mentioned above).²¹
 - 3) *Personal details of the confrere and «curriculum vitae»* up to the time of the request;
 - 4) *Detailed report and opinion of the Provincial* (with his Council) on the appropriateness of granting secularisation.
- 7.7.3 The Rector Major with his Council, having examined the confrere’s request and the documentation provided, sends it – usually through the Procurator – to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, within whose competence it is to issue the Rescript that al-

²¹ It should be noted that can. 693 speaks only of the Bishop, who is willing to accept the religious into his Diocese. However, one should remember can. 381, §2, by which Vicars Apostolic and Prefects Apostolic in their own areas are equivalent in law to diocesan bishops. Then according to can. 134, §3, Vicars General and Episcopal Vicars can issue a document confirming the acceptance of a religious in view of incardination, but only, «by special mandate » of the Bishop.

allows the Bishop to proceed with incardination, according to the appropriate canonical form.

The Rescript of the Congregation for Institutes of Consecrated Life sent to the Provincial should be passed on to the Bishop.

7.7.4 Having received the Rescript from the Holy See, as soon as possible the Bishop should issue:

- a. The «*Decree of implementation*» (or “Executive Decree”) when it is a question of probationary secularisation;
- b. The «*Decree of incardination*» when it is a question of simple secularisation.

When passing on the Rescript from the Pontifical Congregation, the Provincial will ask the Bishop for the necessary Decree.

Having received a copy of the executive Decree or the Decree of incardination from the Bishop, the Provincial will see that it is *immediately sent to the General Secretariat*, retaining a copy for the Provincial Archives.

It should be remembered that until the appropriate Decree is issued secularisation has not taken place.²²

7.7.5 The religious who is accepted *on probation* by the Bishop is dependent upon and under the care of the Bishop. *The vows and the obligations deriving from profession are to be considered suspended*, in so far as they are incompatible with the new condition of life.

During the probation (or experimental) period he is in the situation of a *religious who is exclaustated*: as such, he does not have active or passive voice in the Society and therefore does not take part in elections for Chapters nor can he be elected to responsibilities in the Society.

²² The “executive Decree” (or the “Decree of incardination”, when requested) is a Decree by which the Bishop gives executive effect to the Rescript of the Holy See and therefore in fact accepts the confrere into the Diocese, after receiving authorisation from the Holy See. This decree is required by the Pontifical Rescript itself: in the case of secularisation “ad experimentum” it provides an Indult of exclaustation for the whole period of probation; on the other hand, in the case of secularisation “pure et simpliciter” it decrees the incardination. Therefore it is a question of a Decree that confirms the previous letter of acceptance that the Bishop had given.

He may return to the Society whenever he wishes during the period of probation. After five years of probation, he is automatically incardinated in the Diocese, by virtue of the law itself, unless before the end of that time the Bishop has sent him back to the Congregation (can. 693)²³.

- 7.7.6 *When a religious is definitively incardinated in the Diocese (after the Decree of incardination has been issued or the five probationary years have passed), he is dispensed from his vows of poverty and religious obedience and all the other obligations of the Rule (cf. can. 692).*

7.8 Dispensation from the diaconate

- 98 7.8.1 The competent authority to grant a dispensation from the diaconate is the *Apostolic See*: such an Indult in fact includes dispensation from celibacy, which can. 291 reserves exclusively to the Roman Pontiff.

- 7.8.2 To proceed with a request for dispensation the Provincial, after having ascertained, - through the necessary discernment - that there are grave reasons to grant the Indult to the confrere deacon (either a deacon preparing for the priesthood or a permanent deacon), sends to the Rector Major the **following documentation**:

- 1) The *personal request of the one concerned, addressed to the Holy Father*, in which he humbly requests dispensation from celibacy and from the obligations of the diaconate and from religious vows, indicating all the reasons for his request. Emphasis needs to be given to the importance in the request made in all humility to the Holy Father that the reasons leading to the decision are clearly indicated, together with the process of discernment undertaken.

²³ The maximum time for probation envisaged by the CIC is *five years*, but the Bishop may proceed to incardinate him (or likewise send him back to the Congregation) even before the expiry of the five years. If during the probation the religious should decide to return to the Congregation, there are no formalities to be completed: he may return and the Provincial must accept him.

- 2) The «*curriculum vitae*» of the deacon, also including the observations and the voting at the various admissions from that to the Novitiate to that to the Diaconate²⁴; in the «*curriculum*» what he has done since ordination to the diaconate until the present should be mentioned.
- 3) A *detailed report from the Provincial* (addressed to the Rector Major), that clearly presents the reasons for the request and concludes with the opinion of the Provincial about the appropriateness of granting the dispensation.
- 4) If it is possible it would be good to add some *statements of qualified witnesses*, (formation personnel or superiors), which express an opinion about the crisis of the deacon, about the motives and about the suitability of granting the dispensation.

All these documents should be sent to the General Secretariat *in duplicate* (the original and a copy).

7.8.3 Having received the documentation, the Rector Major with his Councillors examines it and then, generally through the Procurator, forwards it, – with his own opinion – to the Congregation for Divine Worship and Discipline of the Sacraments (to which has been assigned competence to analyse these requests and present them to the Holy Father).

7.8.4 When the Rescript with the concession of the dispensation has been received, a copy is sent to the Provincial, who will notify the confrere concerned about it. As in the case of the dispensation from profession, the Indult comes into effect the moment that the confrere, informed about it does not refuse it.

The Provincial will see to it that *the arrival of the Rescript is notified to the General Secretariat and to the deacon's parish of origin*, so that it may be noted in the Baptismal register.

²⁴ As was already said when speaking about a dispensation from perpetual profession (cf. note 16), it would be well that all the *observations and the votes for the various admissions (from the novitiate to the diaconate) be transcribed*. This in order to have a complete and concise picture of the whole formation curriculum. There is no need to attach copies of the admission documents.

The dispensation brings with it the *cessation of all the obligations deriving from ecclesiastical celibacy, from the duties of the diaconate and from religious vows.*

7.9 Dispensation from priestly celibacy

99 7.9.1 The competent authority to grant the dispensation from priestly celibacy (and from the other obligations of ordination) is *solely the Roman Pontiff* (cf. CIC, can. 291).

7.9.2 Conditions

100 The request for a dispensation from priestly celibacy must be based on the conditions established by the Apostolic See, which in 1980 issued some "*Normae substantiales*", to which Ordinaries and the Instructors of such Cases must refer (cf. *Letter of the Congregation for the Doctrine of the Faith dated 14 October 1980*). These conditions can be substantially reduced to the following general situations:

- a. The case of a priest who, having left the ministry a long time ago wishes to regularise his position;
- b. The case of a priest admitted to the priesthood in such circumstances that one can find and demonstrate:
 - a lack of personal freedom;
 - a lack of full responsibility;
 - a lack of sufficient maturity;
 - a lack of correct judgement on the part of the formation guides and the superiors, with regard to the suitability of the candidate for the state of life of priestly celibacy.

It is obvious that many of the various personal situations can be reduced to one or other of the preceding general conditions. For example, it is possible to point to the lack of personal freedom when the choice of the priesthood by the candidate was made in a situation of grave fear of parents, relatives or superiors; one could speak of a lack of full responsibility whenever a candidate may have taken the decision in a state of serious moral crisis or personality disturbance; it is possible to refer to a lack of complete maturity, if the candi-

date was admitted to the priesthood without an adequate intellectual, psychological or spiritual preparation; in various cases one identifies an affective-sexual immaturity.

In every case, two aspects especially need to be underlined:

- a. The arguments put forward to describe the situation must really be open to proof and supported by documents and witnesses;
- b. Above all it is necessary to look at the conditions and the circumstances that preceded ordination. Otherwise only with great difficulty can the dispensation be granted. For a safer guarantee, of great importance are the testimonies of superiors, companions of study, relatives or friends, and also medical and psychological certificates.

7.9.3 ***The procedure*** for the presentation of the case is the following: 101

7.9.3.1 The petitioner writes a letter *addressed to the Holy Father*, appropriately signed and dated, in which he requests the dispensation. The request, made in a spirit of humility, should contain a brief description of the facts and the fundamental reasons for the request.
The request is given to the Provincial, who has to initiate the Case.

7.9.3.2 Once he has received the request, the Provincial should *make a judgement as to whether there are the basic conditions* to be able to present it to the Apostolic See (cf. n. 7.9.2.). If he discovers such conditions, the Provincial may proceed to initiate the case and collect the necessary documentation.

7.9.3.3 The Provincial may carry out the practice personally or by means of a delegate. In this second case, with the appropriate written document (cf. APPENDIX A-13-1), the Provincial, appoints a Salesian priest as the «*Instructor causae*»: from the time of his appointment the primary responsibility for the case is his.

7.9.3.4 The Provincial then sees to the appointment by a written document (cf. APPENDIX A-13-2) of a confrere, (ordinarily the

Provincial Secretary) who exercises the role of «notary» and who makes a public statement concerning the authenticity of the acts in the Case. The notary must:

- a. be present at the interrogation of the priest requesting the dispensation and furnish accurate minutes of the conversation between the Instructor causae and the petitioner;
- b. be present at the questioning of the witnesses recording minutes of the conversations and authenticating them with his own signature;
- c. authenticate all the other written documents (opinions of experts, written testimonies, all kinds of certificates etc.).

7.9.3.5 After the implementation of these preliminaries, the Provincial or the Instructor causae appointed by him proceeds to:

- a. question the priest who has requested the dispensation, on the basis of a questionnaire prepared for the purpose (cf. a Model in APPENDIX A-13-4); the questioning should refer both to elements drawn from the curriculum and above all from the reasons mentioned in the request of the petitioner;
- b. question or ask for a written sworn statement from people indicated by the petitioner, and all those considered in a position to make a contribution to the case (cf. a scheme or example for questioning witnesses in APPENDIX A-13-5; in the case where a witness is asked for a written statement, other important questions to be answered could be indicated but then one would require an overall report which provides a precise answer to single questions);
- c. trace all the other documents that might be useful to prove what the priest requesting the dispensation has said (very useful are any medical or psychological reports there may be in certain cases).

7.9.3.6 When all the necessary documents have been acquired, the Instructor Causae makes his final report, in which he expresses his own judgement about the reasons given and the appropriateness of granting the dispensation. Then comes the final report of the Provincial who in his turn expresses his own opinion about the granting of the dispensation, as

well as his view "*de rei veritate*".

Then *the Provincial sends all the documentation to the Rector Major*.

The Rector Major and his Councillors examine the case material, with the assistance of the juridical Office. The case material is then sent – usually through the Procurator – to the Congregation for Divine Worship and Discipline of the Sacraments furnished with the view of the Rector Major.

7.9.4 *The documentation required*

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With regard to the documentation, *the Congregation for Divine Worship and Discipline of the Sacraments* – which is currently competent to examine Cases of dispensation from Celibacy – has provided *a complete list of the documents* that should be presented by the Ordinaries (Bishops and religious Superiors) for these cases.

The list which is given here also specifies the form the various documents indicated need to have. Some explanatory notes are added (in smaller characters).

DOCUMENTS NECESSARY FOR THE INSTRUCTION OF A CASE FOR DISPENSATION FROM THE OBLIGATIONS OF PRIESTLY ORDINATION

1. *The letter of the priest* addressed to the Holy Father in a spirit of penitence and humility, summarizing the principal reasons that have led him to leave the priesthood and any others for which he considers it impossible to return to the sacred ministry.
The request is to be addressed to the Holy Father and *personally signed by the Petitioner*. It should be a clearly stated petition for a dispensation from celibacy and reduction to the lay state. This letter is to be submitted to the Ordinary together with a "curriculum vitae"
2. A '*Curriculum Vitae*' of the *Petitioner* [written by the *Petitioner*]²⁵ that serves as the 'libellus' whereby the case is

²⁵ The "curriculum vitae" mentioned here is one written by the *Petitioner*, to accompany his request to the Holy Father. It is very useful. It can be attached to the request.

introduced and in which is contained a detailed description of the reasons for the defection, and, if pertinent, why the situation is irreversible. Also included should be significant dates, i.e., of birth, progress in the steps of formation and ordination, and the years and places where ministry was carried out.

3. *A statement of every pastoral attempt made* by the Ordinary of the Diocese or Religious Superiors to dissuade the Petitioner from making the request, along with all the measures taken to assist him in overcoming the crisis and taking up the ministry again.

[All this can be included by the Provincial in his final report]

4. *A document that demonstrates that the Petitioner has been suspended from the exercise of the sacred ministry*, once the Ordinary has reviewed the 'Curriculum' and decided to accept the formal request of the Petitioner for a dispensation – thereby avoiding any possible scandal and protecting his reputation.

[This formal document is not necessary if the priest has in fact abandoned his ministry]

5. *A Decree nominating the Instructor of the case and an ecclesiastical Notary*, including the explicit statement of the obligation to proceed according to the 'Substantial and Procedural Norms' promulgated by the Congregation for the Doctrine of the Faith. (A.A.S. 14 October 1980, pp. 1132-1137)

[N.B. See the examples of these decrees of appointment in APPENDIX A-13-1 and APPENDIX A-13-2]

6. *The Interrogation of the Petitioner* under oath, by the Instructor in the presence of the Notary, with prepared and pertinent questions concerning, above all, the time of formation prior to Ordination, with a deeper inquiry into the reasons given by the Petitioner in the "Curriculum" for the crisis, the defection and the irreversibility of his choice.

[The "pertinent" questions in the interrogation should be aimed at going more deeply into the reasons given by the Petitioner in his request and in the "curriculum", looking into the proximate reasons for the crisis, but also the remote ones, which often go back to the time of formation, prior to ordination]

7. *The Interrogations or depositions of witnesses*; either those indicated by the Petitioner or chosen by the Instructor: i.e., parents and relatives of the Petitioner, Superiors and companions from the time of formation, present Superiors and priest confreres.

[As can be seen, the nature of the testimony may be of two kinds: through an *interrogation* (questions and answers) or with a *written deposition* (i.e. one written and signed by the witness). Always remember to include oath to tell the truth – There should be at least **three statements of witnesses**]

8. *Any testimony that might be obtained from physicians, psychologists, psychiatrists* who were visited during the time of formation or later.
9. *A copy of the 'Scrutinia'* (i.e. all documents specified in Canon 1051) *of those responsible for his admission to Holy Orders as well as other documents* from the archives of the house of formation.

[N.B. This forms part of the **extensive curriculum**, drawn up by the Provincial Secretary (or Notary) in which, in addition to the data regarding the various stages and the offices held, are noted the observations and the voting made at the admissions at all the stages of formation]

10. *The personal Vote of the Instructor about the merit of the case as a whole*, explaining whether it is recommended or it is deemed inadvisable that a dispensation be granted and why this is the case. To be taken into consideration are: not only the reasons set forth in the Instruction, as well as the personal well being of the Petitioner, but also the universal good of the Church, of the Diocese or Religious Institute as a whole, and of the souls formerly entrusted to the ministry of the Petitioner.
11. *The personal Vote of the Bishop or the Religious Superior* who arranged that the case be instructed – to be formulated *upon the merit* of the case as presented in the Acts prepared by the Instructor, stating *whether or not it is deemed opportune* to grant the dispensation. An explicit statement must be included regarding the assurance that *no scandal* will be taken if the dispensation is given.

[It should be remembered that the report of the Provincial – with his personal vote – should also contain a judgement “*de rei veritate*” on the credibiity of the witnesses and the acts]

12. *A personal Vote from the Bishop of the place where the Petitioner now lives regarding the assurance that no scandal will be taken is the dispensation is given.*

[N.B. This is the so-called “*de non timendo scandalo*” document issued by the Bishop of the place where the Petitioner is living]

13. *An official copy of: certificates of attempted civil marriage or declarations of nullity of Matrimony, or civil divorce for the Petitioner and the woman.*

[N.B. Obviously this is in the case where the priest has attempted a civil marriage. For us religious, there should also be included *the declaration of dismissal* on the part of the Provincial with his Council, as indicated in n. 105]

Of all these documents **four copies (the original + 3 copies)** – in loose pages, not *bound* – are sent to the Secretary General (or directly to the Vicar of the Rector Major or to the Procurator.²⁶

103 7.9.5. When the dispensation is granted, the Rescript of the Congregation for Divine Worship and the Discipline of the Sacraments is sent – *in triplicate*²⁷ – to the Provincial.

The Provincial informs the Petitioner about the Rescript,²⁸ pointing out the indications and the condition it contains.

The Provincial informs the *General Secretariat* in writing that the notification has been given (cf. APPENDIX A-13-8).

He also informs the *local Ordinary and the Parish of origin of the one concerned* of the fact., so that a note may be made in the Baptismal Register.

7.10 Dismissal from the Society

104 Dismissal is the process by which a member is separated from the Congregation either by force of law or by a decree of the Superior General.

²⁶ The Holy See recommends that if there are hand – written documents (especially if difficult to read) they should be transcribed, typed, and signed by the notary.

²⁷ It should be noted that copies of the rescript are issued because the original is retained by the Pontifical Congregation. Of the three copies sent (which should all be signed): one is for the Petitioner, one is to be kept in the Provincial Archives and one is returned to the Centre of the Congregation.

²⁸ Notification of the Rescript can be done personally by the provincial or through someone in his place (with written delegation) or by registered post (certified, registered).

According to canon law there are three cases of dismissal:

1. dismissal «ipso facto» («automatically») (can. 694);
2. obligatory dismissal (can. 695);
3. dismissal on the judgement of the Superior (can. 696).

The Salesian Constitutions deal with this form of separation from the Society in art. 194. It should be observed, however, that given the often «traumatic» manner/effect of separation from the Society by dismissal, as far as possible it is best to convince the member to ask spontaneously/freely to leave the Society, when there are reasons for this.

In general one should note that the procedure for dismissal is the same for both temporarily and perpetually professed.

7.10.1 Dismissal «ipso facto»

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7.10.1.1 Can. 694 of the CIC establishes that a religious is dismissed from the Institute «*by the fact itself*» when he has committed the following crimes:

- 1) *has notoriously defected from the Catholic faith* (apostasy or public support of doctrines contrary to the faith);
- 2) *has contracted marriage or attempted to do so, even civilly.*

7.10.1.2 In these cases the dismissal is established by the law itself, but this prescribes that it be «**declared**» by the Major Superior, so that it is juridically established. While being a dismissal «ipso facto», it has juridical value from the time when the declaration of the competent Superior is made.

The Provincial therefore must collect the evidence and, *without delay*, with his Council, issue a declaration of dismissal (a model can be found in APPENDIX A-10).

The **evidence** (which accompanies and justifies the declaration of dismissal) can be: a copy of the marriage certificate (in the case of a wedding), sworn statement (that is testimony of the person who – under oath and by writing – bears witness to the fact of guilt), possible writings of the one concerned, publication or articles in the press (for example, in the case of public support of doctrines contrary to the faith), etc.

7.10.1.3 **The declaration by the Provincial and his Council, together with the proof, should be sent without delay to the General Secretariat.**

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The Provincial should then see that the person concerned is informed of the declaration.

7.10.2 **Obligatory Dismissal**

- 106a** 7.10.2.1 The Major Superior (Provincial) is obliged in virtue of the law to dismiss a member of the Society, in temporary or perpetual vows, in the following circumstances:
- a. if he is living in a state of concubinage (can. 1395, §1);
 - b. if he continues in some other grave sinful situation against the sixth commandment, which causes scandal (can. 1395, §1);
 - c. if he commits murder, by force or by fraud abducts, imprisons, mutilates or gravely wounds a person (can. 1397);
 - d. if he actually procures an abortion (can. 1398).

7.10.2.2 In these cases the dismissal is called “*obligatory*” since the Provincial *has* to go ahead with the dismissal, but for that purpose a process is required that the law clearly defines. It is not a question of a dismissal “*ipso facto*”.

The procedure – indicated in can. 695 §2 – is the following:

- a. The Provincial collects the evidence concerning the facts and the imputability of the offence and the *accusation and the evidence are presented to the member*. He will do this either personally in the presence of two witnesses, or by means of a registered letter (certified, registered, with a receipt to be returned): he will make known to the religious the facts or the culpable acts which lead to the dismissal giving him the opportunity to defend himself.
- b. There is no need for other warnings (what is indicated in point a is sufficient), since the dismissal is imposed by the law, but it is presumed that the Superior will have tried all the means possible to make the confrere change his ways.
- c. *All the documents, signed by the Provincial and the Provincial Secretary acting as Notary, are sent to the Superior General* who will issue the decree of dismissal (in the manner indicated below).
Among the documents to be sent to the Superior General

there should also be the response of the confrere to the accusations levelled against him, put in writing and signed by him, in addition to an authenticated copy of the letter (or the letters) in which the Provincial formally presented him with the accusations.

The Provincial will accompany the documentation with his *report to the Rector Major* describing the whole process undertaken and with an *extract from the Provincial minutes* in which – after the stages in the process – the Council gave its own vote in favour of the dismissal. A “curriculum vitae” of the confrere should also be added.

- d. It should be observed that the confrere always has the right to communicate with the Superior General and to put to him directly the arguments in his own defence (can. 698). The Provincial ought to inform him of this possibility.

7.10.2.3 It should be added that the CIC leaves it to the Superior to **106b** judge whether it is appropriate to dismiss a member in the cases contemplated in can. 1395, §2, that is in the case of acts that are not habitual²⁹ against the sixth commandment of the Decalogue, especially if the crime was committed by force, by threats or in public, or with a minor under the age of 16. In these cases, the Superior can proceed to dismissal or, if he considers it opportune, to provide in some other way for the amendment of the religious, and also for the restoration of justice and the reparation of scandal (cf. can. 695, §1). In any case, one should note the special attention that has to be given to *crimes of a sexual nature with regard to minors*, which the Supreme Pontiff recently included among the “*delicta graviora*”, entrusting the examination of them and any possible sanctions to the *Congregation for the Doctrine of the Faith*. The procedure to be followed in these cases is that indicated above (n. 7.10.2.2), but on account of the delicate nature and the gravity of the matter the Vatican Congrega-

²⁹ For «habitual» acts against the sixth commandment of the decalogue, accompanied by grave external scandal, what is indicated in 7.10.2.1, b) – in relation to can. 1395, §1, which prescribes «obligatory» dismissal should be applied.

tion requires a *much more detailed documentation* (with clear reference to the age of the victim and to the culpable acts and any possible civil action pending).

7.10.3 Dismissal on the judgement of the Superior.

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We call this kind of dismissal “*on the judgement of the Superior*” because it involves the Superior’s judgement, in which he has to decide whether the grave reasons considered by the CIC to dismiss a religious, in addition to the cases mentioned above, are present.

7.10.3.1 Motives for dismissal.

Can. 696 of the CIC leaves to the judgement of the Superior the dismissal of a member for other causes, other than those considered for dismissal «*ipso facto*» or obligatory. Because of the gravity of the process of dismissal the CIC requires that these causes be *grave, external, imputable and juridically proven*. By the law itself, as examples, the principle causes are indicated:

- a. habitual neglect of the obligations of consecrated life;
- b. repeated violations of the sacred bonds;
- c. obstinate disobedience to the lawful orders of Superiors in grave matters;
- d. grave scandal arising from the culpable behaviour of the religious;
- e. obstinate attachment to, or diffusion of teachings condemned by the *magisterium* of the Church;
- f. public adherence to materialistic or atheistic ideologies;
- g. the unlawful absence from the religious house if it extends for a period of six months, with the intention of withdrawing from the authority of Superiors (cf. can. 665, §2).

7.10.3.2 One could consider among the cases for dismissal “on the judgement of the Superior” also what is said in n. 7.10.2.3, but one should note that in the matter specified there, the way to proceed is the same as that mentioned above in cases of “obligatory” dismissal (cf. can. 695 §2).

7.10.3.3 A member *in temporary vows* can also be dismissed for reasons less grave than those set out previously (can. 696, §2), as, for example, the obvious lack of a religious spirit, without hope of improvement.

7.10.3.4 ***The procedure to be followed*** is established by cann. 108 697-700 and includes the following stages:

- a. Above all the Provincial must ***consult his Council*** about the advisability of setting in motion the process of dismissal: this must result from the «EXTRACT FROM THE MINUTES»;
- b. If, having heard his Council, the Provincial judges that he ought to proceed with the dismissal, he needs to collect and complete all the evidence of the imputability of the offence; in the case where he wants a member who is unlawfully absent to return he has to give an ***order by force of the vow of obedience*** (cf. Con. 68) in writing, in a registered letter (certified/recorded) with a return receipt, or by word of mouth before two witnesses; in the order the Provincial clearly informs the confrere of a reasonable date before which he must return to a specific community (with an explicit caution that dismissal will follow if he does not obey). Also for other reasons the Provincial should formally and explicitly – in writing – inform the member that if he does not give up his culpable behaviour before a certain deadline, he will be dismissed;
- c. After the specified deadline has been reached (*at least 15 days after the deadline*), if the member has not obeyed or has not given up his behaviour the Provincial will give him a ***first warning*** in writing or before two witnesses, indicating a new deadline and with the explicit warning of his subsequent dismissal if he fails to reform, clearly informing him of the reason for his dismissal and giving him every opportunity to defend himself (see a model in APPENDIX A-11);
- d. Should the first warning not prove effective, *after an interval of at least fifteen days* after the deadline given for him to obey, *the Provincial will give a ***second warning****, in the same way as the first;

- e. If this second warning is also ineffectual; *after an interval of at least fifteen days* (from the date of the reception of the warning), **the Provincial calls his Council** and together – in a secret vote – judges that there is sufficient proof of incorrigibility and that the defence of the religious is insufficient, he should then proceed to send to the Rector Major the request for the dismissal: it should be noted that in this case the Provincial votes with the Council; of this meeting too an “EXTRACT FROM THE MINUTES” should be drawn up to add to the documentation;
- f. If the Council is in agreement about the dismissal, **the Provincial sends to the Rector Major his final report with all the documents**,³⁰ signed by him and by the Provincial Secretary as the notary, together with all the replies given by the religious and signed by him;
- g. It is obvious that the member may always communicate personally with the Rector Major and put to him directly arguments in his own defence;
- h. The Rector Major, acting in collegial fashion with his Council (which for validity must comprise at least four members³¹), proceeds to a careful evaluation of the evidence, of the arguments and of the defence and, if by a secret vote the decision is positive, the **decree of dismissal** is drawn up;
- i. The decree of dismissal is **forwarded to the Apostolic See** (Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life or to the Congregation for the Doctrine of the Faith in cases which are within its

³⁰ The **documents to be sent to the Rector Major** are the following: 1) The extract from the minutes of the Provincial Council to begin the process; 2) copy of the formal obedience given, with the relevant documentation (documentation regarding the certification of the letter or of personal handing over); 3) copy of the first canonical warning, with the relevant documentation; 4) copy of the second canonical warning, with the relevant documentation; 5) extract from the minutes of the Provincial Council in which the vote is given in favour of the dismissal; 6) the final report of the Provincial. To be added also: 7) an extensive “*curriculum vitae*” of the confrere; 8) all replies there may be from the confrere and other useful documentation.

³¹ Cf. CIC, can. 699 §1

competence), together with all the acts so that it may proceed to ratify it; for validity the decree must indicate the right of the religious dismissed to have recourse to the competent authority (in the first instance the Congregation for the Institutes of Consecrated Life and in the second instance to the Supreme Tribunal of the Apostolic Signatura) within ten days of receiving notification; whenever recourse is made this has a suspensive effect.

7.10.3.5 *Notification of the decree of dismissal*

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- a. Once the decree of dismissal has been ratified by the Apostolic See,³² the person concerned is notified of it either by a registered letter (recorded delivery with a return receipt) or personally in the presence of two witnesses.
- b. The decree of dismissal cannot be refused, but it is possible having once received the notification, for the subject to have recourse to the Apostolic See, within ten days of receiving it as mentioned above.
During the period of the recourse the juridical effects of the dismissal are suspended.
- c. The dismissal of the member ought also to be communicated to the Ordinary of the place where he is living (especially if it is a matter of a deacon or a priest).
- d. The General Secretariat should be promptly informed of the notification having been given.

7.10.3.6 *Effects of dismissal*

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- a. The dismissed member is no longer a Salesian. The vows professed and all the other obligations following from the Salesian profession cease.
- b. If the dismissed member is a deacon or a priest, in virtue of the dismissal he is suspended and may not exercise the sacred orders until he has found a Bishop who accepts him into his diocese to incardinate him or at least to permit him to exercise the ministry.

³² It should be emphasised that the decree of dismissal comes into force only after ratification or confirmation by the Apostolic See (can. 700)

111 7.10.3.7 *Notes of a procedural nature*

Since, as has already been pointed out, dismissal is an extremely grave matter, that has to be ratified by the Apostolic See (can. 700) and that, in special cases, could also be contested before the «second section» of the Supreme Tribunal of the Apostolic Signatura, it is important that ***particular care is taken in the regularity and the precision of the acts***, which do not permit of exceptions in form or even less in substance.

Some juridical formalities in regard to the documentation to be borne in mind need to be remembered:

- a. All the documents should be in perfect order: place, date, signature or signatures, seal, countersigned by the Actuary (Provincial Secretary);
- b. If the letter with the formal obedience, as also the other two with the canonical warnings are given by hand, it is necessary to draw up a document about the delivery having taken place, of this kind:

The undersigned,, having received from Rev.Fr., Provincial of the Salesian province with headquarters in, the task of delivering the letter with the formal obedience (with the first warning; with the second warning; . . .), states that he has fulfilled the task at (*place*) today (*date*), in the presence of the witnesses

In fede.

..... (place and date). Signature of the one charged with the delivery and of the two witnesses.

- c. If the communication is carried out by word of mouth face to face, the Provincial does so before two witnesses, and has an official document reporting the fact drawn up, signed by all. If the confrere concerned does not want to sign, a declaration to that effect is added at the bottom and signed by the Provincial and the witnesses.
- d. When the communication is made by letter, this is sent as a registered letter with a return receipt («registered» letter). The receipts of these letters are then added to the acts.
- e. ***Particular attention to the intervals of time*** provided for by the law is recommended, between one intervention and

another (between the expiry of the time for the obedience and the first canonical warning, between the first and second canonical warnings, between the expiry of the second warning and the final meeting of the Provincial Council). The CIC always requires intervals of *at least 15 days*.

- f. All the documentation should be prepared in two copies: the first with the originals to be sent to the Rector Major; the second is to be kept in the Provincial Archives. If a registered letter were to be returned the closed envelope should be attached together with an authenticated copy of the letter it contains.

(It is appropriate to send to the General Secretariat, in addition to the original copy for the Rector Major, a second copy of the documentation)

7.10.4 Confrere who cannot be found

Whenever contact is lost with a confrere absent from the community (for whatever reason), the Provincial – with the help of the local Rector – will do all he can to trace him and to restore a fraternal and frank dialogue, to help him to overcome his difficulties and return to community.

If however, after a reasonable period of time the search has proved unsuccessful, the confrere remains «*untraceable*», the Provincial with his Council should decide whether to begin the process of dismissal.

The procedure to follow is the same as that indicated for the dismissals according to the judgement of the Superior (cf. n. 108), but in this case the formal obedience and the subsequent canonical warnings are given «*per edictum*», in other words fixing such acts to the Provincial notice board and the Notice board of the Community to which the confrere is juridically attached (see an example APPENDIX A-12). The edicts should remain on display for the period of time prescribed for the various deadlines.

7.10.5 Expulsion from the community in urgent cases

The norms regarding **urgent cases** are found in *can. 703* of the CIC: «In the case of a grave external scandal, or of extremely grave and imminent harm to the Institute, a member

can be expelled forthwith from the house by the major Superior. If there is danger in delay, this can be done by the local Superior with the consent of his council. The major Superior if need be is to introduce a process of dismissal in accordance with the norms of law, or refer the matter to the Apostolic See».

The canon makes provision for an *exceptional remedy* in particular situations, that is in the case of grave external scandal or extremely grave harm that would affect the Institute precisely on account of the presence of the religious in a house: it is clear that the exceptional nature of the provision requires a very serious discernment of the «exceptional nature» of the reasons: the Superior will carry out that discernment with his Council.

According to the law the competent authority to decide on the immediate expulsion from the religious house is the *major Superior* (Rector Major or Provincial), with the consent of his Council. But in cases so urgent that any delay linked to recourse to the major Superior would be considered dangerous, the *local Superior* (Rector) can carry out this procedure with the consent of his Council.

It should be noted that the sending away or expelling from the religious house is not equivalent in itself to dismissal from the Institute, even though this could be the final conclusion.³³ It is a question of a procedure that is *exceptional, but provisional*. Therefore after a member has been expelled it is necessary that:

- if this was decided by the Rector, he should immediately inform the Provincial, so that the necessary next steps may be taken;
- the Provincial, whether he himself was responsible for the expulsion in an emergency, or whether it was done by the Rector, has to decide with his Council on the need to begin a process leading to the eventual dismissal from the Society, if there are sound reasons: in this case he will proceed in everything as indicated in n. 108 (dismissal on the judgement of the Superior).

³³ See «*Communicationes*», 1981, p. 361.

It is obvious that the procedure for the expulsion from the religious house could also be resolved with a return to the community (if the causes of scandal or damage were removed) or also in special cases, with the referral of the matter directly to the Apostolic See, which would decide what solution to make.³⁴

7.11 Help for confreres who leave the Congregation

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With regard to confreres who – in any way – leave the Congregation *art. 54 of the General Regulations* states as follows: «Should a confrere leave the Society, he shall once again have full rights over the movable and immovable goods the ownership of which he reserved to himself but he shall not have the right to demand any of their fruits, nor any account of their administration.

Fraternal help will be afforded him to face the initial difficulties of his new situation, but he shall not be entitled to anything for the period he has passed in the Congregation». Therefore our law, while on the one hand pointing out that profession has been an absolutely free and gratuitous gift and therefore the confrere cannot demand anything for the work carried out in community, on the other hand invites the Superior and the community to accompany the confrere in his new situation, also with practical economic assistance, especially when he might find himself in need. It is obvious that the Provincial will consider case by case, to respond to the confrere's needs.

In this regard what can. 1350 of CIC also says with regard to a priest dismissed from the clerical state should be borne in mind: «If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible.”

³⁴ Regarding expulsion in urgent cases see also «*Il Direttore salesiano*», Roma 1986, n. 293.

8. RELIGIOUS HOUSE AND LOCAL COMMUNITY

In this Chapter some points regarding Salesian Houses will be discussed: then canonical erection and closure, the appointment of a member to a house, the appointment of the Rector, the acceptance of a parish.

8.1 Opening and canonical erection of a Salesian House

115 8.1.1 A distinction needs to be made between simple opening and canonical erection of a house:

- *The opening* is the act of beginning a Salesian foundation in a specific place for a particular mission;
- *The canonical erection* is the juridical action by which the Salesian foundation is recognised as a “*domus religiosa*” (Religious house), having a legal status under the authority of a Superior (cf. canon 608).

Canon Law prescribes that the religious house must be “*lawfully constituted*” (canon 608), that is, canonically erected. Therefore canonical erection should normally accompany the opening of a Salesian foundation.

If for special reasons, at a transition stage, a foundation is opened but not immediately canonically erected, it must in the meantime be considered *as linked to and dependent on a house which is canonically erected*; the Provincial will therefore take steps to determine which house and which Rector the confreres will depend on, and at the same time he will appoint a priest in charge of the new foundation.

8.1.2 The *simple opening of a Salesian foundation also requires the authorisation of the Rector Major* with the consent of his Council (Con 132 §1,2).

Therefore, the Provincial, after having placed the new foundation before his Council for examination and having re-

ceived their consent (Con. 165,5) will send to the Rector Major the request for the opening of this new foundation with a report on its scope and the result of the voting of the Provincial Council.

8.1.3 *For the canonical erection* of a house some conditions apply. These are specified in the universal law and in our own law. In particular it is required that:

- 1) the necessary conditions exist to ensure for the members the possibility of leading their religious life in a regular manner in accordance with the purposes and spirit proper to the institute (cf. canon 610).
- 2) there be a guarantee of at least three members so as to constitute a juridical aggregate of persons in the Church (cf. canon 115 §2); but it should be borne in mind that article 150 of our Regulations states that ordinarily the number of members be not less than six.
- 3) there be the written consent of the diocesan Bishop (Canon 609 §1).

8.1.4 The following is *the procedure for the canonical erection of a house*:

- a. The Provincial examines the canonical erection of the House with his Council and asks for the consent of the Council (Con. 165 §5);
- b. The Provincial sends to the Rector Major a request for the canonical erection with a report which includes:
 - the scope of the house and the reasons for its canonical erection;
 - the voting in the Provincial Council;
 - the patron of the House (title of the Lord or of the Blessed Virgin Mary or a Saint or a Blessed).The written consent of the Ordinary of the place will be attached to the request.
- c. The Rector Major, after receiving the consent of his Council, will issue the decree of canonical erection in triplicate, one copy for the Central Archives, one for the Provincial Archives and one for the House Archives.

8.1.5 *Division of a House into two (or more) new Houses*

116 The division of a House into two or more communities (either because it is too large and complex, or for other special reasons) does not need the permission of the Ordinary of the place, unless the new communities are too far away from the first community, even if they are in the same city.

In the case of the subdivision of a house into one or more communities in the same place, if it is simply a matter of an internal arrangement, it is sufficient for the Provincial, with the consent of his Council, to ask the Rector Major for the decree of canonical erection of the new community (or communities) as explained above.

In the case, however, that the new community – resulting from subdividing a house – is in a locality a long way from the first house (even if it is in the same city) it is necessary to do all that is stated in preceding numbers (cf. no. 115, 8,1,4).

8.2 **Change of the Scope of a House**

117 Article 132, 1.2 of the Constitutions prescribes that for modifying the scope of a work, *the authorisation of the Rector Major, with the consent of his Council*, is necessary. Here it is a matter of a *considerable change* in the scope of the work. It is not simply an addition to the original scope or a minor change of address, keeping the scope of the institution unaltered. It is a matter of the addition of totally new activities or the abolition and/or change of activities which were the scope for which the request was made at the time of the erection of the work.

In these cases the Provincial, having obtained the consent of his Council, sends the Rector Major an application for modification of the scope of the work with a report which explains the new activities, the reasons which support them and the opinion of the Provincial Council. It is to be noted that when the change of the scope is such that the Religious House becomes destined for works different to those for which it was erected, it is necessary to have *the consent of the diocesan Bishop* also (cf. Canon 612).

8.3 Appointment of the Rector of a Canonically Erected House

The Provincial, with the consent of his Council and with the approval of the Rector Major, is the one to appoint the Rector of a local community, after a consultation of the confreres of the Province (Con 177; cf. Con 165.2). 118

Here is *the procedure* to follow for the appointment of a Rector.

- 8.3.1 With a view to the appointment of one or more Rectors the Provincial carries out a *consultation among the confreres of the Province*. It is a matter for the Provincial and his Council to decide how the consultation will be made (frequency, manner of making it, etc. ...); the Provincial Chapter can make indications (not binding) regarding the manner of making it (Reg. 170).
- 8.3.2 After he has looked at the proposals and determined the result of the consultation, the Provincial calls together the Provincial Council to examine the result and *with the consent of the Council he proceeds to the appointment of the Rector*.
- 8.3.3 After appointing the Rector the Provincial *requests the approval of the Rector Major*, sending to Rome the appropriate form ("APPROVAL OF THE APPOINTMENT OF A RECTOR" – Proposal for the Appointment of a Rector) with information on the result of the consultation and on the voting of the Provincial Council, and he also gives his own opinion. Should the Rector Major not approve the proposal made by the Provincial, with his Council the Provincial will nominate another confrere (the approval of the Rector Major is in fact a necessary condition for the validity of the appointment of a Rector).
- 8.3.4 After receiving approval for the appointment from the Rector Major, the Provincial either personally or through a Delegate will preside at the ceremony in which the Rector *takes possession* of the house to which he is destined. During the ceremony the Rector makes the *Profession of Faith* (cf. Con 121)

and signs the appropriate form *which is then sent as soon as possible to the General Secretariat*.

- 119 8.3.5 At the end of the first triennium, *in order to confirm a Rector in the same house for a second triennium*, the Provincial:
- must have the consent of his Council (Con 165.2);
 - but the approval of the Rector Major is not necessary (Reg. 170).

He must however *inform the General Secretariat about the second triennium* (cf. Form: CONFIRMATION IN OFFICE OF A RECTOR-Confirmation of a Rector).

- 120 8.3.6 The approval of the Rector Major is necessary to confirm a Rector for a *third triennium* (or for a fourth, fifth, etc.) in the same house.
The procedure to follow in these cases is the same as indicated above for the first appointment (cf. nos. 8.3.1 – 8.3.4).

8.4 **Appointment of Councillors and confreres to other offices in the local community**

Our own particular law gives *the Provincial with his Council* the responsibility for the appointment of some of the collaborators of the Rector in the animation of the local community.

Here are some of the principal norms to keep in mind:

- 121 8.4.1 *Appointment of the Vice-Rector*

By virtue of article 183 of the Regulations it is the Provincial who appoints the Vice-Rector but he will first hear the opinion of the Rector concerned. The consent of the Provincial Council is not necessary but he could well ask for their opinion. The Provincial will bear in mind what article 182 of the Regulations says: "It is customary for the Vice-Rector to be responsible for one of the principal sectors of the educative and pastoral activity of the community. Ordinarily, however, the office of Vice-Rector should not be combined with that of Economer."

8.4.2 *Appointment of the local Economer (bursar, administrator, treasurer..)* 122

The appointment of the local Economer is also determined by article 183 of the Regulations; it is for the Provincial to do so, and he will previously listen to the opinion of the Rector of the House. In this case also the consent of the Provincial Council is not necessary.

8.4.3 *Appointment of Members of the Council of the Community* 123

Article 180 of the Constitutions states: "It belongs to the Provincial, with the consent of his Council, after hearing the opinion of the local community, to decide which sectors of the community's activity shall be represented in the Council." The Provincial, with the consent of his Council and having listened to the local community, must first of all determine the composition of the local Council and decide which members shall take part in it, in relation to the principal activities of the house, apart from the Vice-Rector and Economer who are members of it by right (Con 179,1).

It belongs then to the Provincial himself to nominate the confreres responsible for the principal sectors of activity and to institute them as members of the Local Council.

Regarding other members of the Local Council who, especially in very large communities, are elected by the assembly of the confreres, article 180 of the Constitutions states: "(the Provincial) will decide whether any Councillors are to be elected by the assembly of the confreres, and how many they will be".

In general, article 178 of the Constitutions is to be borne in mind where it says that *confreres in initial formation are not to be members* of the Local Council; this means that brothers must be perpetually professed and that clerics must have finished their formation by ordination to the priesthood (or to the permanent diaconate).

8.4.4 *Other Offices* 124

Article 185 of the Constitutions states: "The role and duties of those responsible for the principal sectors of the community's

activities will be laid down by the Provincial Chapter.” This is about those who are in charge of the works or of the various sectors of the educative and pastoral project of the Salesian community. They are not necessarily all members of the Local Council but only those decided upon by the Provincial with his Council in virtue of Constitution 180.

In every case it depends on the Provincial to appoint those confreres in charge of the above-mentioned offices (Reg. 183).

Here it is worth recalling what article 182 of the Constitutions says: “Wherever circumstances suggest that some exception should be made, the Provincial, with the consent of his Council and after hearing the opinion of the local community concerned, *can modify the ordinary roles and structures within the community*, especially when it is small in number of confreres, *provided always that the role of the rector is safeguarded.*”

Included in these exceptional circumstances is the case in which, for special reasons, in a small community, the Provincial with the consent of his Council, should decide that it is not necessary to have a Local Council.

8.5 **Assignment of a Member to a House**

125 Our own particular law states that: “A member is assigned to a specific Salesian house by a precept of obedience from his own Provincial or other competent authority” (Reg. 150).

When therefore the Provincial (or his Vicar or the Rector Major or his Vicar) gives a member a precept of obedience to go to a certain house to take up a specific post, the member becomes assigned to that house; he therefore becomes a permanent member of that house and is placed under the authority of the local Rector.

8.6 **Acceptance of a Parish**

126 Canon 520 of the Code of Canon Law sanctions the possibility of a parish being entrusted to a religious institute. The conditions established by the law are the following:

- §1. *The diocesan Bishop*, (but not the diocesan Administrator), can, with the consent of the competent Superior, *entrust a parish to a clerical religious institute* or to a clerical society of apostolic life, even by establishing it in the church of the institute or society, subject however to the rule that one priest be the parish priest or, if the pastoral care is entrusted to several priests jointly, that there be a moderator as mentioned in can. 517 §1.
- §2. The entrustment of a parish, as in §1, may be either in perpetuity or for a specified time. In either case this is to be done by means of a written agreement made between the diocesan Bishop and the competent Superior of the institute or society. This agreement must expressly and accurately define, amongst other things, the work to be done, the persons to be assigned to it and the financial arrangements.

Our own Salesian law states: *“We carry out our mission also in parishes; in this way we respond to the pastoral needs of the particular Churches in those areas which offer us adequate scope for services to the young and to the poor.*

The acceptance of a parish is effected by means of a contract between the Provincial and the local Ordinary, after obtaining the approval of the Rector Major with the consent of his Council” (Reg. 25).

The procedure to be followed for the acceptance of a Salesian parish is the following:

- 8.6.1 After weighing up the reasons for accepting a parish and the conditions requested by the Regulations for its “Salesianity” (Reg. 25-26), the Provincial will draw up a *draft of a Contract with the Ordinary of the place* following the norms of Canon 520 §2. He will take care in this Contract to expressly and accurately define the work to be done, the persons to be assigned to it and the financial arrangements. (See the outline for a Contract in Appendix A-14.)
- 8.6.2 Subsequently the Provincial will examine the Contract and the reasons for accepting the parish with his Council and ask for the consent of the Council (Reg. 156.2).

8.6.3 After having obtained the consent of his Council the Provincial will request *the permission of the Rector Major with his Council*. For this he will send the Rector Major:

- a report giving the reasons for accepting the parish, its Salesian characteristics and the voting of the Provincial Council;
- a written statement of the Bishop showing his approval of entrusting the parish to the Salesian Society;
- a copy of the draft of the contract.

8.6.4 After the Rector Major has, with the consent of his Council, given permission to accept the parish, and possibly made some observations on the draft of the Contract, the Provincial will proceed to the definitive drawing up of the Contract and to its signing with the Ordinary of the place.

A copy of the Contract, signed by the Bishop and by the Provincial, is to be sent to the General Secretariat.

8.7 Canonical Closure of a House

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The closure of a canonically erected House lies *within the competence of the Rector Major with the consent of his Council* (CIC can. 616 §1; Con 132 § 1.2)

To proceed to the closure of a House it is necessary that:

- The Provincial, having obtained the consent of his Council (Con 165,5) sends to the Rector Major a report with the reasons for the closure and the voting of the Provincial Council;
- The Provincial consults the diocesan Bishop. It is not necessary to have his written consent, but it is prescribed that the Bishop be advised. This must be affirmatively indicated in the report sent to the Rector Major.

Having obtained the decree of closure from the Rector Major, concerning *the goods of the suppressed house* the Provincial proceeds following the norms of the Constitutions (cf. art. 188), with due regard for the wishes of founders or benefactors and for lawfully acquired rights (canon 616, §1).

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For the *closing of an activity* the procedure is indicated in point 8.2 (number 117) if it is such as to involve an important change in the scope of the House.

9. THE PROVINCE

9.1 Erection or Suppression of a Province

128 By the norms of our particular law, the erection or suppression of a Province lies within *the exclusive competence of the Rector Major with the consent of his Council* (Con 132 § 1.1; Con 156). For the erection of a Province the Constitutions require that it be ascertained that the necessary conditions exist to promote and maintain in that juridical circumscription the life and mission of the Congregation with the autonomy that is necessary for it to operate (regarding personnel, its viability and formation, activities and works, economic subsistence).

For the erection of a Province it is first required that the Rector Major promotes a *consultation* among the confreres involved in the new circumscription (Con 156).

A similar procedure is required for the suppression of a Province.

9.2 Erection of a Vice-Province

129 Our particular law makes provision for the existence of a juridical circumscription called a *Visitatoria* (Vice-Province) which is similar to a Province but does not have the complete autonomy proper to a Province. A Vice-Province is established when distance, the number or other circumstances require that some houses be detached from one or more Provinces; but the lack of personnel, of financial means or some other reason would not warrant the establishment of a new Province (cf. Con 158). Among the reasons there may be the special mission entrusted to a Vice-Province.

The canonical erection of a Vice-Province also lies within the competence of the Rector Major with the consent of his Council.

The procedure for a consultation among the confreres involved is similar to that described above for a Province. The Rector Major will see to this in view of the creation of a Vice-Province.

It should be added that *the Superior of a Vice-Province* has ordinary vicarious power. The manner of his appointment, the length of his tenure of office and the appointment of the Council of the Visitation are analogous to those indicated for the Provincial and his Council (see chapter 1).

9.3 **Circumscription by Special Statute.**

In particular circumstances and for special reasons, the Rector Major with the consent of his Council can also set up other forms of juridical circumscriptions which are called "*Circumscriptions by Special Statute*" due to the fact that their juridical configuration is determined by the "special" Statute which goes with their erection.

The third paragraph of article 156 of the Constitutions is applicable to these circumscriptions: "As regards other eventual circumscriptions, their internal structure and representation will be defined by the decree of erection, in line with Salesian spirit and tradition."

9.4 **The Provincial Delegation**

Article 159 of the Constitutions states: "If within the confines of a Province, distance or other reasons prevent the Provincial from taking special care of some local communities which, although having a certain unity among them do not have the requisites necessary for erection as a Vice-Province, the Provincial with the consent of his Council and the approval of the Rector Major, can set up a *Delegation*."

The Delegation is not an independent juridical circumscription. It is a *part of a Province*, dependent on a Provincial even though he delegates some powers to his Delegate.

As indicated above, the Provincial has to ascertain that the necessary conditions exist for the constitution of a Provincial Delegation. He then needs:

- the consent of his Council;
- the approval of the Rector Major, (which he asks for by sending an appropriate report).

The Constitutions also determine the manner in which *the Superior of the Delegation* (“Delegate” of the Provincial) is appointed:

- the Provincial organises a consultation among the confreres of the Delegation;
- the Provincial then nominates the Delegate with the consent of the Provincial Council and proposes him to the Rector Major;
- the Rector Major approves the nomination.

The Superior of the Delegation¹ has delegated authority; therefore he exercises the powers which the Provincial sees fit to delegate to him (Con 159).

9.5 The Provincial House

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The Provincial (or Superior of a Vice-Province) establishes his house and the Provincial Centre in a canonically erected house of the Province (or Vice Province); this can be a house “*ad hoc*”, one in which the community is specifically dedicated to provincial services; or a house of the Province having also other activities alongside provincial services.

For the canonical erection of a house destined for provincial services the procedure is obviously like that for the canonical erection of any other house.

In order to change the Provincial House the Provincial (or the Superior of the Vice-Province) must ask for the consent of

¹ The Constitutions use the term “Superior” but in the strict sense the “Delegate” of the Provincial is not a major superior (like the Provincial or the Superior of a Vice-Province); he has “delegated” authority as is shown here.

his Council; then he must seek the approval of the Rector Major (cf. Reg. 153; Reg. 156,5).

9.6 **Enrolment of a Member in a Province**

Article 160 of the Constitutions states that: “By first profession a member is enrolled in the juridical circumscription (Province or Vice-Province) for whose service he asked to be admitted”.

The member is therefore *incardinated in the Province (or Vice-Province) whose Provincial admitted him to the Novitiate*, admitting him from that time for the service of the Province (or Vice-Province); this is also the case even if the first profession is made in another Province (something common in inter-provincial novitiates).

Also in the case of an inter-provincial prenovitiate it is the Provincial of origin who admits him to the novitiate and then numbers the novice as a member of his own Province.

9.7 **Transfer of a member from one circumscription to another**

The transfer of a member of one circumscription (Province or Vice-Province) to another circumscription (Province or Vice-Province or house directly dependent on the Rector Major) can be *definitive or temporary*.

9.7.1. The Rector Major decides ***definitive transfer***. It can be brought about:

- a. *by a mandate of obedience* of the Rector Major who definitively appoints a confrere to a circumscription for a special assignment, after having heard the opinions of the confrere concerned and the major Superiors of the two circumscriptions (that of origin and that of destination);
- b. *by request of the confrere*:
In such a case the following documentation is to be sent to the Rector Major:
 - the personal application of the confrere, addressed to the Rector Major, giving reasons for the requested transfer;

- the written consent of the Provincial of origin;
- the written consent of the Provincial who is to receive the confrere.

After study of the documentation and the reasons, the Rector Major can issue a decree of definitive transfer.

135 9.7.2 *Temporary transfer* can also take place in two ways:

- a. *with the appointment of a confrere to a task* in a circumscription other than his own for as long as the task lasts; When the time for the task expires, the member returns to his own Province unless something new arises.
- b. *By agreement between the Superiors* (Provincials or Superiors of a Vice-Province) of the two circumscriptions: by the norm of article 151 of the Regulations a Provincial (or Superior of a Vice-Province) having heard the opinion of his Council can send a confrere temporarily to another Province (cf. also Reg. 157,3). In such a case there must be a written agreement certifying the temporary transfer.

For the whole time that a member has been temporarily transferred to another Province (or Vice-Province) he depends completely on the Provincial (or Superior of the Vice-Province) of the new Province (or Vice-Province). He takes part in the voting for the Provincial Chapter in the house in which he resides and in the voting of the provincial list of the Province to which he has been transferred (unless he has been transferred only for reasons of study or health).

9.8 **Confreres who work in non-Salesian structures**

136 Our own particular law provides for the case of confreres destined to work in *institutions or structures which are not Salesian*:

- in the service of particular Churches (dioceses and parishes);
- in educational and social institutions at the service of youth or the world of work (cf. Reg. 35).

The Provincial must have *the consent of his Council* to appoint a confrere to this type of work and he is required to follow up and constantly assess how these confreres are getting on (Reg. 35; 156.4).

In particular it is appropriate that the conditions foreseen for a positive association with the Salesian Community are clearly set out in the written document with which the Provincial gives the appointment to the confrere:

- both in regard to the local religious Superior on whom the confrere will depend;
- and in regard to the contacts to be maintained with the Salesian Community.

Canon 681 of the Code of Canon Law also prescribe that, in appointing a confrere to a non-Salesian structure, the Provincial should draw up a *written Agreement* with the ecclesial (diocese or parish) or educative-social institution, at whose disposition the confrere(s) is being placed.

10. DUTIES AND PARTICULAR FACULTIES OF THE PROVINCIAL

Collected together in this chapter is the range of duties and faculties particular to the Provincials and which the Code of Canon Law gives them as a Religious Ordinary.

These duties and faculties, relating to different areas of life and activity, should be borne in mind together with those specifics already indicated in earlier chapters.

10.1 Duties and faculties regarding the spiritual life of religious.

Three points in particular are considered here:

- Duties of the Provincial to provide for the confessions of his subjects;
- Faculties of the Provincial concerning the administration of the Sacrament of Penance;
- Faculties for dispensing from private vows.

137 10.1.1 *Duties of the Provincial to provide for the confessions of his subjects*

The norms indicated in *can. 630* are reported here: *this canon is addressed to all Religious Superiors*; in particular it implies a specific responsibility for the Provincial as an Ordinary.

§1. While safeguarding the discipline of the institute, Superiors are to acknowledge the freedom due to the members concerning the sacrament of penance and the direction of conscience.

§2. Superiors are to take care, in accordance with the institute's own law, that the members have suitable confessors available, to whom they may confess frequently.

§4. Superiors are not to hear the confessions of their subjects unless the members spontaneously request them to do so.

§5. The members are to approach their superiors with trust and be able to open their minds freely and spontaneously to them. Superiors, however, are forbidden in any way to induce the members to make a manifestation of conscience themselves.

In this canon, the following is explicitly indicated:

1. *The duty of the Superior* to see, with all due care, that the members have suitable confessors;
2. The *freedom of conscience* of members must be safeguarded, while inviting them to open themselves in trust to their own Superiors.
3. The possibility of the Superior hearing the confessions of his own subjects, but only after a spontaneous request for this.

Our proper law, in Reg. 174, recalls the following duties specifically for the Rectors: "(The Rector) should ensure that the confreres have opportunities for frequent confession and freedom as regards direction of conscience."

10.1.2 *Faculties of the Provincial concerning the administration of the Sacrament of Penance.* 138

Art. 152 of the General Regulations says: "Members will exercise the ministry of hearing confessions with the permission of the provincial, in accordance with canon law".

We recall here the principal canonical norms regarding this matter, recalling above all that "for valid absolution of sins it is necessary that the minister, as well as having ordinary power, has the faculty for exercising it on behalf of the faithful to whom he imparts absolution" (can. 966, §1).

The norms to be borne in mind are as follows:

Can. 968

- §1. By virtue of his office, for each within the limits of his jurisdiction the faculty to hear confessions belongs to ... the parish priest, and to those others who are in the place of the parish priest.
- §2. By virtue of their office the faculty to hear confessions of their own subjects and of those others who live day and

night in the house, belongs to the Superiors of religious institutes or of societies of apostolic life, if they are clerical and of pontifical right, who in accordance with the constitutions have executive power of governance, without prejudice however to the provisions of can. 630, §4.

This canon clarifies who are the ones who have the faculty of jurisdiction, and to whom, *by virtue of office*: the parish priest (or whoever is in his stead) in his own parish, the religious Superior for his subjects and for those who live day and night in the house, according to their own circumscription; the Rector Major in all the Houses of the Congregation, the Provincial (or Superior of a Vice-Province) in the houses of the Province (or Vice-Province), the Rector in his own House.

Can. 969

§1. Only the local Ordinary is competent to give any priests whomsoever the faculty to hear confessions of any whomsoever of the faithful; *Priests who are members of religious institutes may not, however, use this faculty without the permission, at least presumed, of their Superior.*

§2. The Superior of a religious institute or of a society of apostolic life, mentioned in can. 968 §2, is competent to give to any priest whomsoever the faculty of hearing the confessions of his own subjects and of those others who live day and night in the House.

Can. 971

The local Ordinary is not to give the faculty habitually to hear confessions to a priest, even to one who has a domicile or quasi-domicile within his jurisdiction, without first, as far as possible, consulting the priest's own Ordinary.

This canon establishes *the following principles*:

1. The religious Superior is competent to grant the faculty of hearing confessions to a religious priest for the religious and faithful living day and night in the House, according to his proper circumscription; the Provincial for the entire Province, the Rector for his own House.

2. The faculty of hearing confessions of all the faithful can be given only by the local Ordinary, but emphasised here is the fact that he should hear, as much as possible, from the religious Ordinary (for a religious priest) and that the religious must not exercise the ministry without the at least presumed permission of the Superior.

We can recall that the jurisdiction granted by the local Ordinary is valid for confessing the faithful in any place, unless in a specific place the local Ordinary, in particular cases, has forbidden it (cf. can. 967).

Can. 974, finally, refers to *the revoking of the faculty to habitually hear confessions*. We indicate here the two items of interest to religious Superiors:

Can. 974

- §1. Neither the local Ordinary nor the competent Superior may, except for a grave reason, revoke the granting of a faculty habitually to hear confessions.
- §2. If the faculty to hear confessions is revoked by his Superior, the priest loses the faculty everywhere towards the subjects of the institute. If another competent Superior revokes the faculty, the priest loses it only for the subjects in that circumscription.

It is helpful here to recall that according to *can. 975*, the Religious loses the faculty for confessions granted by the local Ordinary if he loses his domicile in the Diocese, that is if the major Superior transfers him to a House situated in another Diocese. It suffices to request authorisation in the new Diocese.

10.1.3 *Faculties for dispensing from private vows*

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Applied here is *can. 1196*, that says:

Beside the Roman Pontiff, the following can dispense from private vows, provided the dispensation does not injure the acquired right of others:

1. the local Ordinary and the parish priest, in respect of all their own subjects and also of strangers;

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2. the Superior of a religious institute or of a society of apostolic life, if these are clerical and of pontifical right, in respect of members, novices, and those who reside day and night in a House of the institute or society;
3. those to whom the faculty of dispensing has been delegated by the Apostolic See or by the local Ordinary.

According to n. 2 of the aforesaid canon, the Provincial is competent to dispense his own subjects in all Houses of the Province; the Rector, the subjects in his own House, from private vows (with the specific conditions of the law).

10.2 Apostolate of the professed

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Indicated here are some of the canons of CIC referring to the apostolate carried out by religious, highlighting the responsibilities both of Bishops and of religious Superiors:

Can. 678

- §1. In matters concerning the care of souls, the public exercise of divine worship and other works of the apostolate, religious are *subject to the authority of the Bishops*, whom they are bound to treat with sincere obedience and reverence.
- §2. In the exercise of an apostolate toward persons outside the institute, religious are also *subject to their own Superiors* and must remain faithful to the discipline of the institute. If the need arises Bishops themselves are not to fail to insist on this obligation.
- §3. In directing the apostolic works of religious, diocesan Bishops and religious Superiors must proceed by way of mutual consultation.

Can. 679

For a very grave reason a diocesan Bishop can forbid a member of a religious institute to remain in his diocese, provided the person's major Superior has been informed and has failed to act; the matter must immediately be reported to the Holy See.

It is useful to recall the norms of can. 681 for the conduct, by religious, of works entrusted to them by the Bishop. This has already been spoken of in dealing with the acceptance of parishes:

Can. 681

- §1. The works which the diocesan Bishop entrusts to religious are under the authority and direction of the Bishop, without prejudice to the right of the religious Superiors in accordance with can. 678 §§2 and 3).
- §2. In these cases *a written agreement is to be made* between the diocesan Bishop and the competent Superior of the institute. This agreement must expressly and accurately define, among other things, the work to be done, the members to be assigned to it, and the financial arrangements.

Recall also can. 682 concerning the conferring of an ecclesiastical office on a religious (for example nomination as parish priest):

Can. 682

- §1. If an ecclesiastical office in a diocese is to be conferred on a member of a religious institute, the religious is appointed by the diocesan Bishop on presentation by, or at least with the consent of, the competent Superior.
- §2. The religious can be removed from the office at the discretion of the authority who made the appointment, with prior notice being given to the religious Superior; or by the religious Superior himself, with prior notice being given to the appointing authority. Neither requires the other's consent.

Also pertinent is what the Code establishes concerning the visitation of the Bishop to the religious House:

Can. 683

- §1. Either personally or through a delegate, the diocesan Bishop can visit churches and oratories to which Christ's faithful have habitual access, schools other than those open only to the institute's own members, and other works of religion and charity entrusted to religious,

whether these works be spiritual or temporal. He can do this at the time of pastoral visitation, or in case of necessity.

§2. If the diocesan Bishop becomes aware of abuses, and a warning to the religious Superior having been in vain, he can by his own authority deal with the matter.

Indicated here, finally, are some canons concerning particular commitments of religious:

Can. 765

To preach to religious in their churches or oratories permission is required of the Superior who is competent according to their Constitutions.

The Salesian Constitutions in art. 162, show that the competent Superior for giving such permission is the Provincial.

Can. 832

To publish writings on matters of religion or morals, members of religious institutes require also the permission of their major Superior in accordance with the Constitutions.

It should be observed that the adverb “also” inserted in the canon, recalls the fact that there can be general arrangements (from the Holy See) or local ones (Episcopal Conference or the Bishop), to be followed, other than those of the religious Superior.

For us Salesians art. 162 of the Constitutions indicates the Provincial as the competent Major Superior to give such permission.

On the manner of proceeding, can. 830 should be borne in mind which speaks of the possible appointment of censors and of the faculty of the Ordinary (be it the Ordinary of the place or the major Superior), according to his prudent judgment, to grant permission for publication to proceed.

10.3 **Places of worship**

142 Indicated here are canons of CIC regarding places of worship: they are of interest to Provincials who need to look after churches and chapels belonging to our communities.

Can. 936

In a House of a religious institute or other house of piety, the Blessed Eucharist is to be reserved only in the church or principal oratory attached to the House. For a just reason, however, the Ordinary can permit it to be reserved also in another oratory of the same House.

Can. 1207

Sacred places are blessed by the Ordinary, but the blessing of churches is reserved to the diocesan Bishop; both, may, however, delegate another priest for the purpose.

Can. 1212

Sacred places lose their dedication or blessing if they have been in great measure destroyed or if they have been permanently made over to secular usage, whether by decree of the competent Ordinary or simply in fact.

Can. 1223

An oratory means a place which, by permission of the Ordinary, is set aside for divine worship, for the convenience of some community or group of the faithful who assemble there, to which, however, other members of the faithful may, with the consent of the competent Superior, have access.

Can. 1224

- §1. The Ordinary is not to give the permission required for setting up an oratory unless he has first personally or through another inspected the place destined for the oratory and found it to be becomingly arranged.
- §2. Once this permission has been given, the oratory cannot be converted to a secular usage without the authority of the same Ordinary.

10.4 **Masses**

One group of canons gives the *rights and duties of Superiors regarding the celebration of Masses*, with the obligations deriving from the offerings received for these Masses. **143**

Here are some of the canons concerning the responsibilities of Provincials: Can. 951, in reference to binated or trinated Masses; can. 857, in general on the duty of Superiors; can. 958, on registering Mass obligations.

Can. 951

§1. A priest who celebrates a number of Masses on the same day may apply each Mass for the intention for which an offering was made, subject however to the rule that, apart from Christmas Day, he may retain for himself the offering for only one Mass; *the others he is to transmit to purposes prescribed by the Ordinary*, while allowing for some compensation on the ground of an extrinsic title.

§2. A priest who on the same day *concelebrates* a second Mass, may not under any title accept an offering for that Mass.

Concerning can. 951, §1 and the right of the Provincial (Religious Ordinary) to establish the purposes for binated or trinated Mass offerings, the Rector Major and his Council have given some clarification, recorded in AGC n. 313, 1985, p. 28-29.

Can. 957

The duty and the right to see that Mass obligations are fulfilled belongs, in the case of churches of the secular clergy, to the local Ordinary. In the case of churches of religious institutes or societies of apostolic life, to their Superiors.

Can. 958

§1. The parish priest, as well as the rector of a church or other pious place in which Mass offerings are usually received, is to have a *special book*, in which he is accurately to record the number, the intention and the offering of the Masses to be celebrated, and the fact of their celebration.

§2. The Ordinary is obliged to inspect these books each year, either personally or through others.

This is one task the Provincial should not forget during his Provincial visitation.

10.5 Penal sanctions

10.5.1 *Possibility of threatening penal precepts*

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The Provincial, in as far as he is a major Superior, besides being able to command by virtue of the vow of obedience (Cons 68), can also, in individual cases where it is necessary, threaten penalties, according to canon law.

In this regard *can. 1319* says in general:

§1. To the extent to which a legislator can impose precepts by virtue of the power of governance in the external forum, to that extent can he also by precept threaten a determined penalty, other than a perpetual expiatory penalty. It should be observed that penalties are imposed by means of a “precept”: CIC clarifies what kinds of precepts can be issued in writing (*can. 51*) or orally before two witnesses (*can. 55*).

§2 of the same *can. 1319* warns, nevertheless:

§2. A precept to which a penalty is attached is not to be issued unless the matter has been very carefully considered, and unless the provisions of *cans. 1317-1318* concerning particular laws have been observed.

10.5.2 *Different kinds of penal sanctions*

145

CIC contemplates different kinds of penalties and other punishments:

1. *Censures* are: excommunication (*can. 1331*), interdict (*can. 1332*), suspension (*can. 1333-1334*);
2. *Expiatory penalties* are described by *can. 1336*. They are:
 - a. prohibition or injunction against residence, or an order to reside, in a particular place or territory;
 - b. deprivation of power, office, function, right, privilege, a faculty, a favour, a title, or insignia even if of a merely honorary nature;
 - c. a prohibition on the exercise of those things enumerated in b) or a prohibition on their exercise inside or outside a certain place: such a prohibition is never under pain of nullity;

- d. a penal transfer to another office;
- e. dismissal from the clerical state.

Specifically for Religious, “*dismissal*” from the Institute is inscribed in these expiatory penalties, and threatened by the Superior for cases contemplated by the Code: for this see what has been said in nos. 104-111.

3. *Penal remedies and penances* are kinds of sanctions inflicted for correctional purposes by the competent Superiors. In particular there is mention of:
 - a. *warning or correction* made by the Ordinary in canonical form (cf. can. 1339): warning and censure must always be backed up by at least some document kept in the secret Archive of the Curia (can. 1339, §3).
 - b. *penance*, which can be imposed in the external forum and which consists in the performance of some work of religion, piety or charity. (cf. can. 1340).

146 10.5.3 *Application of penalties*

Once it has been ascertained that the extreme conditions exist for inflicting a penal sanction, and after have tried all other methods of fraternal correction, the Major Superior must carefully study the case, on the basis of the prescriptions of the law, and then see to beginning the necessary procedure. The following canons are for consideration:

Can. 1341

The Ordinary is to start a judicial or administrative procedure for the imposition or declaration of penalties only when he perceives that neither by fraternal correction or reproof, nor by any methods of pastoral care can the scandal be sufficiently repaired, justice restored and the offender reformed.

Can. 1342

§1. Whenever there are just reasons against the use of a judicial procedure, a penalty can be imposed or declared by means of an extra-judicial decree; in every case penal remedies and penances can be applied by decree.

Can. 1348

When the person has been found not guilty of an accusation or where no penalty has been imposed, the Ordinary may provide for the person's welfare or for the common good by opportune warnings or other solicitous means, and even, if the case calls for it, by the use of penal remedies.

Can. 1350

§2. If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible.

In practical terms for penalties to be imposed see part II of Book VI of CIC (can. 1364-1399) which deals precisely with "*penalties for individual offences*": recall that in such cases penal sanctions are simply to be *declared* ("*latae sententiae*"), at other times they are to be inflicted *by obligation* through regular procedure, and at other times still to be left to the *judgment of the Superior*

10.5.4 *Recourse against administrative decrees*: see cans. 1732-1739.

10.6 **Dispensations and permissions**

The Provincial can dispense:

147

- *from disciplinary laws* both universal and particular, given by the supreme authority of the Church, but only along the lines of can. 87, §2: "when recourse to the Holy See is difficult and at the same time there is danger of grave harm in delay... even if the dispensation is reserved to the Holy See, provided it is a case of a dispensation that the Holy See customarily grants in the same circumstances, and without prejudice to what is said in can. 291" (regarding dispensation from celibacy, granted only by the Roman Pontiff) (see also can. 14);
- *from fasting and abstinence*, according to the dispositions of can. 1245, for his own subjects, novices and for others who live day and night in the Salesian House (the 'privileges' granted to the Society 71/2 – allow the exercise of such faculty also for the FMA and their novices);

- *from reciting the Liturgy of the Hours* in urgent cases (regarding the obligations of pastoral ministry or charity towards one's neighbour, not strictly personal reasons) (cf. "Privileges" 75/1.4).

148 According to our law (Reg 149) and universal law (cf. CIC, can. 41) the Provincial *can suspend the execution of an order by a superior*, when there are such serious and evident contrary reasons which lead him to believe that if the competent Superiors knew of them, they would have acted otherwise. In such a case, however, he will immediately inform the same Superiors of everything. If the suspended order regards a member, this person, while waiting for the response of the Superiors, will abide by the orders of the Provincial.

11. ADMINISTRATION OF TEMPORAL GOODS

In this Chapter consideration is given to the norms which the universal law and our own particular law establish for the administration of temporal goods, with particular reference to the administration of the provincial community. The Constitutions, referring to this aspect of community life, assert that the Provincial “directs and controls the administration of the goods of the Province and of each house” (cf. Con 161); the meaning of this responsibility, and also over material goods, can be seen in the Provincial’s Manual.¹

In his task of responsibility for the administration of goods the Provincial is helped by his Council (cf. Con 161, 164), and in the first place by the *Provincial Economist* whom our Constitutions want at the side of the Provincial. In this way our law conforms with the common law which says: “In each institute, and in each Province ruled by a major superior, there is to be a financial administrator, distinct from the major superior, and constituted in accordance with the institute’s own law, to administer the goods under the direction of the respective superior.” (canon 636).

What is said about the Provincial and the Provincial Economist can also be said at the local level, with the necessary changes. Here the Rector is responsible in the first place for the administration of the goods of the houses (cf. Con. 176), helped by the local economist (cf. Con. 184). Note that Canon 636, which is quoted above, says: “Even in local communities a financial administrator, distinct from the local superior, is in so far as possible to be constituted”. Our law adds that ordinarily the office of economist should not be combined with that of vice-rector (cf. Reg. 182).

¹ Cf. L’Ispettore salesiano (The Salesian Provincial) Roma 1987, ch. 12 nos. 439-448.

After this introduction consideration is given to some special tasks of the Provincial, assisted by the Provincial Economist and his Council, in fulfilment of what is prescribed by our own law.

11.1 Extraordinary operations

150 Article 187 of the Constitutions, after having declared the right of our Society to possess temporal goods (“not to be held in the name of an individual person, and to be retained only to the extent that they are directly useful for our works”) states: *“Acquiring and holding real estate with the sole object of producing income and every other kind of interest-bearing investment is forbidden, except in the cases referred to in article 188 of the Constitutions.”*

Article 188 clearly defines the cases for which it is necessary to have the authorisation of the Rector Major and of his Council: it is the guarantee required by the law so that the economic and financial operations can be directed towards the mission, fully respecting what the Constitutions say.

The article therefore says:

“The authorisation of the Rector Major with the consent of his council is needed for:

1. acquiring, alienating, exchanging, mortgaging or renting real estate;
2. contracting loans with or without mortgage;
3. accepting inheritances, bequests or donations to which obligations are attached; (when no obligation is attached it is sufficient merely to notify the Rector Major);
4. establishing annuities, student burses, Mass obligations, special or charitable foundations;
5. constructing new buildings, demolishing existing ones or making alterations.

It is necessary to make a change with respect to the preceding Constitution (edition 1972). It treats of something which the Chapter members of GC22 wanted to add to point 3. They wanted to distinguish between inheritances, bequests or donations *accepted with obligations attached and those without*

obligations of any sort. Whilst for the first type authorisation is necessary, it is specified that *for the second it is sufficient to give notification of it.* Such notification is to be made to the Rector Major and his Council *for each offering received*, explaining what has been received, its relative value and how it will be used.

Whilst the Constitutions determine that for the transactions 151 of article 188 the authorisation of the Rector Major with his Council is necessary, they allow the Provincial with his own Council to act without seeking authorisation *when the amount of money of a transaction is less than a determined limit.* Article 189 defines such autonomy of the Provincial and establishes that it is up to the Rector Major with the consent of his Council, after having heard the Provincial with their respective Councils and taking into consideration the decisions of the Holy See, to determine the limit of the value within which the Provincials may act. In fact, periodically, the Rector Major with his Council, keeping in mind changing situations, sets for every Province the limits of the value under which the Provincial with his own Council can autonomously authorise economic and financial operations.

For all the operations cited above, there is in every case the 152 obligation of the consent of the provincial council. When the operation interests one of the houses of the Province, the Provincial Council should first get the opinion of the Local Council which in turn should reflect the result of an enquiry made amongst the members of the community itself.

In those cases in which it is necessary to have the authority of the Rector Major and his Council, the **following procedure is to be followed:**

- The Provincial sends the Rector Major (if necessary through the Economer General) the Minutes of the Provincial Council and also, when the matter concerns one of the houses, the Minutes of the Local Council. The Minutes should give all the information needed to form a complete idea of the transaction (purpose, size, finance needed, ways of obtaining the finance) and judgments, problems, possible doubts of Councillors, voting.

- The Provincial will add a *report* with complete documentation, so that it is possible to express an opinion in full knowledge and assume responsibility for the decision; the Provincial will guarantee that all of this has been done, even if the work has been done by the Economist.

In the following paragraphs some of the so-called “extraordinary” operations which are listed in article 188 of the Constitutions will be examined.

11.2 Purchase of immovable goods

- 153 This is an operation which must not be done purely for financial gain: in our communities there is to be no buying solely to sell later at a profit. The aim is to be able to enlarge the facilities of the existing work or to add to it (eg. a holiday camp site, a gymnasium, a sports field or a playground) always after having worked out the need for it and having presented the financial viability.

Defining the aim of the work is very important, especially if it is a matter of a new work; and not only in general but also to establish the priorities in the pastoral work of the Province and hence the position it takes in the mission. For this the purpose of the work must be well specified. A plan is to be enclosed and also explanation of the site, the importance of the work, possible buildings and the size of the real estate it is intended to acquire. Finally, the authority or the house which is going to purchase it is to be indicated, as well as the amount it will cost, how it will be paid for and by whom it will be paid.

11.3 Alienation of immovable goods to which obligations are attached or gratuitously (sale or donation)

- 154 This regards property which comes to us in different ways, is not destined for our works or which has ceased to be utilized in our works. It is certainly advisable to sell them or give them away if there are reasons to recommend this act of generosity.

When it is a matter of property to be sold, the same principle of poverty which makes us sell also leads us not to undersell or sell cheaply.

Hence the opportune times and ways of selling at the best possible price are to be selected.

To obtain the “Nulla Osta” (authorisation) to sell or give away property the procedure which is mentioned in 152 should generally be followed.

Note that for the sale of property of a *house which is being closed* it is necessary to request authorisation in advance for the closure of the house (cf. no 127), after having advised the Bishop of the diocese in which the work is located.

In every case, in asking the Rector Major for permission to sell, the amount (at least the estimated amount) that will be obtained is to be specified, and the use to which the money will be put is to be clearly indicated. If it is a matter of very great sums of money, their use is subject to the approval of the competent superior.

- For the disposal of real estate, for which the *Nulla Osta (authorisation) of the Apostolic See* is required (When the limits of the value established by the competent Vatican Department are exceeded) it is necessary to include with the file: 1) an accurate technical report on the value of the property; 2) the approval for the disposal on the part of the diocesan bishop. This documentation has been requested by requirement of the Holy See in the defence of ecclesiastical goods.

11.4 Loans and borrowings

Contracting loans or securing a bank loan are operations **155** which are necessary at times and even advisable, but they should be made with due precautions, with the practical understanding of the economic viability of the Province or House, and with the understanding of the lending authority. It is necessary also to take into account the future prospects with regard to the full payment of the loan or the progressive amortisation of the borrowed amount.

It cannot ever be stressed enough that these operations are not to be entered into in a haphazard fashion with a vague and uncertain outlook for the future, often with illusory expectation of uncertain income (collections, hopes for subsidies, offerings). There is the risk of placing a house, a Province, in serious difficulty and making life burdensome for those who will come afterwards.

The authorisation to contract loans lies within the competence of the *Congregation for Institutes of Consecrated Life* when the amount of the loan exceeds a certain limit, which today is determined by the Episcopal Conference of each country.

When instead the loan does not exceed the aforementioned limit the “Nulla Osta” (authorisation) given by the Rector Major with the consent of his Council is sufficient.

But even in the first case it is always the Rector Major with his Council, by norm of Constitution 118, who authorises the operation and then forwards the application to the pontifical Congregation.

For the purposes of authorisation there is no difference between *mortgage, loan or a bank bill*. In each case the Nulla Osta is needed to proceed.

The procedure to follow to obtain authorisation has already been given above (cf. no. 152). The specific terms of the loan are to be pointed out (duration, rate of interest, terms of repayment or redemption), the guarantees (*possible mortgages*) and the concrete and secure means required by the bank to ensure restitution. For all of this it is best to get the advice of experts.

The Provincial, whilst leaving the work and details to the Economist, will take care to see that everything is clear and taken into account at the time a decision is made in the Provincial Council.

11.5 **Acceptance of inheritances, bequests or donations**

- 156 Conditional bequests in a will are also included in this category. When treating of increase of assets by canonical bodies no ecclesiastical authorisation is required.

But within the Congregation for the acceptance of inheritances, bequests or donations, the Constitutions require either the authorisation of the Provincial with his Council or of the Rector Major with his Council, depending on their respective jurisdiction (cf. Con. 188-189).

- a. *When obligations are attached* to these operations, the permission of the Rector Major and his Council is required for their acceptance especially when the obligation entails the foundation of an institution.

In these cases it is certainly not a matter of taking into account the showiness of the patrimony which is being donated. It is necessary instead to check whether the foundation fits in with our aims, responds to the needs of the locality, can be realised with the means donated, can be sustained, and above all in regard to the availability of personnel, can be conducted with apostolic effectiveness. If some property is given only for charity it will be put up for sale as soon as possible, according to the rules of sound administration. In such a case the matter is forwarded to the Rector Major and the General Council with the request for a “Nulla Osta” to accept and sell.

- b. With regard to inheritances, bequests and donations, *accepted without obligations*, it is sufficient to *notify* the Rector Major and his Council (cf. Con. 188,3).

11.6 **Demolition of existing buildings, construction of new ones, important alterations in a house**

The following steps are needed for requesting authorisation **157** for these operations, within the meaning of Constitution 188:

1. *Prepare the projects*, drafted by competent professionals who have good knowledge of our needs. Avoid ostentatious, superfluous and luxurious presentation. Keep everything simple and moderate in line with the canons of modern architecture and the spirit of poverty. Pay particular attention to functionality (cf. Con. 77). The materials and type of construction should guarantee long-lasting security. This is the best way of being consistent in the principle of saving.

2. Calculate the area of the project and *compile a budget*.
3. Study *the plan for financing the project*, based on practical and certain elements.
4. Then examine it all in the respective Councils (*Local Council and Provincial Council*) and send the proposal accompanied by the documentation mentioned above and the Minutes of the Provincial Council (and also those of the Local Council if the project concerns a house) to the Rector Major and his Council.

It should be noted that, when it concerns a new institution, the authorisation to build does not, in itself, correspond with the opening of the institution; it is necessary to specify in the application whether it is a matter of beginning a building in view of a future institution or whether, along with the building, an application is being made to open a new house, in accordance with Constitution 132, 1.2.

5. The work always proceeds under the control and directives of the Provincial, represented by the economer. During the work, at various stages, let a check be made of the progress, *of the balance sheet and budget*, so as to keep the situation under control. If at a certain point, contrary to the planning, the money runs out, let the work be stopped until the difficulties can be remedied.

11.7 **Life annuities, scholarships, Mass obligations or particular foundations and charitable bodies**

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It is no longer possible to accept obligations for Masses in perpetuity, but only for a given length of time, also for a reasonable period of time (cf. Canon 1303 §1.2).

The relative interest-bearing capital should always be kept for the whole length of time for the celebration of the Masses.

For the other undertakings mentioned above (life annuities, scholarships, foundations and charitable bodies), one should proceed with caution, examining them in the respective Councils, local and provincial, and also seeking the advice of experts.

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The procedure to be followed for an application for permission to the Rector Major is that already indicated, in general, in no. 152.

11.8 Other Requirements according to the Regulations

Here are some other things that need to be done and that involve the particular responsibility of the Provincial and his Council.

11.8.1 *The annual Rendiconto (financial report)*

Canon 636 of the CIC authorises the need of a periodic control of the administration, which is carried out principally by the presentation of the administrative report (rendiconto). The Code says: "At the time and in the manner determined in the institute's own law, the financial administrator and others with financial responsibilities are to render an account of their administration to the competent authority." (Can 636 §2). Our particular law determines the times and the manner in which the economers, at different levels, must present their reports. 159

a. *At Provincial level:*

- Article 196 of the General Regulations prescribes: "The provincial economer should be solicitous in keeping the provincial and his council periodically informed about his administration, and in drawing up the annual financial budget and balance sheet which they have to approve." Article 156, 10 of the Regulations expressly says that for the approval of the above-mentioned financial budget and balance sheet the consent of the Provincial Council is necessary.
- Article 196 of the Regulations also states that every year a *copy of the provincial balance sheet (rendiconto), signed by the Provincial and his Council, will be sent to the Economer General.*

For uniformity the provincial balance sheet is to be filled in on the appropriate electronic sheets sent out by the Economer General (in different languages).

b. *At local level:*

- Article 202 of the General Regulations prescribes: “The economer will keep himself always ready to give an account of his management to the rector and his council. *He will send a report of his administration to the provincial and provincial economer annually* and whenever he is asked to do so.”
- Article 194 of the Regulations also indicates the procedure for these annual financial reports: “The economer will have an understanding with the provincial concerning ... 4. the prompt submission of the annual financial report and other periodic reports on forms supplied by him;
- It may be timely to recall here two articles of the Regulations which clarify the obligation of *information of the community* on economic and administrative aspects:
 - Reg. 202: “As opportunity offers, and especially when the programme for the year’s work and the economic situation are being discussed he (the economer) will interest the entire community in the ordinary and extraordinary expenditure involved in the running of the house.”
 - Reg. 184: “With regard to the community the principal tasks and duties of the assembly of the confreres are: ... 5. to be informed and reflect on the financial situation in view also of community poverty.”

11.8.2 *Annual Contribution of the Houses to the Province*

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The Provincial with the consent of his Council will decide on the suitable contribution (quota) which every house must give for the needs of the Province (cf. Reg. 197). The Provincial will fix it on the basis of the needs of the Province, and taking stock of his knowledge of the economic situation of each house.

It is part of the animation of the Province to convince the local communities of this obligation to contribute to the construction of the provincial community (vocations, formation, animation ...).

150

The payment of the contribution must be faithfully taken care of for the sake of solidarity. It is all right if it is paid in instalments so as to avoid the danger of insolvency, and it is treated as a "privileged debt".

When a house is given permission to carry out some work or to make extraordinary purchases this must never be to the detriment of the annual contribution (quota) (there can be other ways of meeting this obligation.)

11.8.3 *Use of excess money*

The Provincial will withdraw from the houses money which 161 is available and helps, from provincial funds, those houses which are in dire need or have to meet great expenses which have been duly authorised (cf. Reg. 197); see "*Guidelines and Policies*" in AGC no. 367, p. 48.

By programming with the participation and cooperation of confreres responsible it is possible to arrive at a certain financial agreement with a minimum of difficulty.

11.8.4 *Requirements foreseen by article 190 of the Regulations*

Article 190 of the Regulations is of great importance for good 162 provincial economic management; it touches on the responsibility of the Provincial Chapter and also of the Provincial with his Council.

The Provincial must see to it that the Provincial Chapter provides for all the prescribed requirements which are referred to here:

"To Provincial Chapters is left the formulation of detailed norms for administration at provincial and local levels. In particular they will give directives concerning:

1. the keeping of official records, administrative archives for official documents, agreements and covenants, wills, registers, files of obligation, inventories, etc.;
2. property registration, the safe custody of articles of value and of important documents;
3. legacies for religious purposes and charitable bursaries;
4. the keeping of accounts and centralisation of administration where there are different groups involved in a single work;

5. financial arrangements between parish and house in conformity with canon law and the Constitutions;
6. every other norm which local experience may suggest.

The Provincial Chapter may delegate this task to the provincial with his council."

For the responsibility of the Provincial Chapters on the economic part of the Provincial Directory see AGC no. 382, pp. 42-49.

11.9 **Economic Relationships between the Salesian House and the Salesian Parish²**

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In Chapter 8, treating of the acceptance of a parish by the Salesians (cf. no. 126), it is stated that an agreement must be drafted between the Salesian Society represented by the Provincial (in the name of the Rector Major) and the Ordinary of the place. The Code of Canon Law says explicitly that this agreement (cf. can. 681 §2) must also cover financial arrangements. With reference to this norm the *financial arrangements which must be defined in the agreement* concern the following points:

- description of the boundaries;
- the actual financial situation (if there are previous debts or other financial obligations);
- the extent of the building complex (with plan attached); what premises are to be given to the use of the parish;
- inventory of movable and irremovable goods (stating the ownership);
- obligations and rights of the parish priest and of his collaborators; forms of remuneration;
- parochial administration: jurisdiction, in particular ordinary and extraordinary maintenance;
- possible extraordinary work in the church or in the premises of the parish.

Note that the *inventory of goods* is demanded by canon 1283,2 of the Code of Canon Law which says: "let a clear and

² See on this matter AGC no. 323, p. 54 and following.

accurate inventory be drawn up of all immovable goods, of all those moveable goods which are precious or of a high cultural value and of all the other goods, with a description and an estimate of their value ...”, and the canon adds: “when this has been compiled, it is to be certified as correct”. Our Regulations also ask for it: “there must be a clear distinction, with appropriate registers and documentation, between what belongs to the parish *“qua talis”* and to the Congregation (Reg. 30)”. Canon 1283,3 adds: “one copy of this inventory is to be kept in the administration office and another in the curial archive”. It is appropriate that a third copy be kept in the archive of the religious house (or with the provincial economer). Updates must always be noted on all the copies.

With regard to the property attached to the parish, the following points are important:

- a. *With regard to the immovable goods of the property of the Salesian Society (of the religious house):*

The administration of those goods meant for the use of the parish, but belonging to the religious house, is a *matter for the religious house*, and hence it is necessary to request permissions of and give an account of them to the competent Superior (through the local economer). It is clear, however, that the community has the right to request help from the parishioners for the restoration or the embellishment of the church and of the premises put at the use of the parish; but the control of the offerings and expenses is a matter for the Salesian Superior who obviously will act through the confrere who is the parish priest.

- b. *With regard to the immovable goods of the property of the Curia (or the parochial Body): the Ordinary of the place has jurisdiction over their administration, which is a matter for the parish priest who requests necessary permissions from and is accountable to the Ordinary of the place. Bear in mind in this matter that the Religious Superior has, before his community, responsibility regarding observance of the laws of the Church, be they the universal laws or the particular laws, as also the directives of the*

Bishop. He must therefore keep his eyes open so that the administration of ecclesiastical goods entrusted to the religious be carried out in observance of the laws and their spirit (cf. canon 678 §2).

- c. The following principles are to be kept in mind *in the administrative management of the parish*:
- the administration of the parish “qua talis” depends on the parish priest, nominated by the Bishop upon presentation by the Provincial (cf. can. 532; cf. also Reg. 27).
 - the parish priest is helped in the administration of the property of the parish by a “*Finance Committee*” which must be set up according to the norm of 537 of the Code of Canon Law. Note that this Committee is a consultative one, it being understood that the responsibility of the parish priest (who presides over it) is established by canon 532.

The principle having been established that the administration of the parish comes under the jurisdiction of the parish priest, it is necessary to consider his relationship with the Salesian Religious Community which animates the parish (whether the Salesian Community is the same community that is entrusted with the parish or whether the Salesian Community also has other works besides the parish). As a general criterion (except for what was said above about immovable goods) it is necessary to make *a clear distinction between the administration and the accounting of the parish and that of the religious house “qua talis”*. There must therefore be different book-keeping.

- One point to consider is that relative to *the income due to the community and that due to the parish*. In various dioceses there are rules which determine what belongs to the parish priest and his assistants and what belongs to the church and the parish. In our case the principal criteria are these:
 - The personal incomes of the parish priest and of his assistants are the concern of the Salesian Community (by virtue of article 76 of the Constitutions); so also are stipends, diocesan salaries, pensions and Mass offer-

ings. This revenue therefore goes to the funds of the religious community.

- The so-called “stole fees”, by virtue of canon 531, belong to the parish. As also voluntary offerings given to the parish unless there is a clear contrary intention on the donor’s part. However, on this point diocesan norms, which provide for special cases, should be followed.

Aware of the difficulties in relationships between the religious community and the parochial community, especially in the economic field, *article 190,5 of the Regulations asks Provincial Chapters* to formulate detailed norms for such relationships.

Finally, what *article 198 of the General Regulations* says must be remembered: “Even confreres in charge of works which by statute or agreement have a separate administrative council, must render an account of their administration to the religious superiors.” It is a principle of religious life which does not contrast with the autonomy which ecclesiastical (or civil) laws give to administrators.

This duty of *rendering an account* is confirmed by what *canon 678 §2* says: “In the exercise of an apostolate towards persons outside the institute, religious are also subject to their own Superiors and must remain faithful to the discipline of the institute.” It is clear that his economic management cannot be excluded from the “external apostolate” of the parish priest; he in fact is the person responsible for it (cf. Can. 532).

The duty of “*rendering an account*” must not on the other hand be reduced simply to information. Although not requiring approval, it is necessary that the parish priest places before the Religious Superior (Rector, Provincial) the various economic problems, in particular the financial budgets and balance sheets, asking them for a *prior opinion and approval*, which helps to take into consideration the needs of the Salesian “charism” of the community which animates the parish. Both the parish priest and the religious superior must proceed with prudence and moderation with full respect for the rights of the bishop and also with attention to the expertise of the “Finance Committee” of the parish.

11.10 **Canonical norms regarding inheritances, legacies, donations and “other pious dispositions”**

164 It is useful to speak here of the norms of Canon Law which concern the responsibilities of “Ordinaries” with regard to inheritances, legacies, donations or in general of “pious dispositions” of the faithful with regard to ecclesiastical institutions (diocesan or religious).

Canon 1301

- §1. *The Ordinary is the executor of all pious dispositions whether made *mortis causa* or *inter vivos* (because of death or among the living).*
- §2. By this right the Ordinary can and must ensure, even by making a visitation, that pious dispositions are fulfilled. Other executors are to render him an account when they have finished their task.
- §3. Any clause contrary to this right of the Ordinary which is added to a last will, is to be regarded as non-existent.

Canon 1302

- §1. Anyone who receives goods in trust for pious causes, whether by an act *inter vivos* (among the living) or by last will, *must inform the Ordinary* about the trust, as well as about the goods in question, both movable and immovable, and about any obligations attached to them. If the donor has expressly and totally forbidden this, the trust is not to be accepted.
- §2. The Ordinary must demand that goods left in trust be safely preserved and, in accordance with can. 1301, he must ensure that the pious disposition is executed.
- §3. When goods given in trust to a member of a religious institute or society of apostolic life, *are destined for a particular place or diocese or their inhabitants*, or for pious causes, the Ordinary mentioned in §§ 1 and 2 *is the local ordinary*. Otherwise he is the *Major Superior* of the clerical institute of pontifical right.

Canon 1303 shows what the “*pious foundations*” are, and also their kind (autonomous and non-autonomous). Of interest is what the following canon says on the authorisation of a

foundation (obviously for us we add the norms of Constitution 188 to what is stated by the Code of Canon Law).

Canon 1304

- §1. For the valid acceptance of a pious foundation by a juridical person, the written permission of the Ordinary is required. He is not to give this permission until he has lawfully established that the juridical person can satisfy not only the new obligations to be undertaken, but also any already undertaken. The Ordinary is to take special care that the revenue fully corresponds to the obligations laid down, taking into account the customs of the region or place.
- §2. Other conditions for the establishment or acceptance of a pious foundation are to be determined by particular law.

Among the various norms given by the Code of Canon Law in Canons 1305 and following, regarding the commitments and obligations of pious dispositions and foundations, it is advisable to mention some faculties regarding **Mass obligations**.

Canon 1308

- §1. The reduction of Mass obligations, for a just and necessary reason, is reserved to the Apostolic See, without prejudice to the dispositions which follow.
- §2. If this is expressly provided for in the document of foundation, the Ordinary may reduce Mass obligations on the ground of reduced income.
- §3. In the cases of Masses given in legacies or in foundations of any kind, which are solely for the purposes of Masses, the diocesan Bishop has the power, because of the diminution of income and for as long as this persists, to reduce the obligations to the level of the offering lawfully current in the diocese. He may do this, however, only if there is no one who has an obligation to increase the offering and can actually be made to do so.
- §4. The diocesan Bishop has the power to reduce the obligations or legacies of Masses which bind an ecclesiastical institute, if the revenue has become insufficient to achieve in a fitting manner the proper purpose of the institute.

§5. The supreme Moderator of a clerical religious institute of pontifical right has the powers given in §§ 3 and 4.

Canon 1309

When a fitting reason exists the authorities mentioned in canon 1308 have the power to transfer Mass obligations to days, churches or altars others than those determined in the foundation.

See also *canon 1310* specifically with regard to the pious dispositions of the faithful in favour of pious causes.

12. COMMUNICATION BETWEEN PROVINCIAL SECRETARIAT AND GENERAL SECRETARIAT

12.1 The need for communication. Relationships of Provincial with Rector Major and his Council.

For a valid and effective service to the Provinces as well as to the whole body of the Congregation it is indispensable that *opportune and clear* communications be established between each Province and the Generalate. 165

It is obvious that in the first place consideration must be given to relationships and exchange of information between the *Provincial and the Rector Major and between the Provincial* (and provincial bodies) and the *Councillors of the Departments at the Centre*. It is a question of both personal correspondence as well as information on the running of the Province, the examination of problems and projects in the various sectors of animation, communication of important happenings, etc.

In particular, regarding *official communications of the Provincial to the Rector Major*, our particular law speaks of numerous opportunities in the Province such as the approval of the Provincial Directory and of the Deliberations of the Provincial Chapter (Con. 170-171), the opening and closing of houses, and modifying the scope of existing works (Con. 165,5), taking on special activities (for example, the acceptance of a parish (Reg. 25), economic and administrative practices (Con. 188), nomination of Provincial Councillors (Con. 167) and of Rectors (Con. 177), and questions relating to different confreres. All of these, besides carrying out the duties of provincial government, are privileged means of dialogue between the Provincial and the Rector Major and his Council.

In dealing with communication between the Provincial and Councillors of the central Departments we can refer to some things taken from our Rule:

- *With the Councillor for Formation*: bearing in mind the responsibilities which the Constitutions give him for formation in all its phases and for formative structures (Con. 135), it is clear that dialogue with him will be necessary for everything done in the field of formation. Particular emphasis is laid on the periodic checking, at provincial level, of the part on formation in the Directory. The Provincial will keep the Councillor General for Formation informed in these matters (cf. FDSB, 23).
- *With the Councillor for Youth Ministry*: the formulation and revision of the provincial educative and pastoral plan is a special opportunity for dialogue (cf. Con. 136; Reg 4).
- *With the Vicar of the Rector Major*, with regard to the *Salesian Family*: It is necessary to bear in mind what article 134 of the Constitutions says: “In accordance with article 5 of the Constitutions he promotes communion between the various groups, respecting their specific character and autonomy. In addition he guides and assists the Provinces so that they may develop in their own territories, according to their respective statutes, the Association of Salesian Cooperators and the movement of the Past Pupils.” It is clear that in this sector there will be many times in which contact will be made between the provincial bodies and the Vicar of the Rector Major.
- *With the Councillor for Social Communication*: the relationship of the provincial and the provincial communication team is governed by the tasks which article 137 gives to the Councillor in this Department: “He promotes salesian activity in the social communication sector, and in particular coordinates at world level the structures and centres for which the Congregation has responsibility in this field”, as well as the tasks which the Regulations ask of the Provincials with regard to communication (cf. Reg. 31-33).
- *With the Councillor for the Missions*: the Provincial will maintain all contacts necessary for missionary animation as well as for the running of the missions confided to the province and for the preparation of missionaries (cf. Con. 138).

There should be frequent communication between the *Provincial and the Regional Councillor*. The latter, in fact, in accordance with the Constitutions, looks after the interests of the Provinces entrusted to him and he maintains direct liaison between the General Council and the Province (cf. Con. 140). The Provincial therefore will maintain constant contact with the Regional Councillor, examining together with him the problems of the province and submitting to him the solutions which he intends to adopt, keeping however the full autonomy for decisions established by our own particular law (cf. Reg. 137).

It will be useful in particular if the *Provincial seeks the opinion of the Regional and includes* that in all the business matters he sends to the Rector Major (approval of nominations, opening or closing of houses, new activities, extraordinary economic operations, etc. ...). When the Regionals are in Rome (during plenary sessions) business matters can be sent direct to the Regional who in turn will see that they are presented to the Rector Major.

A privileged time for communication of the Province with the Rector Major and his Council is that of the *Extraordinary Visitation* which the Rector Major arranges for every Province every six years (cf. Reg. 104). The Extraordinary Visitation is made in the name of and with the authority conferred by the Rector Major. It is ordinarily entrusted to the Regional Councillor, but the Rector Major can also entrust it to another Visitor of his choice.

Because of the nature of this Visitation it should be well prepared for by the Provincial with his Council so that the provincial community can gain from it the results they are looking for. During the Visitation the Provincial retains his ordinary power of government, but such powers are subjected to the extraordinary powers given by the Rector Major to the Visitor.

12.2 The Service of the General Secretariat

We now turn, in a special way, to a form of communication which can be defined as “*institutional*” and which concerns the *transmission of data and information* between the Provin-

cial Secretary and the General Secretariat. This is a valuable service useful to carry out what the Constitutions and Regulations (and Canon Law itself) require for the validity of certain procedures, to contribute to a complete knowledge of the Congregation (the statistics are required for this) and to preserve the history of events and of people.

The service of the General Secretariat to the Provinces is carried out above all by the sending out of documentation and by replies to enquiries coming from the Provinces themselves. Some of the forms of communication which the General Secretariat must conduct with the Provinces can easily be listed:

- a. Sending out the official Acts of the General Council (cf. Reg. 110) and other documents of the Rector Major and his Council of universal value;
- b. Sending out decrees regarding nominations (Provincials, Provincial Councillors, Rectors, Directors of Novices) and other matters of a juridical nature (in liaison with the Procurator General);
- c. Communication of news of particular interest for the Congregation;
- d. It is also the task of the General Secretariat to request from the Provinces data concerning confreres and our works and everything which is useful for the Central Archives of the Congregation.

12.3 The service of the Provincial Secretariat

Throughout this Manual there is mention of the many tasks of the Provincial Secretariat which help the Provincial and his Council in the exact fulfilment of much of their business. Here in synthesis is a presentation of the main documentation which on different occasions Provincial Secretaries have to send to the General Secretariat; it represents a profitable source of information for the whole Congregation (as well as for the Province).

There are three levels of communication:

- for each confrere;
- for individual communities;
- for the whole of the Province.

12.3.1 *Documentation for each confrere*

Here is a list of the basic documents which, on different occasions, must be sent to the General Secretariate for each confrere: **168**

- a. Admission to the novitiate;
- b. Proposal for admission to first profession and form confirming that the profession has taken place;
- c. Form confirming each renewal of temporal profession;
- d. Proposal of admission to perpetual profession and form confirming that the profession has taken place;
- e. Forms confirming the conferring of Ministries of Reader and Acolyte;
- f. Proposal for admission to the Diaconate and form confirming the ordination;
- g. Proposal for admission to the Priesthood and form confirming the ordination;
- h. Communication that a novice has left;
- i. Communication that a temporary professed member has left "at the expiry of vows";
- l. Communication of the death of a confrere;
- m. Mortuary letter of a confrere.

Apart from these there are documents regarding appointments or other juridical business, as seen in preceding pages.

With reference to information relative to the DEATH OF A CONFRERE there are two things to be done: **169**

1. On the death of a confrere a *communication should be sent to the General Secretariat as soon as possible* giving the place and date of death and other relevant information (cf. Form NOTIFICATION OF THE DEATH OF A CONFRERE: APPENDIX A-4). This communication is important not only so that it can be sent as soon as possible to the Provinces of the Congregation (by means of the Acts of the General Council) but above all so that the confrere can be remembered in fraternal suffrages. Should it be desired that some news of the deceased confrere be reported in the *Salesian Bulletin*, – Italian edition – a very brief summary of his life should be sent to the Director of the *Salesian Bulletin* – via della Pisana 1111 – 00163 ROMA, ITALY.

2. THE MORTUARY LETTER is a duty prescribed by article 177 of the General Regulations: "On the death of a confrere the Rector is to write his obituary letter without delay." This is also a gesture of brotherly friendship and gratitude.

The same article of the Regulations requests (the Secretary):

- *to send some copies (four or five) to the General Secretariat* so that (after the Superiors have been made aware of them) they can be kept in the Central Archives;
- to send some copies, apart from those to all the communities of the Province, *to Provinces and Communities of the Congregation where the confrere is known* (above all in the Provincial Conference or in the Region);
- above all, to send the letter to *formation communities* where the knowledge of the life and work of the confrere can be a great help in the growth of young Salesians.

All these things are to be attended to in good time in the Provincial Secretariat.

It should also be borne in mind that *copies of publications of confreres* should always be sent to the General Secretariat (for the Central Library).

12.3.2 Documentation for each community

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The following documentation concerning every community of the Province is to be sent to the General Secretariat:

- a. Every six years a *synthesis of the chronicle of each house* which gives the principal events and the more important steps in the growth of the house; since it is not possible to have the complete chronicle of each house in the Central Archives, this is one way of contributing to preserving the history of the houses;
- b. Communication of the *more important and significant events of the houses*, when they happen, especially if they are of some ecclesial or civil importance;

This information, apart from going to the General Secretariat, can also be sent to the Italian Salesian Bulletin if there is the wish to have it included in the Bulletin.

- c. It will be good if news from the chronicle is accompanied by *photographic documentation*. These photos should have written on the back of them: 1) the name of the place where the photograph was taken; 2) the date on which it was taken; 3) the event to which it refers; 4) the names of the (principal) people in it.

12.3.3 *Documentation for each Province*

There are three times in the year when the Provinces are asked to send documentation to the General Secretariate for the use of the whole Congregation. They are:

- a. Copy for the ANNUARIO (Year Book) of the Society;
- b. Statistics (FLASH) at the end of the year;
- c. Statistics of activities and works.

A. *ANNUARIO of the Society*

The ANNUARIO (general list of confreres and houses) of the Society is an invaluable help in knowing individual Provinces, houses and confreres of the whole Congregation: it is a tradition of ours going back to Don Bosco and it is still very useful. Its usefulness is obviously tied to the *timing and accuracy of the data*, and this depends greatly on the speed and accuracy of the information coming from the Provinces.

The data requested for the updating of the Annuario especially concerns the transfer of confreres from one house to another or from one Province to another, and furthermore the roles of the confreres in the communities. With this in mind the decision has been taken to publish in the catalogue the main roles resulting from our own particular law: rector, economer, councillor (local or provincial), parish priest, head master of a school, one in charge of the oratory, rector of a public church, delegate of cooperators, delegate of past pupils, "incaricato" (one in charge of) a community not canonically erected.

Furthermore to make it more useful the Annuario has been divided into two volumes (corresponding roughly to the two

hemispheres, with a few exceptions) and the final dates for sending copy are:

- for Volume 1: 15 September;
- for Volume 2: 15 February.

B. *STATISTICS ("FLASH") OF PERSONNEL AT THE END OF THE YEAR (31 December)*

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This statistical picture of personnel of the Province (Salesians and novices) presents the exact situation of the Province at a common date (31 December) for all Provinces: it is a fixed point for annual comparisons and is the basis of the statistics of the Congregation which are sent to the Holy See (which in fact asks for the data as at 31 December). A copy of the FLASH form can be found in the Appendix (cf. appendix A-15). It is very important, for an exact evaluation in the Congregation to bear in mind above all the *rules for calculating* the confreres in "FLASH". Herewith are the rules given in ASC no. 284,7 (documents, first part):

- a. IN THE FLASH OF THE PROVINCE THE CONFRERES TO BE COUNTED ARE THOSE WHO:
 1. are part of the province from the time of their first profession;
 2. have become part of it by definitive transfer decreed in writing by the Rector Major;
 3. have temporarily come to the help of the Province subsequent to an agreement between the Provincials concerned (temporary transfer);
 4. temporarily reside in another Province for reasons of study or health (or for some work specifically on behalf of the Province of origin);
 5. live outside the religious house, having obtained the permission "absentia a domo" (absence from home) or an Indult of exclaustation or secularisation "*ad experimentum*",¹ or also living outside irregularly (without the required permission);

¹ It should be borne in mind that the confrere with secularisation "praevisio experimento" has the status of exclaustated during the trial period.

6. have an application for a dispensation from vows, or for secularisation, or for a dispensation from celibacy under consideration, and the matter has not reached a conclusion.
- b. CONFRERES ARE *NOT* TO BE COUNTED IN THE FLASH OF A PROVINCE WHO;
 1. have been transferred to another Province as Provincials, Rectors, Directors of Novices, etc. for the whole time of their mandate (they will be counted in the Province where they are working, cf.a.3);
 2. have been temporarily sent (by agreement of the two Provincials), into another Province or Vice-Province to give help in such Province, (these too will be counted in the Province where they are working, cf. a.3);
 3. have obtained a rescript of secularisation "*pure et simpliciter*" (with the "decree of incardination") and also those secularised "*ad experimentum*" at *the end of their trial* (or when the bishop has issued the decree of incardination);
 4. have obtained some form of Indult for leaving: dispensation from vows (accepted), dispensation from diaconate, dispensation from priestly celibacy, or have been dismissed;
 5. have been made bishops, and also when they have resigned from the position and have decided to reside in a Salesian house.

C. STATISTICS OF WORKS AND ACTIVITIES

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Every six years (in preparation for the General Chapter) Provincial Secretariats are asked to provide statistics of works and activities which are being undertaken in the Province.

Besides sending the data regarding persons and works, other occasions of communication with the Centre of the Congregation by Provincial Secretariats are: 174

1. Sending *Provincial Newsletters* (or Provincial Information Bulletins) with periodic news of the Provincial Community; apart from sending these to the Superiors con-

cerned (Rector Major, Regional Councillor, and if necessary other General Councillors) these documents are also to be sent to the General Secretariat and to ANS (Press Office).²

2. Sending information (with photographs also if possible) about the *more important provincial* events so that they can be kept in the Central Archives for the history of the Congregation. This is a valuable service for the Salesians who will come after us and who will want to know what their predecessors have done and the spirit which animated them.

12.4 Relationships with the Apostolic See

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When there is business to negotiate with the Apostolic See, through the various Congregations of the Roman Curia, what *article 109 of the General Regulations* says should be borne in mind: "To ensure a more regular discharge of business with the Holy See it is desirable that this be done through the Rector Major."

In fact, the law itself requires business addressed to the Holy See to pass through the Rector Major and his Council: for example, all the business relative to Indults or Dispensations or that concerning authorisations or permissions in the economic-administrative field, which requires the prior consent of the General Council. But even in those cases where the universal law does not require it, our own particular law requests that the normal path for forwarding business to the Holy See pass through the Rector Major.

With regard to the manner of forwarding business to the Apostolic See, *article 145 of the Constitutions* says: "The task of dealing with the Apostolic See is ordinarily entrusted to a *procurator general*, who is appointed by the Rector Major with the consent of his Council and remains in office *ad nutum*." The Procurator General is therefore the person the

² The Newsletters can be sent in the one package to the General Secretariat; on each copy there should be some indication as to the person or office for whom it is intended.

Rector Major normally calls upon for business dealings and contacts with the Apostolic See.

With regard to business of a juridical nature, the Secretary General and the Procurator are helped by a *juridical office* (of which the Procurator is a member) which has the task of examining business matters from the juridical point of view, whether they are to be seen by the Superiors themselves or are to be forwarded to the Apostolic See.

12.5 Some procedural norms of a general nature

Here are some norms of a procedural and technical nature to be kept constantly in mind in the reciprocal communication between Provincial Secretariats and the General Secretariat.

12.5.1 *Indicating confreres' names*

For uniformity and accuracy in all the documents or business matters addressed to the Rector Major or to the Departments at the Centre names of confreres should be given in the following manner, which has been officially adopted for the Congregation: 176

first the father's SURNAME (Family Name) all in capital letters, followed by the mother's SURNAME (in those countries where this is the practice) also in capital letters; then follows the baptismal name.

For example: ACCORNERO Flavio
or ALVAREZ BLANCO José.

The names of confreres officially communicated when they enter the novitiate (hence the importance of the first communication) *must not be changed* except for special reasons which must be documented.

Since, in the General Secretariat, each confrere is assigned a "code number" which corresponds to his place in the computer memory of the Central Archives, it will be well, in all matters concerning a confrere, also to indicate his code number, above all to avoid confusion. The surname and the given name as used in the *Annuario* of the Congregation should always be the ones used.

12.5.2 *Indicating Provinces and Houses*

- 177** In official documents and in juridical matters the Province will be referred to by the *name of the Patron and the city in which the Provincial House is situated* (e.g. “St Francis of Sales” Province of Buenos Aires. For general purposes it will be sufficient to indicate the Province by the name of the city or town where the Provincial Centre is situated (e.g. Province of Buenos Aires). It is *also useful to add the abbreviation of the Province used in the Anuario* (e.g. ABA).

For the houses: it is best if they are named after *the places in which they are located*. If there are different houses in the same locality they can be distinguished by adding the name of the street, or the district or suburb or by something else (e.g. the patron of the work, the kind of work...) which makes them clearly identifiable. This method of differentiating the houses has been adopted in the Anuario and it is recommended that it be used when treating of matters regarding the houses.

For example: BUENOS AIRES - Leon XIII (patron); BUENOS AIRES - Colegio Don Bosco (type of work); BUENOS AIRES - Floresta (district, suburb); RIO GRANDE - School (type of work); RIO GRANDE - Parish (type of work); USHAIA - (only work in the area).

A “*code number*” has also been assigned to the Provinces and to the Houses by the General Secretariat.

12.5.3 *Form of addressing requests to the Rector Major (or to the Apostolic See)*

- 178** Every request for authorisations, concessions, dispensations, etc. addressed to the Rector Major (or to the Apostolic See) should always be presented on a *separate sheet of paper, with one request only per sheet*. They should not be included in letters which treat simultaneously of different requests or other matters. This is necessary for purposes of placing every item in the archives with all the relevant documentation.

If, for example, the Provincial has to request from the Rector Major the decree of canonical erection of two houses, he will

make a specific request for each of them, expressing in each the reasons and the vote of the Provincial Council for each house, and he will add to each the written opinion of the diocesan Bishop.

Yet another example, if the Provincial has to request approval to begin an activity (such as accept a parish) and at the same time he has to petition the Holy See for an Indult for a confrere, he will not treat of the two arguments in the one letter. He will write two separate letters expressing his view in each case and adding to each the necessary documentation.

All these documents should, as a rule, be *typewritten*.

When the request of a confrere is written in a language different from the better known ones, the Provincial Secretary will add an authentic translation, preferably in Italian.

12.5.4 *Dates of Documents*

The dates of the documents should correspond with the contents of the said documents and also with any clarification of the law regarding individual cases. 179

Thus, for example, a document which gives the start of the novitiate as 15 August, cannot be dated 22 July, that is, it cannot be drawn up and dated in advance.

Yet another example, a document in which the Provincial appoints the Instructor causae for a dispensation from priestly celibacy cannot bear a date preceding that of the request of the priest asking for it, (or have the same date for that matter); in fact, the norm for such procedures says that the Provincial, after having considered the request and made a judgment on whether to send it further, can nominate an Instructor causae.

12.5.5 *Format of Paper*

For the sake of uniformity in filing documents in the Central Archives, Provinces are asked, when sending requests and documents to the Rector Major or General Secretariat to always use **UNI A4** size paper (21x29,7cm.). 180

13. THE PROVINCIAL ARCHIVES AND THE ARCHIVES OF THE HOUSES

13.1 Importance of the archives for our Society

181 The Code of Canon Law speaks of the importance of diocesan and parochial archives. Canon 486 decrees:

1. All documents concerning the diocese and parishes must be kept with the greatest care.
2. In each curia there is to be established in a safe place a diocesan archive where documents and writings concerning both the spiritual and the temporal affairs of the diocese are to be properly filed and carefully kept under lock and key.
3. An inventory or catalogue is to be made of documents kept in the archive, with a short synopsis of each document.

What is asserted by the universal law for ecclesiastical archives applies also to our archives whether at the level of the whole Society (*"Archivio salesiano centrale"*) or at Provincial level (*Provincial archives*) or for individual houses (*Local archives*).

When presenting the renewed Regulations for the Salesian Central Archives, the Rector Major, Father E. Viganò, emphasized the importance of the archives for the history and life of the Congregation and of the Salesian Family; and he added:

"It is a very old Salesian tradition that we take particular care to preserve documents belonging to the Congregation's patrimony... All the archives, provincial archives in the first place but those of the individual houses too, have their importance and should be carefully preserved and added to, using the relevant scientific norms and modern technology."¹

¹ Cf. AGC no. 314, pp. 53

Father Peter Ricaldone, in a Circular on the Archives of the Houses of 24 October 1943 had previously written: "Our archives, if they are well organised and kept up-to-date, will provide invaluable, in fact fundamental, material and data for the chronicles of our Society. By means of their documentation our members will not only have before them, as an incentive for new initiatives of zeal, the magnificent panorama of the multiform Salesian activity, but they will arrive, as if led by hand, at the purest springs of the spirit and of the industriousness of the Salesian Family."²

All of this is reflected in our Regulations where it is recommended that: "Special importance attaches to the preservation of libraries, archives and other documentary material because of their cultural and community value" (Reg. 62).

In this Manual we shall deal principally with the Provincial Archives, with a small amount about Local Archives, indicating certain norms for the conservation of documents of greater importance.

As a *general criterion* it should be borne in mind that, for history, it is always important to *preserve documents and other materials in their original paper (hard) copy* (with the appropriate signatures and certification) despite the development of electronic means of information which can be kept to supplement the documents.

13.2 Historical and current archives, and "secret" archives

Three levels can be distinguished in the provincial archives: **182**

- a. The appropriately called *historic* archives comprises documents which form part of the "history" of the Province: foundation documents, chronicles of events which have taken place in different years, correspondence of Provincials with the General Council and with confreres, documents regarding confreres who have

² Cf. ACG no. 120, p. 279

lived and worked in the Province, and have died, etc. (see Canon 491 §2).³

- b. The so called “*current archives*” comprises all those documents which are still being frequently consulted and updated, either because they are documents of living people (for example, folders with the documents of confreres) or they concern business which has not been definitively closed.
- c. By norm of Canon 489 there must be in the Provincial Office “a *secret* archive, or at least in the ordinary archive there is to be a safe or cabinet, which is securely closed and bolted and which cannot be removed. In this archive documents which are to be kept under secrecy are to be most carefully guarded.”

By analogy to what is decreed by canon 490 §1 only the Provincial should have the key to the secret archive.

In individual houses it is not always possible to speak precisely of a “secret” archive nor can a clear distinction be established between an historic archive and a current archive. It is necessary that there be a place (one or more cabinets) carefully guarded, where documents concerning the history and the life of the house are kept.

13.3 Those responsible for the archives

13.3.1 *The Provincial Archives*

183 The first person responsible for the Archives of the Province is the Provincial himself. It is up to him to establish the procedures for consulting and taking away deeds and documents which may be consulted (cf. for analogy can. 491 §3). As has been said only the Provincial has jurisdiction over the custody of the “secret” archive. The *Provincial Secretary* is dependent on the Provincial and

³ As a rule all the documentation going back 50 years or more from the present date is considered “historic”. In the Salesian Central Archive the Rector Major Fr Vecchi fixed 1951 (death of Fr Peter Ricaldone) as the cut off year: documentation preceding that date, being considered historical material, is accessible for consultation by all students.

works in accordance with him. In his capacity as chancellor our particular law gives responsibility to the Secretary for the care of the Archives. In fact article 159 of the Regulations says: "(The Provincial Secretary) is in charge of the Provincial Archives."

13.3.2 *Archives of the Houses*

By analogy with the responsibility which the Code of Canon Law gives the Bishop for the care of local archives (Archives of the cathedral, collegiate and parochial churches... (cf. can. 491 §1), the Provincial must also concern himself to see that the archives of the individual houses are carefully kept. *This is one of the points to check on Provincial Visitations.*

At the local level the Regulations give the Rector responsibility of looking after the Archives of the House. Article 178 says: "(The Rector) should keep the Archives in order and up-to-date."

13.4 **Contents of the Archives**

It is not possible to give an exhaustive list of what provincial or local archives should contain. We shall limit ourselves therefore to indicating, in both cases, **what the archives should not lack.**

13.4.1 *Provincial archives*

The following documents should not be missing from the Provincial archives: **185**

1. *Constitutions and General Regulations* of the Society;
2. Collection of the *Acts of the General Chapters* (at least from GC19 and those after it) and the *Acts of the Provincial Chapters*;
3. Complete collection of the *Acts of the General Council* (previously "Superior Chapter" or "Superior Council": from Don Albera to the present);
4. *Documents of the foundation and canonical erection of the Province and of the individual Houses* of the Province;

5. Forms for the appointment of Provincials, of Provincial Councillors and of Rectors of the individual houses of the Province;
6. Collection of *Minutes of Provincial Council Meetings*;
7. Copies of the observations left for the Provincial and his Council (or for the Province) after *Extraordinary Visitations*;
8. Copies of the letters addressed by the Rector Major to the Provincial (or the Province) at the conclusion of the Extraordinary Visitations or on other occasions;
9. Correspondence of Provincials with the Rector Major, with General Councillors and with the confreres, which are important for the Province (e.g. "Circulars" of Provincials to confreres);
10. Documents regarding the History of the Province; in particular the chronicle of the more important events (with *photographic and/or audiovisual documentation*);
11. Documents of the Provincial Conference (in the Provinces which are part of a Provincial Conference) and/or documents pertaining to the Salesian Region;
12. Documents regarding relationships with Bishops (correspondence, agreements, permissions ...);
13. Documents of confreres - living, deceased, left the Congregation;
For *deceased* confreres: the mortuary letter is to be kept, as well as those documents which can be useful as a future source of information;
For confreres who have *left*: documents giving witness of their leaving (Indults or dispensations or decrees of secularisation are to be kept as well as other documents which can still be useful in the future);
14. Copies of the annual statistical data of the Province, and it is useful to keep the collection of the annual general Elencos (Annuari) of the Society;
15. Synthesis of the chronicles of the Houses of the Province (copy of the report that is to be sent to the Central Archives); where possible it can be useful to keep the copies of the chronicles of the houses themselves;⁴

⁴ Documentation and chronicles of houses which have been suppressed are to be kept in the Provincial Archives.

16. If it is thought useful the collection of the Provincial Newsletters;
17. Publications of the confreres of the Province (copies also to be sent to the General Secretariat);
18. There will also be a section of the archives whose norms are formulated by the Provincial Chapter or by the Provincial with his Council which represents "the *administrative archives* for official documents, agreements and covenants, wills, registers, files of obligations, inventories, etc. (cf. Reg. 190).

13.4.2 *The Local Archives*

In the archives of every house **the following documents** ¹⁸⁶ **must not be missing:**

1. *Constitutions and General Regulations of the Society*;
2. Collection of the *Acts of the General Chapters* (beginning at least with GC19) and the *Acts of Provincial Chapters*.
3. Possibly, the complete collection of the *Acts of the General Council*; from Don Albera to the present.
4. Copy of the *documents of the foundation and canonical erection of the house*; if the house has an oratory or a public church attached to it, a copy of the document witnessing the consecration or blessing of the church; likewise for the other works of the house (for example, the school) a copy of the acts of foundation and the documents of civic recognition;
5. Forms for the *appointment of Rectors* who have succeeded each other in the house;
6. Complete annual lists of the confreres of the house, with their roles; it will also be useful to keep the annual General "Elenchi" (Annuario) of the Society;
7. *Minutes of the Council of the Community* (Reg. 180);
8. *The chronicle of the house*, by norm of Regulation 178 (and the periodical synthesis sent to the Provincial Archives and the Central Archives);
9. Mortuary letters of the Confreres of the Province;
10. Observations left by the Provincial (or by the Extraordinary Visitor) at the conclusion of the *Provincial Visitation* (Reg. 146.3);

11. Correspondence of the Rector Major or of the Provincial which concerns the house in a special way. It will be useful if the Circular Letters of the Provincial are kept;
12. Updated lists of the *Past Pupils* of the house, and of the *Salesian Cooperators*;
13. An updated list of the *benefactors of the house*;
14. In the sector of the administrative archives the following will be kept: a copy of the plans of the house and relative public acts, a copy of the contracts of buying-selling of buildings and property of the house with the relative plans and maps, private documents of any kind, accounts, inventory of goods (to be updated periodically), legal documents of pious foundations, wills and bequests of the faithful donors, a register of possible obligation of masses, the original copy of possible legal transactions.

There should also be a **photographic section** of the archives (both at provincial and local level) where photographic and audiovisual documentation of the life and history of the house will be carefully preserved.

13.5 Arrangement of the Archive

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So that archive material can be easily accessed and consulted, it is necessary to have the archive functionally arranged according to a system which contains and expresses all the aspects of the life and activity of the Province.

By way of an example or model, here is a system suggested for Religious in the *Archivista Ecclesiastica*⁵ with some additions inserted for our Salesian requirements.

1. SALESIAN SOCIETY (Rector Major and his Council)
 - Constitutions and Regulations
 - General Chapters
 - Correspondence of the Provincial with the Rector Major and his Council
 - Documentation and letters of the Rector Major and the Central Departments

⁵ Cf. *Archivista Ecclesiastica*, Città del Vaticano, 1967, pp. 47-49.

2. APOSTOLIC SEE
 - Documents and business with the Holy See
3. PROVINCE
 - Provincial Chapter
 - Provincial
 - Provincial Council
4. PROVINCIAL CONFERENCE and/or REGION
 - Relevant documents
5. INTERPROVINCIAL RELATIONSHIPS
 - A folder for each Province with which the Province has a relationship
6. ORDINARIES OF THE AREA
 - A folder for each of the Bishops of the Province with correspondence and business undertaken
7. RELIGIOUS INSTITUTES
 - Relationships with other religious institutes and with the Conference of Religious
8. CIVIC AUTHORITIES
 - Relevant documents
9. HISTORY OF THE PROVINCE
 - Documents relative to the foundation of the Province
 - Documents of appointment of Provincials and Councillors
 - Chronicles of events
10. HOUSES OF THE PROVINCE
 - A file for each house with documents pertaining to each community (for both existing houses and suppressed houses)⁶
11. FORMATION
 - A file for each of the phases of formation:
 - Aspirantate and Prenovitiate
 - Novitiate
 - Postnovitiate
 - Practical Training
 - Theology
 - Specialisation of Brothers
 - Ongoing Formation

⁶ The whole archive of a suppressed house should go to the Provincial Archives where it will be carefully preserved.

- 12. PASTORAL CARE OF YOUTH
 - Relevant documents (Schools, Associations, etc. ...)
- 13. PARISHES AND PUBLIC CHURCHES
 - Relevant Documents
- 14. MISSIONS
 - Relevant Documents
- 15. SALESIAN FAMILY
 - Consultative Body of the Salesian Family
 - F.M.A.
 - V.D.B.
 - C.D.B.
 - Salesian Cooperators
 - Past Pupils
 - Other Groups of the Salesian Family
- 16. SOCIAL COMMUNICATIONS
 - Relevant Documents
- 17. PERSONS
 - Confreres living
 - Confreres deceased
 - Confreres exclaustated
 - Confreres who have left at the end of their vows or who have been dispensed from vows
 - Confreres secularised
 - Confreres - priests dispensed from celibacy
 - Confreres dismissed
- 18. STATISTICAL DATA
 - Statistics of the Province
 - Elenchi (Annuari) of the Society
- 19. ADMINISTRATIVE ARCHIVES (Reg. 190)

13.6 Preservation of Documents

- 188** Both the Code of Canon Law and our own General Regulations recommend the greatest care in the preservation of archival material (cf. Can. 486 §1 and 491 §1; Reg. 62). The archives in fact represent a valuable *spiritual, cultural and historical patrimony* for the Congregation, for the Church and for the nation itself.
- For this the Code itself gives some norms for careful preservation of the archives: such norms can be included in a pos-

sible “*Internal Regulations for the Archives*” which could be useful, for the Provincial Archives, especially when it is open for consultation by externs.

Some norms which apply especially to the Provincial Archives are given here:

1. *The archives should normally be locked* to ensure secure preservation and only the Provincial and the Provincial Secretary should have the key (cf. Can. 487 §1).
2. No one should enter the archives without the permission of the Provincial and/or Provincial Secretary.
3. Ordinarily *the documents of the archives should not be taken away*, but consulted in the archives itself; the Provincial and/or the Provincial Secretary can allow some documents to be taken away for a short period of time for special reasons.

In such a case the Provincial Secretary or the archivist will make a note of the document in the appropriate register and will check that the document is returned to the archives.⁷

4. It is up to the Provincial to establish norms for the consultation of documents in the historic archives; all persons who want to access documents in the archives will adhere to these norms.
5. Canon 487 §2 states: “Persons concerned have the right to receive, personally or by proxy, an authentic written or Photostat copy of documents which are of their nature public and which concern their own personal status.”

In addition to these norms, which are of a canonical nature, in order to guarantee better preservation of documents, it is useful to recall some *directions about the selection of material* which should be deposited in the archives.

- a. Every year the Provincial (or his Vicar delegated by him to do so) will make a selection of the correspondence he has received: he will send to the archives what can be of historical or administrative value, if he has not already

⁷ See, for example, the norms established by the Rector Major with regard to consultation in the Central Salesian Archive in the corresponding Regulation: cf. AGC no. 314, pp.56-58.

done so, and he will destroy correspondence that is purely casual (or he will keep it elsewhere).

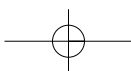
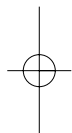
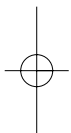
- b. Similarly the Provincial Secretary will see to the transfer into the archives (historical or current) of all the documents of the Province, as well as those of the houses or individual confreres, which should be kept. Documents of an administrative nature should be kept for as long as it is foreseen that matters concerned may have to be followed up or have possible legal challenges in the future. In any case documents of historical value should always be kept.
- c. *About the documents of confreres:*
 - *whilst they are living*, all the documents and correspondence (in the judgment of the Provincial) which concern them should be preserved in their appropriate file; in particular, as well as the documents of their Salesian curriculum, documents about their scholastic and academic qualifications should be kept, as well as the will made by each professed member;
 - *after the death* of a confrere some copies of his mortuary letter should be kept as well as other documents (application and judgment on admission to novitiate, to professions, to ministries and sacred orders, appointments), letters or publications which may be useful in the future for information about the confrere (historical profile, information requested from relatives, from past pupils, etc ...)⁸
 - *for confreres who have left the Congregation*: the document witnessing their leaving should be kept and other documentation which may be useful in the future (even for readmission in the future): applications and judgments on admission to the novitiate, to professions, to ministries and sacred orders, documentation regarding their leaving ...
- d. it should be borne in mind that canon 489 §2 prescribes: "Each year documents of criminal cases concerning

⁸ For confreres who have achieved distinction in some field (theology, philosophy, pedagogy, history, music, art, etc. ...) the whole production as well as the relevant documentation should be kept.

moral matters are to be destroyed whenever the guilty parties have died, or ten years have elapsed since a condemnatory sentence concluded the affair. A short summary of the facts is to be kept together with the text of the definitive judgment." This canonical norm should be applied with prudence taking note of what could still be useful in the future.

- e. When a confrere definitively changes Province his personal file, with all its documents, should be transferred to the Provincial Secretary of the new Province (recording the details and date of passing them on). However, in the Province of origin, the essential matters regarding the confrere should be kept by means of notes on his personal file. It could be useful to keep a *photocopy* of the documents sent to the new Province.

A last thing to bear in mind for good preservation of documents in the archives is that it is important to have suitable **air-conditioning of the environment**, by constantly checking temperature and humidity.



APPENDIX A-1

LIST OF FORMS («MODULES») IN USE FOR THE ARCHIVE

Form	Contents	When to be sent to the General Segretariat
F1 PN'85	PROPOSAL FOR ADMISSION TO THE NOVITIATE	*To be kept in the Province
F2 AN'85	ADMISSION TO THE NOVITIATE	Send immediately after admission to the Novitiate
F3 PP'85	PROPOSAL FOR ADMISSION TO FIRST PROFESSION	Send after admission to first profession
F4 PR'85	PROPOSAL FOR ADMISSION TO PROFESSION	*For renewal of temporary vows keep in the Province. Send for perpetual profession
F5 Mod. e	CONFIRMATION OF PROFESSION	Send immediately every time after the vows have been taken.
F6 MM'85	PROPOSAL FOR A MINISTRY	*Keep in the Province
F7 OL'85	CONFIRMATION OF THE CONFERRAL OF THE MINISTRY OF READER	Send immediately after the conferral of the ministry of Reader
F8 OA'85	CONFIRMATION OF THE CONFERRAL OF THE MINISTRY OF ACOLYTE	Send immediately after the conferral of the ministry of Acolyte
F9 OD'85	PROPOSAL FOR ORDINATION TO THE DIACONATE	Send immediately after the admission to the Diaconate.
F10 OD'85	CONFIRMATION OF THE ORDINATION TO THE DIACONATE	Send immediately after the ordination to the Diaconate
F11 OP'85	PROPOSAL FOR ORDINATION TO THE PRIESTHOOD	Send immediately after the admission to the Priesthood
F12 OP'85	CONFIRMATION OF THE ORDINATION TO THE PRIESTHOOD	Send immediately after the ordination to the Priesthood
F13 CV'85	RESULTS OF THE CONSULTATION FOR A VICE-PROVINCIAL	Send for the appointment of the Vice-Provincial
F14 PV'85	PROPOSAL FOR THE APPOINTMENT OF A VICE-PROVINCIAL	Send for the appointment of the Vice-Provincial
F15 CE'85	RESULTS OF THE CONSULTATION FOR A PROVINCIAL ECONOMER	Send for the appointment of the Provincial Economer

F16 PE'85	PROPOSAL FOR THE APPOINTMENT OF A PROVINCIAL ECONOMER	Send for the appointment of the Provincial Economist
F17 CC'85	RESULTS OF THE CONSULTATION FOR A PROVINCIAL COUNCILLOR	Send for the appointment of the Provincial Councillor
F18 PC'85	PROPOSAL FOR THE APPOINTMENT OF A PROVINCIAL COUNCILLOR	Send for the appointment of the Provincial Councillor
F19 ND'85	APPROVAL OF THE APPOINTMENT OF A RECTOR	Send for the approval of the appointment of the Rector
F20 NM'87	APPROVAL OF THE APPOINTMENT OF THE DIRECTOR OF NOVICES	Send for the approval of the Director of Novices
F21	NOTIFICATION OF THE CONFIRMATION IN OFFICE FOR A SECOND THREE YEAR TERM	Send as soon as the confirmation has taken place for a Rector for a second term
F22 FV'86	COMMUNICATION OF LEAVING AT EXPIRY OF TEMPORARY VOWS	Send immediately when a confrere leaves at the expiry of vows
F23 DEF'86	NOTIFICATION OF THE DEATH OF A CONFRERE	Send immediately on the death of a confrere
F24	FLASH" ON 31 DECEMBER	Send by 10 January

In the following pages four of the Forms are reproduced (ADMISSION TO THE NOVITIATE, LEAVING AT THE EXPIRY OF VOWS, DEATH OF A CONFRERE, "FLASH" ON 31 DECEMBER) showing the data requested.

(F 2)

APPENDIX A-2



SOCIETY OF ST FRANCIS OF SALES

Province of (1)

ADMISSION TO THE NOVITIATE

(Module AN 04)

Mr was formally admitted to the Novitiate in accordance with the norms of Canon Law and the Salesian Constitutions by Rev. Fr Provincial, as a candidate for Salesian life (2)

GENERAL INFORMATION ABOUT THE NOVICE taken from the original documents preserved in the Provincial Archives:

SURNAME and Name (3).....

Father..... Mother
(Surname and Name) (Surname and Name)

Born on at
(day-month-year) (Place of birth)

Diocese..... Province (4) COUNTRY.....

Baptised on

Confirmed on

Studies undertaken or work experience before the Novitiate

Prenovitate at between and
(month-year) (month-year)

Beginning of the NOVITATE on at

Place and date

Fr.....
Provincial Secretary

Province
stamp

Fr.....
Provincial

A copy of this report should be sent to the Secretary General and to the Novitiate house.

- (1) Province to which the Novice belongs.
- (2) If the candidate is already ordained, Deacon or Priest should be added.
- (3) The paternal SURNAME is given first, followed by the maternal SURNAME (in those countries where this is customary); then the baptismal name.
- (4) Province or Department or State or County

(F 22)

APPENDIX A-3



SOCIETÀ DI S. FRANCESCO DI SALES
Ispettoria di.....

COMUNICAZIONE
PER L'USCITA DI UN CONFRATELLO DALLA CONGREGAZIONE
ALLA **SCADENZA DEI VOTI TEMPORANEI**
INFORMATION
RE: CONFRERES LEAVING CONGREGATION AFTER TEMPORARY VOWS

GENERALITÀ GENERAL INFORMATION				COD.	
1	COGNOME SURNAME	Nome Christian name (s)			
2	Data di nascita Date of birth	3	Luogo di nascita Place of birth		
4	Data della prima professione Date of first profession	in qualità di as	Chierico Cleric Coadiutore Brother	nell'Ispettoria di in Province of	10
7	Data della scadenza dei voti Date of expiry of vows	in qualità di as	Chierico Cleric Coadiutore Brother	nell'Ispettoria in Province of	11
12	Uscita dalla Casa Salesiana di Salesian address at date of leaving Congregation				
Uscita dalla Congregazione: Left Congregation		A. per non richiesta di ammissione ai voti not having applied for renewal of vows		crociare la casella corrispondente	(tick appropriate block)
		B. per ammissione ai voti non concessa renewal of vows not granted			
				13	
				14	

MOTIVAZIONI ESPRESSE DAI SUPERIORI RESPONSABILI		Per una più ampia esplicitazione delle motivazioni, cfr. Modulo a pagina seguente	
SUPERIORS' REASONS GIVEN FOR LEAVING CONGREGATION		Motivazione determinante Basic reason(s)	presente further reason(s)
3.1	Inconsistenza vocazionale fin dall'inizio..... No strong vocation right from beginning	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Perdita progressiva del senso della vocazione..... Gradual loss of sense of religious vocation	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Difficoltà ideologiche o contestazione di valori..... Problems of ideology or principles	<input type="checkbox"/>	<input type="checkbox"/>
3.4	Disagio nei rapporti comunitari..... Problems with community life	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Difficoltà relative all'obbedienza religiosa..... Problems relating to obedience	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Difficoltà relative alla povertà religiosa..... Problems with Poverty	<input type="checkbox"/>	<input type="checkbox"/>
3.7	Difficoltà relative al celibato consacrato..... Problems relating to celibacy	<input type="checkbox"/>	<input type="checkbox"/>
3.8	Calo della vita spirituale..... Loss of interior life	<input type="checkbox"/>	<input type="checkbox"/>
3.9	Handicap psico/somatico..... Mental disability	<input type="checkbox"/>	<input type="checkbox"/>
3.10	Situazione di fatto..... Peculiar factual situations	<input type="checkbox"/>	<input type="checkbox"/>
4	Altra motivazione: allegare foglio a parte..... Further reasons: may be attached hereto	<input type="checkbox"/>	<input type="checkbox"/>

Luogo e data
Place and date

Firma dell'Ispettore o Vicario
Signature of Provincial or Vice-Provincial

ESPLICITAZIONI DELLE MOTIVAZIONI ESPRESSE

- 3.1 Inconsistenza vocazionale fin dall'inizio**
 1 Entrata in Congregazione dietro pressioni familiari o ambientali
 2 Fuga dall'ambiente familiare o sociale
 3 Ambiente formativo poco favorevole ad una presa di coscienza libera
- 3.2 Perdita progressiva del senso della vocazione**
 1 Oscuramento del significato della vocazione religiosa salesiana
 2 Senso di incapacità a portare il peso della vita religiosa
 3 Rifiuto dello sforzo per una ripresa
- 3.3 Difficoltà Ideologiche**
 1 Scontentezza per il ruolo del salesiano nella società
 2 Scontentezza per il ruolo in Congregazione
 3 Perdita della fede
 4 Rifiuto, per motivi ideologici, delle norme ecclesastiche
 5 Assunzione di ideali politici incompatibili con le norme eccl.
 6 Difficoltà in seguito a studi specializzati
- 3.4 Disagio nei rapporti comunitari**
 1 Disagio per cause soggettive
 2 Disagio per cause oggettive
 3 Autorealizzazione impossibile in Congregazione
 4 Disagio dovuto all'identificazione con gruppi esterni (per attività, sintonia affettiva e ideologica)
- 3.5 Difficoltà rotative all'obbedienza religiosa**
 1 Reazione ad una specifica obbedienza
 2 Critica e rifiuto di opere, stili della Congregazione
 3 Si è sentito trattato ingiustamente
- 3.6 Difficoltà relativa alla povertà religiosa**
 1 Contestazione e ricerca di una povertà più totale
 2 Uso non controllato di denaro
 3 Ricerca di comodità
- 3.7 Difficoltà relative al celibato consacrato**
 1 Bisogno di rapporto affettivo intimo
 2 Esperienze traumatiche nella fanciullezza o adolescenza
 3 Deviazioni sessuali (autoerotismo, omosessualità, ecc.)
 4 Difficoltà sorte nel lavoro con gruppi giovanili, femminili; con collaboratrici
 5 Ideologia che nega il valore della castità
 6 Solitudine e isolamento
- 3.8 Calo della vita spirituale**
 1 Abbandono della preghiera comunitaria
 2 Abbandono progressivo dell'impegno spirituale
 3 Accidia spirituale dovuta alla priorità degli impegni professionali o altri centri d'interesse
- 3.9 Handicap psico-somatico**
 1 Gravi disturbi psichiatrici (psicosi)
 2 Disturbi nevrotici (ansie, conflitti, compulsività)
 3 Tare fisiche o psichiche di origine familiare
- 3.10 Situazione di fatto**
 1 Attività incompatibile con la vita religiosa
 2 Convivenza o relazione matrimoniale
 3 Appartenenze a movimenti o partiti ostili alla religione
 4 Incapacità di reinserimento nella vita religiosa in seguito a situazioni eccezionali (servizio militare, ecc.)

CLARIFICATIONS OF MOTIVES

- 3.1 No strong vocation right from the beginning**
 1 Entered Congregation under pressure from family or circumstances
 2 Entered to escape family or social conditions
 3 Formation not conducive to free and aware choice
- 3.2 Gradual loss of sense of religious vocation**
 1 Lessened awareness of real meaning of Salesian vocation
 2 Feeling of being unequal to burdens of religious life
 3 Unwillingness to make genuine effort to reform
- 3.3 Problems of Ideology or principles**
 1 Dissatisfaction with Salesian role in society
 2 Dissatisfaction with personal role in the Congregation
 3 Loss of faith
 4 Ideological rejection of ecclesiastical procedures
 5 Political ideals incompatible with Church standards
 6 Problems arising after specialised studies
- 3.4 Problems with community life**
 1 Problems due to subjective reasons
 2 Problems due to objective reasons
 3 Self-fulfilment impossible in Congregation
 4 Dissatisfaction due to identification with external groups (through activities, or emotional or ideological sympathies)
- 3.5 Problems relating to obedience**
 1 Reaction to a specific obedience
 2 Criticism and rejection of works, aims and ways of the Congregation
 3 Feeling of having been treated unjustly
- 3.6 Problems with poverty**
 1 Desire for stricter poverty
 2 Free use of money
 3 Seeking material comforts
- 3.7 Problems relating to celibacy**
 1 Need of an intimate emotional relationship
 2 Traumatic experiences in childhood or adolescence
 3 Sexual deviations (autoerotism, homosexuality, etc.)
 4 Problems arising from working with young boys or girls or women
 5 Ideological rejection of the value of chastity
- 3.8 Loss of interior life**
 1 Neglect of community prayer
 2 Gradual neglect of spiritual dedication
 3 Spiritual sloth due to priority of professional duties or other interests
- 3.9 Mental disabilities**
 1 Severe mental disturbances
 2 Neurotic anxieties, conflicts, compulsions, etc.
 3 Hereditary physical or psychological defects
- 3.10 Peculiar factual situations**
 1 Activities incompatible with the religious life
 2 Co-habitation or marriage
 3 Membership in anti-religious movements
 4 Inability to re-enter religious life because of exceptional situations such as military service, etc.

(F 23)

APPENDIX A-4



Mod. DEF '88

SOCIETY OF ST FRANCIS OF SALES

Province of

NOTIFICATION OF THE DEATH OF A CONFRERE

I inform you that the confrere

COD

(1)

died on (2)

at (3)

Place and date of birth

Date of first profession

Date of priestly ordination (for priests)

OBSERVATIONS (4):

.....
.....
.....
.....
.....

Place and date

Provincial Secretary

.....

NOTES

- (1) sac etc followed by SURNAME (capitals) and Name (small letters) as printed in the General ANNUARIO of the confreres.
- (2) Precise date of death
- (3) Place of death (town or city and country)
- (4) Useful brief comments about the life and character of the deceased confrere.

APPENDIX A-5

CURRICULUM VITAE

Below are listed some of the essential items to be included in the "curriculum vitae" of a confrere when this is requested for some purpose (for example: secularisation, dispensation from vows, dispensation from priestly celibacy).

1. SURNAME and FIRST NAME
2. PLACE and DATE OF BIRTH
3. NATIONALITY
4. PLACE and DATE OF BAPTISM
5. QUALIFICATIONS and DEGREES
6. FIRST CONTACT WITH SALESIANS at; ASPIRANTATE at
PRENOVIATE at
7. NOVIATE at between and
8. FIRST PROFESSION made at on
9. POSTNOVIATE at between and
10. PRACTICAL TRAINING at during the years
11. PERPETUAL PROFESSION made at on
12. PLACE and DATES OF THEOLOGICAL STUDIES
13. MINISTRIES: - READER on
- ACOLYTE on
14. DIACONATE ORDINATION at on
15. PRIESTLY ORDINATION at on
16. RESPONSIBILITIES IN THE CONGREGATION:

From	To	Role	Place
.....
.....
.....
.....
17. SPECIAL OBSERVATIONS
.....

*NB. For cases of DISPENSATION FROM PERPETUAL VOWS and of DISPENSATION FROM THE DIACONATE it is necessary to add to the "curriculum" as appendices the complete transcript of all the observations made by both the local House Council and the Provincial Council for admission to the Novitiate, to the Professions, to the Ministries and to Sacred Orders, with the relevant record of the voting.
For cases of DISPENSATION FROM PRIESTLY CELIBACY – in addition to everything mentioned above, copies of all the applications and the observations made for admissions to the Novitiate, to Professions, to Ministries and Sacred Orders should be included.*

APPENDIX A-6

SOCIETAS S. FRANCISCI SALESII
«LITTERAE DIMISSORIAE»

..... sac.
Superior Maior Inspectoriae
in Civitate

Dilecto Nobis in Christo Filio

.....
in Domino salutem.

Quoniam religiosorum Moderatores maximam curam gerere debent de iis, quae ad maiorem Dei gloriam et animarum salutem iuxta Instituti finem conferre censentur, Nobis in Domino bonum visum est te ad Sacrum Ordinem promoveri posse.

Ideoque declaramus te, Nostrae Societatis Sodalem professum perpetuum, bonis moribus praeditum, aetatem ab Ecclesia requisitam ad normam can. 1031 CIC assecutum, praescripta studiorum curricula ex integro emensum ad normam can. 1032 §1 et §2, nullo canonico impedimento detineri quin ad praedictam sacram ordinationem promovearis.

Quapropter cum omnia praestiteris, quae in canonibus Codicis Iuris Canonici praescribuntur, te ad normam can. 1019 §1 apud Reverendissimum et Benevolentissimum Episcopum commendamus vel, ipso impedito, apud quemcumque alium Episcopum communionem cum Sede Apostolica habentem ordinationes habiturum; Eumque rogamus, ut pro Nostrae Salesianae Societatis necessitate, tibi praedictam sacram ordinationem conferat, susceptique Ordinis Testimoniales Litteras tibi concedat.

In quorum fidem has dedimus dimissorias ac testimoniales litteras, manu nostra subscriptas ac nostro sigillo munitas.

Datum

sigillum

.....
A Secretis

.....
Superior Maior

APPENDIX A-7

“PROFESSIO FIDEI” AND OATH OF FIDELITY ON ASSUMING AN ECCLESIASTICAL OFFICE

The formula is given for the “Professio fidei” and of the oath to be made by those who take up an ecclesiastical office. The profession of faith is to be made by Superiors as they take possession of their responsibility (cf C. 121) and by others who take up office according to the norms of the law.

The formula given here (with the oath which is complementary to the “profession fidei”) is that laid down by the Apostolic Letter “Ad tuendam fidem”¹ of John Paul II. The Latin text and an English translation are given (with paragraphs specially referring to religious).

When the profession of faith (with the oath) have been made they should be signed.

LATIN TEXT

Professio fidei

Ego N. firma fide credo et profiteor omnia et singula quae continentur in Symbolo fidei, videlicet:

Credo in unum Deum Patrem omnipotentem, factorem coeli et terrae, visibilium omnium et invisibilium et in unum Dominum Iesum Christum, Filium Dei unigenitum, et ex Patre natum ante omnia saecula, Deum de Deo, lumen de lumine, Deum verum de Deo vero, genitum non factum, consubstantialem Patri per quem omnia facta sunt, qui propter nos homines et propter nostram salutem descendit de coelis, et incarnatus est de Spiritu Sancto, ex Maria Virgine, et homo factus est; crucifixus etiam pro nobis sub Pontio Pilato, passus et sepultus est; et resurrexit tertia die secundum Scripturas, et ascendit in coelum, sedet ad dexteram Patris, et iterum venturus est cum gloria iudicare vivos et mortuos, cuius regni non erit finis; et in Spiritum Sanctum Dominum et vivificantem, qui ex Patre Filioque procedit; qui cum Patre et Filio simul adoratur et conglorificatur, qui locutus est per Prophetas; et unam sanctam catholicam et apostolicam Ecclesiam; confiteor unum baptisma in remissionem peccatorum, et expecto resurrectionem mortuorum, et vitam venturi saeculi. Amen.

Firma fide quoque credo ea omnia quae in verbo Dei scripto vel tradito continentur et ab Ecclesia sive sollemni iudicio sive ordinario et universali Magisterio tamquam divinitus revelata credenda proponuntur.

Firmiter etiam amplector ac retineo omnia et singula quae circa doctrinam de fide vel moribus ab eadem definitive proponuntur.

Insuper religioso voluntatis et intellectus obsequio doctrinis adhaereo quas sive Romanus Pontifex sive Collegium episcoporum enuntiant cum Magisterium authenticum exercent etsi non definitivo actu easdem proclamare intendunt.

¹ The Apostolic Letter *AD TUENDAM FIDEM* was promulgated in the form of a *Motuproprio* on 18 May 1998. The formula of the profession of faith given here corresponds to the one published in 1989 by the Congregation for the Doctrine of the Faith (cf *Acta Apostolica Sedis* 81 [1989] p. 104. See the presentation in the AGC n. 365 *Rulings and Directives*).

lusiurandum fidelitatis in suscipiendo officio nomine Ecclesiae exercendo

Ego N. in suscipiendo officio promitto me cum catholica Ecclesia communionem semper servaturum, sive verbis a me prolatis, sive mea agendi ratione.

Magna cum diligentia et fidelitate onera explebo quibus teneor erga Ecclesiam, tum universam, tum particularem, in qua ad meum servitium, secundum iuris praescripta, exercendum vocatus sum.

In munere meo adimplendo, quod Ecclesiae nomine mihi commissum est, fidei depositum integrum servabo, fideliter tradam et illustrabo; quascumque igitur doctrinas iisdem contrarias devitabo.

Disciplinam cunctae Ecclesiae communem fovebo observantiamque cunctarum legum ecclesiasticarum urgebo, earum imprimis quae in Codice Iuris Canonici continentur.

Chistiana oboedientia prosequar quae sacri Pastores, tamquam authentici fidei doctores et magistri declarant, aut tamquam Ecclesiae rectores statuunt, atque cum Episcopis dioecesanis libenter operam dabo, ut actio apostolica, nomine et mandato Ecclesiae exercenda, salvis indole et fine mei Instituti, in eiusdem Ecclesiae communione peragatur.

Sic me Deus adiuvet et sancta Dei Evangelia, quae manibus meis tango.

N.B. The general form of the fourth and fifth paragraphs (i.e. for non-religious) is as follows:

Disciplinam cunctae Ecclesiae communem sequar et fovebo observantiamque cunctarum legum ecclesiasticarum, earum imprimis quae in Codice Iuris Canonici continentur, servabo.

Chistiana oboedientia prosequar quae sacri Pastores, tamquam authentici fidei doctores et magistri declarant, aut tamquam Ecclesiae rectores statuunt, atque Episcopis dioecesanis fideliter auxilium dabo, ut actio apostolica, nomine et mandato Ecclesiae exercenda, in eiusdem Ecclesiae communione peragatur.

ENGLISH TEXT

Profession of Faith

I, N., with firm faith believe and profess each and everything that is contained in the Symbol of faith, namely:

I believe in one God, the Father, the Almighty, maker of heaven and earth, of all that is, seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten not made, of one Being with the Father. Through him all things were made. For us men and for our salvation, he came down from heaven: by the power of the Holy Spirit he became incarnate of the Virgin Mary, and became man. For our sake he was crucified under Pontius Pilate; he suffered death and was buried. On the third day he rose again in accordance with the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and

the Son he is worshiped and glorified. He has spoken through the Prophets. I believe in one holy catholic and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

With firm faith, I also believe everything contained in the Word of God, whether written or handed down in Tradition, which the Church, either by a solemn judgement or by the ordinary and universal Magisterium, sets forth to be believed as divinely revealed.

I also firmly accept and hold each and everything definitively proposed by the Church regarding teaching on faith and morals.

Moreover, I adhere with religious submission of will and intellect to the teachings which either the Roman Pontiff or the College of Bishops enunciate when they exercise their authentic Magisterium, even if they do not intend to proclaim these teachings by a definitive act.

Oath of fidelity on assuming an office to be exercised in the name of the Church

I, N., in assuming the office of, promise that in my words and in my actions I shall always preserve communion with the Catholic Church.

With great care and fidelity I shall carry out the duties incumbent on me toward the Church, both universal and particular, in which, according to the provisions of the law, I have been called to exercise my service.

In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety; I shall faithfully hand it on and explain it, and I shall avoid any teachings contrary to it.

I shall foster the common discipline of the entire Church and I shall insist on the observance of all ecclesiastical laws, especially those contained in the Code of Canon Law.

With Christian obedience I shall follow what the Bishops, as authentic doctors and teachers of the faith, declare, or what they as those who govern the Church, establish. I shall also—with due regard for the character and purpose of my institute—faithfully assist the diocesan Bishops, so that the apostolic activity, exercised in the name and by mandate of the Church, may be carried out in communion with the Church.

So help me God, and God's Holy Gospels on which I place my hand.

(Variations in the fourth and fifth paragraphs of the formulary, for use by members of the Christian faithful in general (i.e. non-religious):

I shall follow and foster the common discipline of the entire Church and I shall maintain the observance of all ecclesiastical laws, especially those contained in the Code of Canon Law.

With Christian obedience I shall follow what the Bishops, as authentic doctors and teachers of the faith, declare, or what they, as those who govern the Church, establish. I shall also faithfully assist the diocesan Bishops, so that the apostolic activity, exercised in the name and by mandate of the Church, may be carried out in communion with the Church.

APPENDIX A-8

ABSENCE FROM THE RELIGIOUS HOUSE

Here is a sample of a Letter by which the Provincial grants a member permission to live outside a house of the institute for a year, according to can. 665, specifying the nature of the member's juridical status while he is absent. The letter should be signed by the member indicating his acceptance.

The undersigned, Fr.....Provincial Superior of the Salesian Province.....with headquarters in.....
 - the confrere.....having asked for leave of absence from the religious house for the following reasons.....
 - having received the consent of the Provincial Council in the meeting on.....
 - in virtue of the faculty mentioned in can. 665 § 1,

GRANTS

To..... permission for LEAVE OF ABSENCE FROM THE SALESIAN RELIGIOUS HOUSE FOR A YEAR, starting from..... until.....

This permission is subject to the following conditions:

- The confrere is released only from the obligation to reside in a religious house and from all that necessarily and directly is connected with that obligation.
- In particular the confrere may not assume commitments that tie him beyond the period of this permission; he cannot carry out administrative acts in contrast with art 74-76 of the Constitutions or contrary to art 51 seq. of the General Regulations.
 The Salesian Society and the Province ofdo not accept any responsibility for the actions of the absent confrere in violation of these norms.
- Return to the community at the expiry of this permission must be without delay. Should just motives arise that prevent return to the community, in good time and in agreement with the Provincial, the confrere should seek to rectify his juridical situation in some other way, since the Provincial does not have the power to prolong the period of absence.
- The Provincial always has the power to recall the confrere during the period of absence for a just reason. This competence lies absolutely within the responsibility of the Provincial.

In fede.

Place and date
 (Signature of the Provincial)

I declare that I have taken note of the conditions attached to the permission granted me. (I also declare that during the period of absence I freely renounce active and passive voice). As a sign of my explicit acceptance I sign myself

Place and date
 (Signature of the confrere)

APPENDIX A-9

INDULT OF SECULARISATION – MODEL FOR APPLICATION

Place and Date,

Most Holy Father,

I the undersigned
(name and surname), professed member of the Salesian
Society of St John Bosco since
(date of first profession)
a priest since belonging to the Salesian Province of
(date of ordination)
present to Your Holiness the humble request to obtain an indult of Secularisation ("pure et
simpliciter" or "praevio experimento") so that I may be accepted and incardinated among
the Clergy of the Diocese (Archdiocese) of

The motives which lead me to take this step are mainly the following:

Here the one making the application sincerely expresses the reasons that after suitable discernment have led to this decision. By way of example the reasons could be among the following:

- increasing difficulty, becoming more burdensome and insupportable, with community life, religious discipline, with the practice of poverty or of religious obedience;
- sense of dis-satisfaction and a desire to devote himself to the priestly apostolate in places and circumstances different from those in which he has so far been living;
- to need to provide personally for the moral and material assistance of family members (father, mother, brothers, sisters) elderly or alone and in need...

His Lordship the Bishop (Archbishop) of is kindly disposed to accept me ("pure et simpliciter" or "praevia experimento") among his clergy.

Trusting in the gracious acceptance of this request of mine, I ask Your Holiness for your fatherly blessing.

Devotedly in Christ

Fr

APPENDIX A-10

DISMISSAL OF A MEMBER “Ipso facto” dismissal according to can. 694 §1 no 2

Facsimile of the DECLARATION of the dismissal by the Provincial with his Council:

Province Headed notepaper

DECLARATION OF DISMISSAL

The undersigned Fr.....Provincial Superior
of the Salesian Province of.....
(title of Patron)
with headquarters in..... oncalled together
(city) (date)
the Provincial Council in the house of.....Councillors were present.
(number)
The Provincial explained to the Councillors that (Fr).....contracted a
so-called civil marriage atwith Ms
(place) (name and surname of the women)
on and provided evidence of this.
(date)

The Provincial with his Council noting the proof provided proceeded to the following official DECLARATION:

“I DECLARE that the Salesian priest, perpetually professed,.....
is guilty of the offence provided for by can. 694 §1 n2 and therefore in accordance with the
same canon is dismissed “ipso facto” from the Salesian Society.

In fede.

Place and date

.....
N.N.
Vice Provincial

.....
N.N.
Councillor

.....
N.N.
Councillor

Province Stamp

.....
N.N.
Provincial Secretary

.....
N.N.
Provincial

.....
N.N.
Provincial Economist

.....
N.N.
Councillor

APPENDIX A-11

DISMISSAL OF A MEMBER Examples of a canonical warning

Examples of a CANONICAL WARNING (first and second warning) are provided in view of the dismissal of a confrere, after he has been given a formal obedience to return to the community or to desist from a specific course of action contrary to religious discipline (cf. can. 695 sq).

I.

Dear..... ,

(name of the member)

with my letter datedI formally gave you a very precise

(date)

obedience (*explain the obedience given*).

I am very displeased to observe that you have not obeyed and unfortunately I have not had any valid explanation from you for your behaviour.

This fact imposes on me the grave obligation of seriously reprimanding you and pointing out to you the gravity of the position you have adopted, contrary to our Constitutions and to ecclesiastical laws.

Therefore in accordance with the prescriptions of canon 697 §2 of the Code of Canon Law and having heard the opinion of my Council, I have to issue you with a first formal canonical warning, cautioning you that dismissal from the Congregation will follow should you continue with your obstinate disobedience.

I therefore renew the formal command in virtue of the vow of obedience you freely professed to.....(*here the precept of obedience previously given is repeated, clearly indicating the deadline for its implementation*).

Allow me to seriously urge you to consider with all sincerity before God the gravity of the situation in which you are placed and no longer to resist fulfilling those duties of the religious life that you freely and publicly assumed. Naturally you have every right and you also have the duty to present to me personally or in writing any defence you may have. You also have the right to refer directly to the Rector Major should you consider that you have evidence in your defence to make known to him. But you cannot expect/presume to impose your point of view on your legitimate superiors.

I assure you of my prayers, so that with the grace of the Lord you may have the humility and the courage to respond to the demands of your vocation.

Place, date, Stamp of the Province, signature of the Provincial

II.

Dear.....
(name of the member)
To my great sorrow I must take note that the precept of obedience I gave you on..... to return to community by.....
(date of the warning)
you have not carried out in spite of the canonical warning that the deadline for compliance accompanied it (neither have I received any explanation from you/or; I cannot accept as justification the reasons that you have given me.....).
I must therefore proceed as I previously told you according to the canonical laws and our Constitutions.
I therefore renew the formal command to return to the House ofby..... (all as in the first warning changing the date of the deadline).

And I issue you with a second formal warning according to can. 697,§2 advising you that should this new deadline I have given you pass without compliance, further action will be taken for your dismissal from the Salesian Congregation.

(Words of exhortation etc. as in the previous letters should follow: it is always best to remind the person of his right to furnish explanations in his own defence.)

Place, date, Stamp of the Province, signature of the Provincial.

N.B. The importance of observing the intervals of time (at least 15 days) mentioned in the CIC between the deadline of one command and the subsequent warning should be remembered.

APPENDIX A-12

“EDICT” FOR THE DISMISSAL OF A CONFRERE IMPOSSIBLE TO TRACE

Here as an example is a model of an “edict” threatening with a canonical warning (first or second) a confrere impossible to trace. This edict should be displayed on the private Province notice board and that of the House to which the confrere belongs.

Headed Province Notepaper

TO THE CONFRERE (surname and name of the confrere)

AND TO ALL THE CONFRERES OF THE PROVINCE «.....»

WITH HEADQUARTERS IN

After having received a formal obedience transferring him from the Salesian house of to the house of On and until today (date) has not arrived at his new destination.

All trace of him has been lost and all efforts to locate him have failed.

Therefore, on account of my office, having to oversee religious observance and discipline I now renew by edict to the confrere (sac) N.N. the formal command in virtue of the vow of obedience he has taken to go to the Salesian house of (at the address)

(at the address) by and no later than and to place himself under the (the date)

authority of Fr.....Rector of that house.

In the meantime on account of the grave disobedience I threaten him for the first (or second) time with a canonical warning in view of his dismissal from the Congregation as long as he does not desist from conduct contrary to our Rule.

I remind him that he has the right to give reasons for his conduct to me personally or to the Rector Major.

I invite all confreres who may know the present address of the confrere (sac) N.N. to give it to me immediately and to tell him about the present warning.

I pray the Lord, that through the intercession of Mary Help of Christians and of St John Bosco, he may enlighten the confrere and help him to obey, returning to religious discipline with generosity and without subterfuge.

This document will be placed on the notice board of the Provincial House and of the house of from today until.....

Place and date

Fr... ..

Provincial

Province Stamp

.....
Provincial Secretary

APPENDIX A-13

DISPENSATION FROM PRIESTLY CELIBACY

Here are schemes of documents and declarations and models of questionnaires for the priest making the request and texts that may be useful for instituting a case for dispensation from priestly celibacy.

A-13 -1 APPOINTMENT OF THE INSTRUCTOR CAUSAE

The undersigned Fr Provincial Superior of the Salesian Province..... With headquarters in.....
APPOINTS the Salesian confrere Fr.....
Instructor causae in the process of dispensation from priestly celibacy of the Salesian Fr..... belonging to the Province of.....
With this letter he confers on the Instructor all the faculties for the investigation required by ecclesiastical law.

In fede.

Place and date

Province Stamp

N.N.
Provincial

A-13-2 APPOINTMENT OF THE NOTARY

The undersigned Fr Provincial Superior of the Salesian Province..... with headquarters in.....
APPOINTS the confrere
to undertake the role of NOTARY in the process of dispensation from priestly celibacy of the Salesian Fr..... belonging to the Province of.....

In fede.

Place and date

Province Stamp

N.N.
Provincial

A-13-3 AUTHENTICATION OF THE COPY OF THE ACTS

The undersignedin his capacity as Notary, after having compared the present copy with the original **certifies and declares** that it is a faithful and exact copy of the document and is being sent to the Congregation for Divine Worship and Discipline of the Sacraments in view of the request for dispensation from priestly celibacy of the Salesian priest

In fede

Place and date

Notary

Province Stamp

A-13-4 EXAMPLE OF THE QUESTIONNAIRE FOR THE QUESTIONING OF THE APPLICANT

*An example is provided of a questionnaire for the questioning/interrogation of the priest who requests to be dispensed from (the obligation of) celibacy. Obviously it is only an **example** which WILL NEED TO BE ADAPTED to individual cases, with the addition of any specific questions that may be more useful. Even the questions included here can be chosen to meet the particular case, leaving out those not considered necessary. It should be remembered that **the interrogation has as its foundation the request made by the priest** who asks for a dispensation and who has to clarify his motives and provide documentation/evidence for them.*

Today..... (day, month, year) in the presence of the undersigned Fr Provincial Superior of the Salesian Province of..... (or else: appointed by the Provincial Superior of the Province of *Instructor Causae* in the process for the dispensation from priestly celibacy) in response to an invitation the Rev FrSDB, who has submitted a request to the Holy Father for dispensation from priestly celibacy, presented himself to answer questions about the motives for his request.
(Rev. Fr.), SDB, acting as notary.

After having declared on oath to tell the truth according to his conscience and before God the aforementioned priest replied as follows to the questions I put to him:

1) GENERAL INFORMATION

- SURNAME, Name, date and place of birth, date and place of Baptism and Confirmation, Professed in the Salesian Society from
Priest from.....
- Son of.....and (state whether the parents are living or deceased) Family members (brothers and sisters)
- What is the current address (state where and with whom he is living) ?

2) INFORMATION ABOUT THE FAMILY SITUATION

- What was the social, economic, religious situation of the place (town, area) and of the family during childhood? And at present?

- What was the family situation in which he grew up? What education did he receive in the family?
 - Studies followed before beginning the Salesian formation programme (*indicate the place and the years of study*); and certificates or paper qualifications
- 3) What is his present juridical status, civilly and ecclesiastically? What is his current employment (*indicate the work he is doing now*) ?

COURSE OF FORMATION

- 4) When and in what circumstances did he get to know the Salesians? When was the first time he thought of becoming a Salesian and a priest? Did his parents, relatives, or others have some influence on his making the decision to enter the Salesian house or school (aspirantate or other institution) ? What age was he? What understanding did he have of a "vocation" ?
- 5) During his youth at home or in school, and in general before entering religious life did anything happen to disturb in any way his psycho-physical balance or the normal development of his personality ?
- 6) Where and in what years did he complete his formation (Novitiate, Postnovitiate, Practical Training, theological studies)? Describe the formative atmosphere, the Superiors who guided him, any problems he might have had during formation. What was the degree of confidence he shared with his Superiors and Spiritual Director?
- 7) Was the decision to be professed in the Salesian Society taken freely and responsibly, or was it conditioned by someone or something, or not sufficiently motivated? In this case, why?
- 8) During the time of religious and priestly formation, would it be true to say that he examined at sufficient depth the concept of religious consecration and the ministerial priesthood and the obligations in life these imply. What practical consequences in life did these convictions have: the observance of the religious vows, life of prayer, apostolate...
- 9) Before taking the vows and proceeding to the Sacred Orders did the Superiors examine him regarding his intentions, his difficulties, the obstacles...*Did he have any uncertainty or doubt* about the step he was about to take, especially regarding ordination to the diaconate? Did he confide in his Confessor and Spiritual Director, with the Superiors, with anyone else?
- 10) If there were difficulties or doubts during the period of formation, how does he now judge the way in which he resolved them? What were the reasons that led him to go ahead?
- 11) *In particular with regard to consecrated chastity*: to what extent did he value this gift and obligation? What formation did he have in its regard? During theological studies did he arrive at a full understanding of the significance of priestly celibacy? Did he have any particular affective crises during the period of formation? Try to indicate the causes and the ways in which he responded.
Does he think that at the time he went ahead to the diaconate, he had sufficient physical and psychological maturity to assume the obligations?
- 12) In general, according to his opinion, are there other reasons that can explain his present difficulties?

EXERCISE OF PRIESTLY MINISTRY

- 13) After priestly ordination, in what houses or communities did he carry out his ministry? What were the activities entrusted to him by the Superiors? Did he undertake further specialisation studies after ordination?

Express some judgement on the way in which he exercised and lived his ministry as a Salesian priest. What difficulties did he encounter?

CAUSES AND CIRCUMSTANCES OF THE CRISIS

N.B. *This point – which refers explicitly to the reasons for his request for a dispensation – is especially sensitive/delicate and should make clear reference to what he says in the request addressed to the Holy Father.*

- 14) According to you, what were the *remote causes* of the crisis which has overtaken you to the extent that you have asked for dispensation from celibacy and the priestly obligations?
Were they difficulties already present from before entering the Salesian Novitiate? Difficulties during the period of formation, in particular as regards affective life? Not sufficient maturity or freedom to undertake the obligations of priestly ministry?
- 15) What were the *proximate causes* of the crisis? When did you begin to notice the signs? What did you do to overcome the difficulties and to respond in a positive manner to the crisis? Whom did you consult to get help (Superiors, Spiritual Director confessor, doctors, others)?
- 16) When did you take the decision to request dispensation from priestly celibacy? *What were the fundamental reasons* that led you to take this step?¹ Do you consider them valid? Why?
- 17) If you are granted the dispensation do you intend to get married? What is your current situation? Do you really believe that marriage will provide the solution to your problems? Have you already stopped exercising your priestly ministry?
- 18) In the place where you are living, where you are working is it known that you are a priest? Will there be any danger that the granting of a dispensation will create negative impressions or give rise to scandal?
- 19) Do you know that a dispensation is granted “*sine spe readmissionis*”?
- 20) Is there anyone who can give testimony about the various stages of your life and about your problems? Who can confirm what you say and the arguments you present?²
- 21) Is there anything else you want to add?

At the end of the questioning session:

The interrogation of the applicant having been concluded, the undersigned Fr (*Provincial or Instructor causae*) re-read the entire statement, gave the applicant the opportunity to add to or to correct it as he believed necessary. The applicant ratified and confirmed the statement with the following words: “I swear to have told the truth in all of my statement and I confirm everything that I have said and that is faithfully recorded here.”

Place and date

.....
(Signature of the applicant)

Stamp of the Province

.....
(Signature of the Provincial)

.....
(Signature of the Notary)

¹ In this enquiry into the fundamental motives for the request for a dispensation it is especially important to bear in mind the motives that the priest expresses in this request to the Holy Father to clarify and give further explanation for them.
² The priest is asked for the names of people (confreres and others) who can testify about his request for a dispensation.

A-13-5 SCHEME FOR THE QUESTIONING OF WITNESSES

There follows a series of questions to be put to witnesses, in the situation where the statement is made during a conversation: and even in this case the questions SHOULD BE ADAPTED to the individual circumstances.

As mentioned in the book the witness can provide a written statement (appropriately signed) at the request of the Instructor. In this case, the Instructor can provide a set of questions, but the written statement should not take the form of a question and answer session (as though it were a conversation).

The undersigned, FrProvincial Superior of the Salesian Province..... (or: Instructor causae.....), on questioned so as to have a testimony about Fr SDB who has asked for dispensation from priestly celibacy.

Acting as NotarySDB.

1) GENERAL INFORMATION ABOUT THE WITNESS

- SURNAME, name, date and place of birth.....
 - Professed in the Salesian Society from(if a Salesian)
 - Ordained priest on.....(if a priest)
 - Present address.....
 - Occupation.....
- 2) Do you swear under oath to tell the truth according to your conscience and before God?
 - 3) You know Fr.....? For how long? Have you spent time with him? When? What sort of relationship have you had with him?
 - 4) What opinion did you have of him at the beginning and as time passed?
 - 5) Do you believe that he chose the Salesian life and the priesthood knowingly and freely? Or was it under pressure from relatives and/or superiors or conditioned by the environment or other circumstances?
 - 6) Do you think he had a real vocation and the necessary qualities for it?
 - 7) During the period of formation did it appear to you that went ahead with serenity, sure of himself? Or did he show that he had doubts, worries or uncertainty? Did it appear to you that he had any crises or difficulties with regard to his vocation, in particular with regard to chastity or celibacy?
 - 8) What was his frame of mind when he took the vows and received sacred orders especially the priesthood? Do you remember the judgements of the Formation personnel or Superiors in regard to?
 - 9) After ordination how did live his priesthood? How did he fulfil his priestly obligations and carry out his ministry? What sort of reputation did he enjoy among the confreres, the youngsters, the people? What were his relationships with the community like?
 - 10) Did his behaviour give rise to gossip, accusations or scandals? Are you aware of his having inappropriate relationships or excessive familiarity with women?
 - 11) Do you know that has asked to be dispensed from priestly celibacy? How did you become aware of it?
 - 12) *Post factum*, does it appear to you that in the past life ofthere was anything that could have led one to expect or at least suspect such a decision?
 - 13) Do you know the reasons whyis asking for a dispensation? What would be your judgement about this with reference to his formation process and his life spent in the Congregation?

- 14) In your opinion, iscredible in his statements and in the arguments he puts forward for his request? Has he spoken with you about this problem ?
- 15) Do you believe that there is any possibility or hope of his returning to the priestly life?
- 16)has left the community and the exercise of the sacred ministry. Do you know how he is living in the world?
- 17) Would the granting of the dispensation and any subsequent marriage cause scandal in the place where he is living?
- 18) Do you consider a dispensation necessary and opportune?
- 19) Have you anything to add ?

Place and date

.....
(Signature of the witness)

Stamp of the Province

.....
(Signature of the Provincial)
.....
(Signature of the Notary)

A-13-6 REPORT (OR FINAL VOTE) OF THE INSTRUCTOR CAUSAE

There follows a proposed draft for a possible report by the Instructor causae for the dispensation from celibacy of a priest. Naturally, this draft needs to be completed and adapted to the particular case. When the Instructor causae is the Provincial himself, he will put together the ideas contained in this report and those proposed in the draft A-13-7 ("de rei veritate") making a single report.

On.....my Provincial Frappointed me Instructor causae for the dispensation from priestly celibacy of the Salesian priestfrom our Salesian Province of.....

Having in hand the letter addressed to the Holy Father, I read it and studied it carefully. I also studied the "curriculum vitae" of the aforementioned priest examining in particular the judgements made by the relevant Councils regarding the successive admissions to religious profession, to the ministries and to sacred Orders, from the novitiate until the priesthood.

I also read all the applications written by the petitioner for the various admissions.

This preparatory work enabled me to select the appropriate points for further clarification in our conversation which took place on.....as can be seen from the enclosed documentation

I then set out to select those persons who would be able to provide clarifications and testimonies and I asked for their statements (through a conversation or in writing) to verify as far as I could the validity of the reasons presented by the petitioner in his request.

Now having completed all the work of documentation and study I summarise my opinion in the following report.

(There follows the report regarding the reasons for the dispensation with the vote of the Instructor regarding the suitability of granting the dispensation).

Place and date

Stamp

.....
(Instructor causae)

A-13-7 FINAL REPORT OF THE PROVINCIAL AND VOTE "DE REI VERITATE"

Here for guidance is a draft of the Provincial's final report regarding the process for the dispensation of a priest from celibacy. Since it is only a suggested outline it needs to be completed and adapted to suit the particular case. It should be noted that the report presupposes that the Provincial has entrusted the procedure to an Instructor causae, but it can be easily adapted if the Provincial himself has undertaken it.

In.....(specify the time: e.g. October 2002) Frtold me of his intention to give up the priesthood and to ask for dispensation from priestly celibacy. During the period.....(specify the period: e.g. 2002/3) I had various conversations with him, and we wrote several letters to each other about the problem, with the purpose of helping him in his discernment and to see whether there were sufficient grounds for a request for dispensation from priestly celibacy. *(The Provincial mentions everything that was done to help the priest with his discernment, inviting him to have second thoughts before taking such a serious step).*

Finally onFr.....handed me the formal request addressed to the Holy Father.

In the conviction that there were sufficient grounds and that therefore I had to allow the request to proceed, I appointed notary the Salesian confrere and the Instructor causae Fr.....as can be seen from the respective documents signed on(date) and enclosed in the present file.³

Now that I have to hand all the documentation I have carefully studied the interrogation of the one concerned, the interrogations and the declarations or signed statements of the witnesses, the other documents and the final judgement of the Instructor causae.⁴

From the objective assessment of the statements and testimonies, from the seriousness with which it has been conducted and from the personal knowledge I have of the one concerned and of those who have been involved in the process, I conclude giving my vote "de rei veritate."

There is nothing further for me to add. As Provincial I give my vote in favour of the granting of the dispensation from priestly celibacy and from the obligations of religious profession to.....in the conviction that doing so is in the best interests of the petitioner and of the Church, in which he can no longer continue to serve as a priest and a religious.

In faith.

Place (Provincial headquarters) and date

Stamp

N.N.
Provincial

³ Should the Provincial himself have been the Instructor, he will write: "In the conviction that there were sufficient grounds, and that therefore I had to allow the request to proceed, I myself undertook the role of Instructor causae and appointing "notary" the Salesian confrere.....as can be seen from the document in the present file."

⁴ It is clear that when the Provincial himself has conducted the case this part of the report should be expressed in a different way, since the Provincial will have to give his overall assessment of the case, with his final judgement (as indicated in A-13-6).

A-13-8 COMMUNICATION OF THE NOTIFICATION OF THE CONCESSION

The undersigned, FrProvincial Superior of the Salesian Provincewith headquarters in.....declares that on(date) he personally (or: by registered letter) officially notified Mr.....about the Rescript of the Congregation for Divine Worship and the Discipline of the Sacraments, prot. no.... dated.... with which is granted dispensation from priestly celibacy and the consequent loss of the clerical state, dispensation from religious vows and the absolution from any canonical penalties.

He also declares:

- a. to have let him know clearly and individually all the conditions of the Rescript;
- b. to have informed the Ordinary of the place where the person dispensed is at present living about the dispensation;
- c. to have informed the parish in which the baptism of the dispensed person is registered according to the information in the archives about the dispensation.

In faith.

Place and date

Stamp

.....
(Provincial Secretary)

.....
(Provincial)

APPENDIX A-14

ACCEPTANCE OF A PARISH – DRAFT OF AN AGREEMENT

The following is a draft of an AGREEMENT between a Bishop and the Provincial for the acceptance of a Parish. As mentioned in n.126, before the definitive signing of the agreement the draft needs to be submitted for examination to the Rector Major and his Council.

Between the Diocese ofin the person of Mgr..... bishop of the diocese and the Salesian Society of St John Bosco, a clerical religious institute with headquarters in Rome, legitimately represented by Rev FrProvincial Superior of the Province with headquarters inwith the approval of the Rector Major, this present AGREEMENT is signed in accordance with can. 520, for the entrustment of the parish of.....

1. The diocesan Bishopentrusts to the Salesian Society of St John Bosco who in the person of the Provincial Superior according to the Constitutions of the same Society accepts the pastoral care of the parish of.....established at with the conditions described in the Decree regarding its boundaries (appendix A) and in the situation of fact and law in which it is found.
2. The Salesian Provincial agrees to assign to the parish a parish priest and at leastfull time assistants, to attend to the pastoral care of the faithful, and he may send there other religious on a part time basis. Their appointment and their transfer are regulated by the proper law of the Institute subject to what is said in n 3; nevertheless the Provincial agrees to provide the personnel with a certain stability of tenure and to bear in mind the pastoral needs of the parish in making any transfer.
3. The appointment and the removal of the parish priest and the assistants are regulated by can. 682 of CIC.
4. The parish, a certain community of the faithful stably established within a particular Church, has juridical personality. Distinct from this is the juridical personality of the local community of the Salesians attached to the parish.
The parties agree that:
(there are two possibilities that can be specified:)
 - a. the religious who minister to the parish live together in a community, canonically erected according to law; this will have its own Superior appointed according to the Salesian Constitutions, and as regards pastoral ministry will operate according to can 678;
 - b. the religious who minister to the parish form part of a larger community with other activities; they maintain their links with the community, obey the Superior according to the Constitutions of the Society, and as regards their pastoral ministry operate according to can. 678.
5. The parish is directed and animated by the parish priest, who coordinates all the parish activities according to the directives of the diocesan ordinary to whom he is personally responsible for its pastoral care, without prejudice to can 678. The religious assigned to the pastoral care of the parish exercise their ministry in harmony with the pastoral policy of the diocese, in the spirit and in the style proper to the Salesian Society, in fraternal collaboration with the religious of the Salesian community, with the diocesan clergy, with other religious and members of Institutes of consecrated life and with the lay people apostolically engaged in the diocese.

6. The Bishop recognises that the presence of the Salesians in the diocese constitutes for it a special blessing. He therefore encourages the Salesians assigned to the parish to express their own charismatic identity through the witness of fraternal life and fidelity to the spirit of the Institute in pastoral activity, giving special attention to pastoral work with the young, fostering particular activities of a promotional and educational nature, animating groups that draw on the methods of Don Bosco for their inspiration, cultivating vocations for the whole Church and for their own Institute.
7. The parish priest and the parish assistants have the same obligations and the same rights as the diocesan priests, regarding both the pastoral practice of the parish and the administration of goods, in respect of canonical norms and those of their own law.
8. The parties mutually acknowledge that the church and the parish buildings, clearly indicated in the accompanying plan (*appendix B*) are the property of(*indicate the proprietor of the building: diocese, parish, religious institute, other ecclesiastical or public body or juridical or physical person ...*) and are made available without charge (*or specify other conditions*) to the parish with the obligation of safekeeping and maintenance. The furnishings and movable furniture of the church are the property of.....(*according to what is indicated in the inventory (appendix C)*)
9. The financial administration of the parish will be carried out according to canonical legislation and diocesan norms. Such financial administration will be totally distinct from the administration of the goods of the religious community. According to diocesan regulations the parish budgets and final accounts will be submitted to the competent curial office without prejudice to the right of oversight by the religious Superior (can.678)
10. Offerings given by the faithful belong to the parish (administration/funds) (cf. . canon 1267 §1), unless the donor expresses some other intention.
In the case where the church has a pastoral function different from a parochial service (e.g. sanctuary, interparish services etc.) the destination of the other offerings should be specified in the Agreement, with the consent of both parties.¹
All the ordinary maintenance costs of the church and the parish property, the cost of services (water, electricity, gas, telephone...) and the expenses of the personnel attached to the parish property, expenses for parish activities and contributions to the diocese are to come out of parish funds.
11. The remuneration of religious assigned to the parish full-time will be according to the norms prescribed for the support of the clergy at diocesan level. For religious engaged part-time the provision will be..... (*specify*).
The stipends received for the personal support of the parish priest and assistants whether full-time or part-time, belong to the religious community's funds. So too do the offerings for Holy Masses celebrated by the individual religious. The offerings for binated masses will be given to the religious ordinary.
The personal expenses of the religious², expenses for food, accommodation, common life, those things, that is, related to the living expenses of the religious are to come out of the funds of the religious house.
- 12a *When the church and the buildings are the property of the religious institute:* extraordinary work on the church and the parish property will be paid for from the offerings of the faithful, on the previous understanding with the diocesan ordinary and the relevant religious superior, according to the Constitutions. (*Other norms can be introduced for churches and property of particular value for the Institute*).

¹ If the church also has other pastoral functions distinct from its pastoral service (e.g. sanctuary, interparish services etc.) the criteria to follow regarding offerings is that to be drawn from can. 1267,1 (general application):
– these go to the parish which are given on account of a service proper to the parish;

– those are considered to be for the "sanctuary-church" or for any special service provided in other cases.

² Personal expenses of the religious are, for example, such things as insurance payments, medical and hospital expenses, costs of attending days or courses of religious updating...

12b. *When the church and the buildings are not the property of the religious institute but of the Curia or of a parish body: extraordinary work on the church and parish property will be undertaken by the parish priest with the written permission of the diocesan ordinary. The religious community will enjoy the use of the parish house: expenses for the ordinary maintenance of the parish house and for community management will be paid for by the religious community; expenses for extraordinary maintenance of the parish house will be paid for out of parish funds.*

12c. *When the church and the buildings are the property of other bodies (the State, local authority, private persons etc.) if these have a contract with the institute, things are regulated according to what is said in 12a; if they have a contract with the diocese, things are regulated according to what is said in 12b.*

13. The entrustment of the parish to the Salesian Society according to the aforementioned conditions is agreed to come into effect from

- in perpetuity
- or: for an unspecified time: it can be cancelled on the part of the Salesians or of the diocese with at least one year's notice;
- or: foryears ; and it will be automatically renewed unless there has been an explicit declaration to the contrary.

(There can be added for parishes which have already been entrusted and for which the Agreement is being re-made:

The parties acknowledge that the parish has already been entrusted to the Salesians in the past, from the year:.....),

The present Agreement can be modified at any time with the consent of both parties.

Place and date

.....
(Salesian Provincial)

.....
(Diocesan Bishop)

APPENDIX A-15

FLASH

STATISTICS AT THE END OF THE YEAR ("FLASH")

Here is the «FLASH ON 31 DECEMBER» document which gives the statistical data of the Province at the end of the year.

Movement of Salesian personnel
from 1st January to 31 December....., in the Province

N = Novices
L = (Lay) Brothers
D = (Permanent) Deacons
S = Clerics and Deacons (not permanent)
P = Priests

1. NOVICES

- 1.0 As given on 31 December (previous year)
- 1.1 Novices who entered during the year (between 1st Jan. and 31 Dec.)
- 1.2 Novices who left during the year
- 1.3 Novices who died
- 1.4 Novices who made their first profession
- 1.5 **Present on 31 December** (current year)

	N
+	
-	
-	
-	
=	=

2. TEMPORARILY PROFESSED

- 2.0 As given on 31 December (previous year)
- 2.1 New temporarily professed
- 2.2 Changed to clerical or lay state
- 2.3 Transferred to another Province
- 2.4 Coming from another Province or re-admitted
- 2.5 Dispensed from vows
- 2.6 Leaving at the expiry of vows
- 2.7 Deceased
- 2.8 New perpetually professed
- 2.9 **Present on 31 December** (current year)

	L	S	D	P
+				
-				
-				
+	*			
-				
+				
-				
-				
-				
-				
-				
=	+	+	+	=

3. PERPETUALLY PROFESSED

- 3.0 As given on 31 December (previous year)
- 3.1 New perpetually professed
- 3.2 New priests
- 3.3 New permanent deacons
- 3.4 Changed to clerical or lay state
- 3.5 Appointed Bishops
- 3.6 Passed to another religious Institute
- 3.7 Transferred to another Province
- 3.8 Coming from another Province or re-admitted
- 3.9 Dispensed from vows
- 3.10 Dispensed from priestly celibacy (or diaconal)
- 3.11 Secularised (entered the diocesan clergy)
- 3.12 Dimissed
- 3.13 Deceased
- 3.14 **Present on 31 December** (current year)

	L	S	D	P
+				
-				
+				
-				
+				
-				
+				
-				
-				
-				
-				
-				
-				
=	+	+	+	=

General Total:

	L	S	D	P

[illegible]
$$\begin{array}{r} + \\ + \\ + \\ \hline = \end{array}$$

Countries.....

[illegible]

214

EXPLANATORY NOTES

NOVICES

- 1.0 The exact number of Novices from one's own Province as at the end of the previous year should be given.
- 1.1 Novices who entered during the year (between 1 January and December).
- 1.2 Novices who left the Novitiate during the year. Give their names. on a separate sheet of paper.
- 1.3 Any Novices who may have died during the year.
- 1.4 Novices from one's own Province who made their first profession.
- 1.5 Number of Novices from one's own Province present in the Novitiate on 31 December (also those who may be doing their Novitiate outside the Province).

Notes: It should be noted that the list refers to the *Novices from one's own Province* (also those who may be doing their Novitiate in another Province).
It should also be noted that for the Novices the total number should be given without distinguishing between categories (brothers, clerics permanent deacons, priests).

TEMPORARILY PROFESSED

- 2.0 *The same data provided in Flash the previous year should be faithfully given.*
- 2.1 The new temporarily professed during the year should be given: this is the data already given in total in n. 1.4, but here they are put into categories (brothers, clerics, permanent deacons, priests).
- 2.2 For an explanation see note (1). *Give their names on a separate sheet of paper.*
- 2.3 The number of the temporarily professed transferred to another Province either definitively with the authorisation of the Rector Major, or temporarily by an agreement between the Provincials concerned. *Give the names of the confreres transferred apart.*
- 2.4 The number of the temporarily professed who have come into the Province (for the same reasons given in n. 2.3, that is, by definitive or temporary transfer, with the exception of those for reasons of study or sickness) and of the professed re-admitted into the Congregation without repeating the Novitiate (with the authorisation of the Rector Major). *Give their names apart.* (It should be noted that regularly confreres who are re-admitted into the Congregation make a temporary profession before being admitted to perpetual profession)
- 2.5 Confreres dispensed from the vows by the Rector Major during the year. All the dispensed confreres should be indicated, but it should be remembered to send the acceptance of the dispensation as soon as possible.
- 2.6 Temporarily professed who left at the expiry of their vows (either because they did not apply to renew them or because they were not admitted). Only those confreres are indicated whose vows have already expired. *Their names* (which should already have been communicated to the General Secretariat on the appropriate form) *should be listed apart.*
- 2.7 Any temporarily professed who may have died during the year.
- 2.8 Temporarily professed confreres who have made their perpetual profession.
- 2.9 *This line gives the algebraic sum of lines 2.0 to 2.8.*

PERPETUALLY PROFESSED

- 3.0 *The same data provided in Flash the previous year should be faithfully given.*
- 3.1 Give the same data as in n. 2.8.
- 3.2 The number of the non-permanent Deacons (S) or permanent Deacons (D) who have been ordained priests. The number of the deacons is subtracted from the number of clerics (S) or permanent deacons (D) and added to that of the priests (P). For example:

	L	S	D	P
-	•	1		•
+	•			1

- 3.3 Brothers or clerics who have received the permanent diaconate. In this case the number of the new deacons is subtracted from the number of the brothers (L) or of the clerics (S) and added to that of the permanent deacons (D). For example:

	L	S	D	P
-	1			•
+			1	•

It should be noted that the clerics who have received the diaconate in view of the priesthood are not counted here: they remain clerics (S). *The names of permanent deacons ordained during the year should be indicated apart.*

- 3.4 For an explanation see note (1). *Give their names on a page apart.*
- 3.5 Priest confreres who during the year have been appointed Bishops.
- 3.6 Perpetually professed confreres who during the year have passed to another religious Institute (or Society of apostolic life).
- 3.7 The number of the perpetually professed who have transferred to another Province either definitively by a decision of the Rector Major, or temporarily by agreement between the Provincials concerned (see the explanation to n. 2.3). *Give the names of the confreres transferred apart.*
- 3.8 The number of the confreres who have come into the Province from another (either by definitive or temporary transfer, except in the case of study or sickness) and of the confreres who have returned to the Province from previous transfers. *The names of these confreres should be given apart.*
- 3.9 Perpetually professed (brothers or clerics) dispensed from vows. All those dispensed during the year should be indicated, remembering that their acceptance of the dispensation should be immediately communicated.
- 3.10 Priests or deacons who have obtained a dispensation from ecclesiastical celibacy following a Rescript of the Holy See. Only those priests (or deacons) who have received the rescript of dispensation and have not previously been dismissed should be indicated.
- 3.11 Priests or deacons who have entered a Diocese *definitively*: either because a decree of incardination has been issued, or because of the end of the period of experiment (for those who were secularised "*ad experimentum*"). It should be remembered that those secularised "*ad experimentum*" during the period of experiment have the status of the "exclaustrated". For those who have received secularisation "*pure et simpliciter*," it is necessary that a decree of incardination be issued on behalf of the Bishop.
- 3.12 The number of the confreres who have been dismissed either by can. 694 («*ipso facto*») (*when the declaration by the Provincial and his Council has been issued*) or by a decree of the Rector Major (ratified by the Apostolic See).
- 3.13 The number of the perpetually professed deceased during the year.
- 3.14 This line contains the *algebraic sum of the previous lines (from 3.0 to 3.13)* and gives the total number of the perpetually professed on 31 December of the current year.

Note (1) If a cleric becomes a brother he should be subtracted from the number of the clerics (S) and added to the number of the brothers (L). Viceversa in the case of a brother becoming a cleric.

Examples:

	L	S	D	P
-		1	•	•
+	1	•	•	

	L	S	D	P
-	1	•	•	
+	•	1	•	•

CONCLUDING NOTES:

1. As has been mentioned in the explanation for the various lines, a *sheet should be added to the Flash* giving the names of confreres who during the year have been in particular situations (transfers, re-admissions, leaving in different ways, deaths), clearly indicating the line which is being referred to.
For convenience here are the entries referred to (with the list of names):
 - 1.2 Novices who left during the year:
 - 1.3 Novices who died during the year:
 - 2.2 Temporarily professed clerics changing to brothers:
 - Temporarily professed brother changing to clerics:
 - 2.3 Temporarily professed transferred:to the Province
 - to the Province
 - 2.4 Temporarily professed coming in from the Province:
 - from the Province
 - Re-admitted into the Congregation:
 - 2.5 Temporarily professed dispensed from vows: date
 - 2.6 Professed leaving at the expiry of vows: date
 - 2.7 Temporarily professed deceased:
 - 3.4 Perpetually professed clerics changing to brothers:
 - Perpetually professed brothers changing to clerics:
 - 3.5 Priests appointed Bishops:
 - 3.6 Passed to another Institute: to the Institute
 - 3.7 Professed transferred: to the Province
 - 3.8 Professed coming in: from the Province
 - from the Diocese
 - 3.9 Clerics or brothers dispensed from vows: date
 - 3.10 Priests (or deacons) dispensed from celibacy: date
 - 3.11 Priests secularised: in the Diocese (date of the decree or the end of the period "ad experimentum")
 - 3.12 Confreres dismissed: date
 - 3.13 Perpetually professed deceased: date
2. On the second (reverse) page of the Flash some information is recorded regarding: *personnel in formation*, *ages* and the *territorial division* of the Province (when a Province includes more than one country)¹. In drawing up the account of the territorial division it is important to check that the totals correspond with those indicated on the first page of the Flash.
3. Together with the Flash (statistical data) it would be as well to send **the list of the confreres in the Province divided according to categories** (temporarily professed: brothers, clerics, any permanent deacons and priests; perpetually professed: brothers, clerics, permanent deacons, priests). In the list are included the confreres who are living and working in the Province, also those who are transferred only temporarily (except for study or sickness); *also to be included are confreres in an irregular situation*, but whose cases have not yet been concluded by separation from the Society (beside the names of these irregular confreres their situation could be indicated: absent, the request for DCS or secularisation or their dismissal is in progress, etc ...). Confreres who have already left (the process having been completed), and confreres transferred to another Province, even temporarily (except for study or sickness) should not be included.
4. *Two copies* of the Flash should be made: one for the General Segretariat and one for the Provincial Archives.
5. The date for sending in the Flash is **by and not later than 10 January** each year.

¹ Each year the Holy See asks for statistics about religious divided into "countries." It is therefore important that the territorial division (precisely by countries) of the personnel in the Province when this covers more than one country is completed.

APPENDIX A-16

PERSONAL DETAILS FORM FOR CONFRERES

Here is an example of the form for the personal details of each confrere as used in the Central Archives of the Congregation (printed from the data in the computer). This example may be useful to see the essential details that are preserved at central level. In each Province the form will be completed with local information.
The form is in two parts: a) personal details; b) Salesian history (principal items from the «curriculum vitae»).

SALESIAN CENTRAL REGISTRY
Individual register form

Code SURNAME NAME L/S/D/P

Born at , diocese of
Belonging to the community of (but with radical incardination in)
Belonging to the community of from
E-mail

Novitiate

House	from	to	Note

Professions

Date	Kind	Place	Note

Ordinations

Date	Kind	Place	Note

Resident in the community

from	to	House	Note
.....	
.....	
.....	
.....	

Responsibilities in community

from	to	Responsibility	House	Note
.....	
.....	
.....	

Responsibilities in the Province

from	to	Responsibility	Province	Note
.....	

Responsibilities in the Congregation

from	to	Responsibility	Note
.....	

General Notes:

.....

Ecclesial Degrees:

Date	Title	City	Institute
.....

Civil Degrees:

Date	Title	City	Institute
.....

Languages known:

Family details:

Father..... Mother.....

APPENDIX A-17

FORM FOR EACH HOUSE

Here for information is the form for each house as used in the Central Archives of the Congregation.

SALESIAN CENTRAL REGISTRY
House register form

Code NAME OF THE HOUSE

Diocese of..... Dedicated to
When activities began Date of canonical erection
Belongs to the Province of from
Postal Address:

Current information
.....

Activities: Oratory Youth Centre, School, Parish etc.

Historical background:
.....
.....

Means of communication

Kind	Number etc.	Description
Telephon
Telephon
Fax
E-mail
E-mail
Web
Telex
Bank Account

Posts of Responsibility

Post	Name	from	Note
Rector	
Vice Rector	
Bursar/etc.	
Councillor	
Parish Priest	

Members of the Community

Name	from	Note
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APPENDIX A-18

FORM FOR THE CENTRAL ARCHIVES

Here is a copy of the form for documents as used in the Salesian Central Archives with the relevant explanations

SALESIAN CENTRAL ARCHIVES

Collocaz. XXXX/XX/XX Classificaz. XXXXX Tipo Docum. XX/X Data XX-XX-XXXX
 Luogo XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Riferimento ad altri archivi XXXXXXXXXXXX
 Autore/i XX
 Destinatario/i XX

Titolo/Regesto

XX
 XX
 XX

Supporto	XX	N. XXXX	Presentazione	X	Autenticità	X	Pubblicato	X
Chiavi:	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX		
Chiavi:	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX		
Chiavi:	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX		

EXPLANATION

Collocazione (Location): the first four numbers refer to the box or volume; the next two refer to the folder or file or to the envelope inside the box; the last two numbers refer to the document. The numbers of the boxes go from A000 to A999 for the first thousand up to z000-z999 for the 25th thousand. From the 26th to the 50th thousand the alphabetical letter is put at the end: 000A-999A, 000Z-999Z.

Classificazione (Classification): refers to the list of Titles and uses a alpha-numerical code of no more than 6 numbers or letters (e.g. Giovanni Bosco 78A001)

Tipo (Type): indicates with two letters whether dealing with Correspondence (CO), Report (RO), etc.: see the appropriate list of abbreviations. The third box is to indicate the key to access reserved of secret documents.

Data (Date): not more than 6 numbers.

Riferimento (Reference): here are indicated other Archives where the document may be found, especially if the document preserved in the Salesian Central Archives is not the original.

Titolo e/o Regesto (Title and/or registration): refers to the title of the document (if it has one) and/or to the subject matter, in summary form (within the limit of the three lines indicated).

Supporto (Form): indicates with two letters whether it is a handwritten Manuscript (Ms), type-written (Dt), printed (ST), drawing or design by hand (Gr), audio/video recording (Rg), photocopy (Ft).

N° p/f/c/n: refers to the number of the page (on two sides), of the sheet (on only one side), of the papers, or tapes or cassettes.

Presentazione (Presentation): indicates with the lettera L bound sheets/pages, with the letter S loose sheets/pages.

Autenticità (Authenticity): the letter o indicates Original MS and the letter a Autograph.

Chiavi (Keys): are the alpha-numerical words or code numbers used in the Classification or the list of Titles, which make it possible to search for the document according to its various contents.

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